

# Public Document Pack



## LOCAL REVIEW BODY MONDAY, 19 SEPTEMBER, 2016

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 19 SEPTEMBER, 2016 at 10.00 AM

J. J. WILKINSON,  
Clerk to the Council,

12 September 2016

<b>BUSINESS</b>		
1.	<b>Apologies for Absence.</b>	
2.	<b>Order of Business.</b>	
3.	<b>Declarations of Interest.</b>	
4.	<p><b>Consider request for review of refusal of planning consent in respect of erection of Poultry Building and erection of altar, sacred well and stance for statue in field No 0328, Kirkburn, Cardrona. 16/00494/FUL 16/00023/RREF</b></p> <p>Copies of the following papers attached:-</p>	
	(a) <b>Notice of Review</b>	(Pages 1 - 10)
	Including Decision Notice (page 5).	
	(b) <b>Officer's report</b>	(Pages 11 - 16)
	(c) <b>Papers referred to in report</b>	(Pages 17 - 22)
	(d) <b>Consultations</b>	(Pages 23 - 26)
	(e) <b>List of Policies</b>	(Pages 27 - 30)
5.	<p><b>Consider request for review of refusal of planning consent in respect of extension to form Animal Flotation unit in field No. 0328. Kirkburn, Cardrona. 16/00495/FUL 16/00024/RREF</b></p> <p>Copies of the following papers attached:-</p>	
	(a) <b>Notice of Review</b>	(Pages 31 - 44)
	Including Decision Notice (page 41).	

	(b) <b>Officer's report</b>	(Pages 45 - 52)	
	(c) <b>Papers referred to in report</b>	(Pages 53 - 62)	
	(d) <b>Consultations</b>	(Pages 63 - 68)	
	(e) <b>List of policies</b>	(Pages 69 - 72)	
6.	<b>Consider request for review of refusal of planning consent in respect of change of use of land to commercial storage and siting of 42 No storage containers (retrospective) on land east of Langlee Mains Farmhouse, Galashiels. 16.00397/FUL 16/00025/RREF</b>		
	Copies of the following papers attached:-		
	(a) <b>Decision Notice</b>	(Pages 73 - 74)	
	(b) <b>Notice of Review</b>	(Pages 75 - 162)	
	(c) <b>Officer's Report</b>	(Pages 163 - 172)	
	(d) <b>Applications referred to in report</b>	(Pages 173 - 216)	
	(e) <b>Consultations</b>	(Pages 217 - 248)	
	(f) <b>List of Policies</b>	(Pages 249 - 254)	
7.	<b>Continue consideration of review of refusal of planning consent in respect of replacement windows at 5 East High Street, Lauder. 15/01484/FUL 16/0000/RREF.</b>		
	This review was first considered on 16 May 2016. The papers are re-issued as detailed below:-		
	(a) <b>Decision Notice</b>	(Pages 255 - 256)	
	(b) <b>Notice of Review</b>	(Pages 257 - 262)	
	(c) <b>Officer's report</b>	(Pages 263 - 266)	
	(d) <b>Drawings</b>	(Pages 267 - 276)	
	(e) <b>List of policies</b>	(Pages 277 - 280)	
8.	<b>Continue consideration of the review of refusal of planning consent in respect of replacement windows and door at 62 Castle Street, Duns. 16/00126/FUL 16/00019/RREF</b>		
	The additional information requested and original papers are detailed below:-		
	(a) <b>Additional information requested</b>	(Pages 281 - 298)	
	(b) <b>Notice of Review</b>	(Pages 299 -	



		324)	
	(c) <b>Decision Notice</b>	(Pages 325 - 326)	
	(d) <b>Officer's report</b>	(Pages 327 - 330)	
	(e) <b>Consultation</b>	(Pages 331 - 332)	
	(f) <b>List of policies</b>	(Pages 333 - 338)	
9.	<b>Any Other Items Previously Circulated</b>		
10.	<b>Any Other Items which the Chairman Decides are Urgent</b>		

#### **NOTES**

1. **Timings given above are only indicative and not intended to inhibit Members' discussions.**
2. **Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

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

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Please direct any enquiries to Fiona Walling 01835 826504  
email [fwalling@scotborders.gov.uk](mailto:fwalling@scotborders.gov.uk)

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**NOTICE OF REVIEW**

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

**Applicant(s)**

**Agent (if any)**

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail\*

E-mail\*

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

Yes No

\* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site inspection**

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

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

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

The site is a smallholding and it is advisable to make an appointment as there are animals present.

**Statement**

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

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

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

The site is a smallholding. The applicant wants to further his activities to maximise the production of poultry within the smallholding. The main building is 'stacked' to enable waterstorage on the highest level which will be pumped to the holding tank from an existing borehole. The next level is for feedstuff which can be fed by gravity to the main breeding and rearing floor - the sub-basement is for tools and equipment.

A previous application for water storage at the highest point of the smallholding was refused and as such this building has been designed to store water for gravity feeding in the event of pump failure. Had the holding tank for water been allowed, this would not have been necessary.

A consent on this site of a building for cold-storage of produced poultry has been previously granted (this building is under construction). The poultry building referred to in this appeal is the production building for the poultry to be stored in the cold store prior to sale.

The appellatant is spiritually guided by the pagan earth-gods and wishes to create a personal space for private worship - the low-impact sacred well and altar/statue stance are sited on the source of a spring from the hill, with a view over the valley to Horsbrugh, where private meditation and worship can be carried out without impact to others.

Finally, this appeal is one of several that have all restrained the appellatant from carrrying out more intensive farming within the small-holding. Each idea the appellatant has had has been extinguished by the planning department without further consideration as to the validity of the proposal. The appellatant clearly wishes to take forward some of his ideas and is being prevented from doing so. There is also a suggestion that he is being persecuted to the point of not being allowed to follow his own religious leanings within his home and smallholding.

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

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

**List of documents and evidence**

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

Copy of the refusal notice along with the refused drawings.

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

**Checklist**

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

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

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

**Declaration**

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

Signed [REDACTED] Date 9/8/16

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

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

**Reference : 16/00494/FUL**

**To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles**

With reference to your application validated on **21st April 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-


**Proposal : Erection of poultry building and erection of alter, sacred well and stance for statue**

**At : Field No 0328 Kirkburn Cardrona Scottish Borders**

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

Dated 15th June 2016  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA

Signed



.....  
Chief Planning Officer

**APPLICATION REFERENCE : 16/00494/FUL**

**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
196 44	Elevations	Refused
196 42	Site Plan	Refused
196 43	Block Plans	Refused
196 45	Floor Plans	Refused

**REASON FOR REFUSAL**

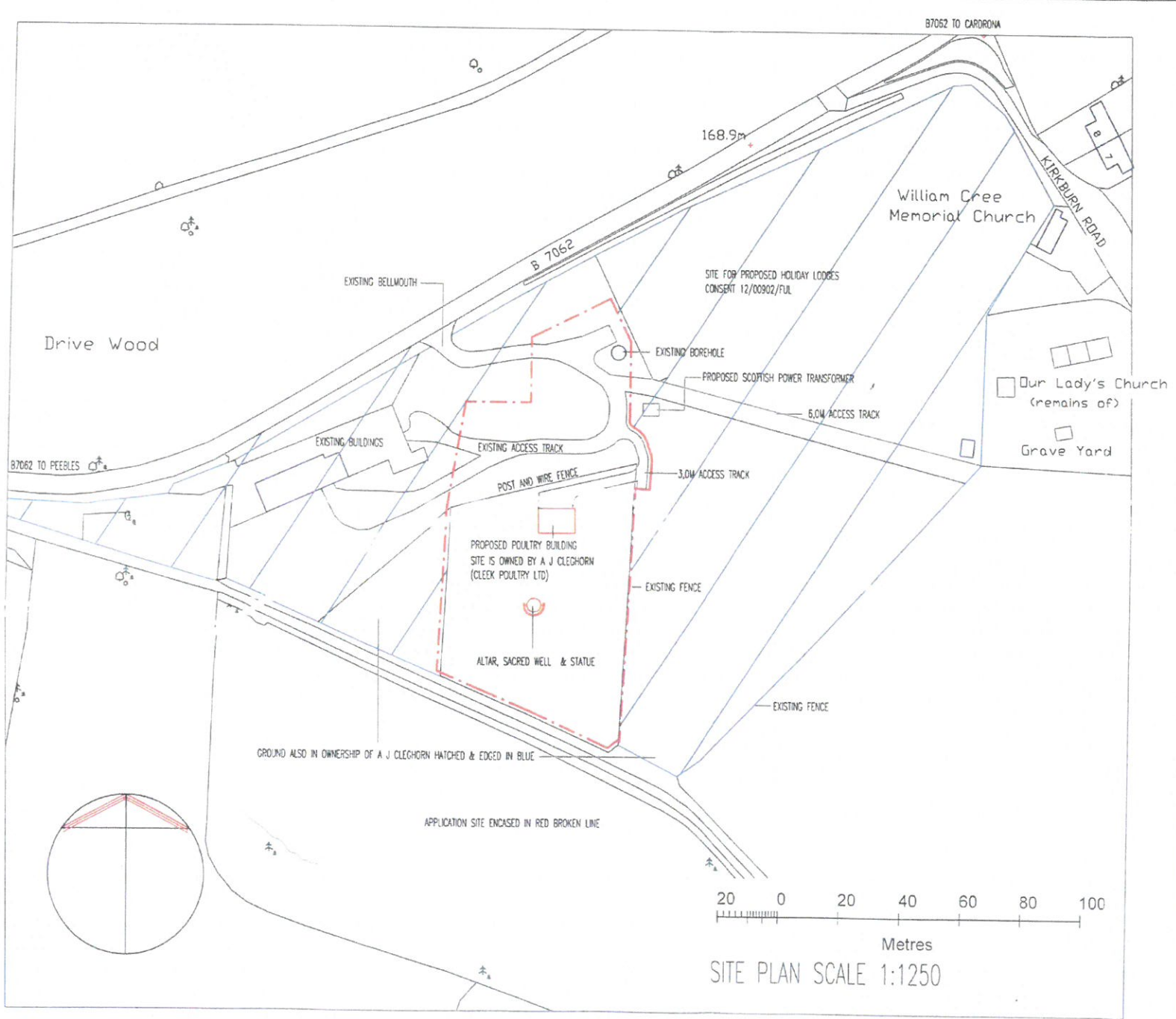
- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building and structures will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building and structures that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appear suited either to the proposed use for which it is intended or the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.
- 4 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that the uses proposed for the building would not have an adverse impact on the local environment and the amenity of nearby residents.

**FOR THE INFORMATION OF THE APPLICANT**

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

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





15/004937/FUL

RECEIVED 21 APR 2016

Scottish Borders Council  
Environment &  
Infrastructure

15 JUN 2016

Town & Country Planning (Scotland) Act  
**REFUSED**

AMENDMENTS	
A	
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C	
D	
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SCALE 1:1250 APR 2016

drg 196 42  
REVISION --

SITE PLAN

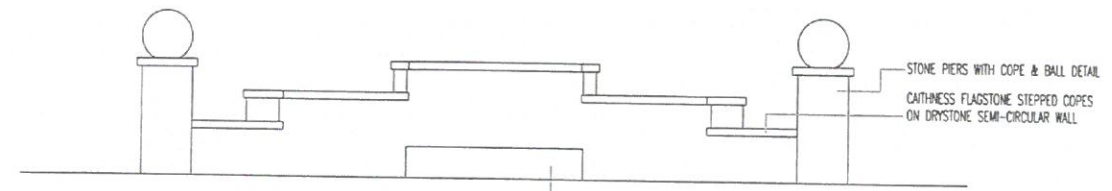
PROPOSED POULTRY REARING & HATCHING BUILDING FOR BROILER CHICKENS WITH GRAVITY FED HOPPER FEED AND WATER SUPPLY PROVISION ON UPPER FLOORS; PROPOSED ALTAR, SACRED WELL & STANCE FOR STATUE - RESUBMISSION OF PLANNING APPLICATION 15\ 00522\FUL

KIRK BURN, CARDRONA, PEEBLES, EH45 9HU  
Cleek Poultry Ltd

15/00104/FUL

RECEIVED 21 APR 2016

Scottish Borders Council  
Environment &  
Infrastructure  
  
15 JUN 2016  
  
Town & Country Planning (Scotland) Act  
REFUSED

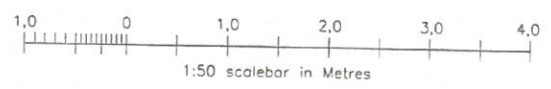


PRINCIPLE ELEVATION  
1:50

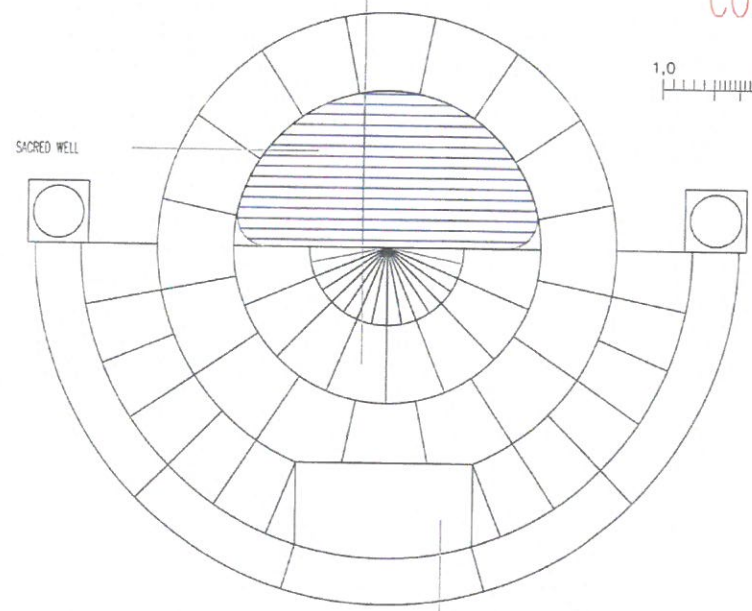
STONE PLINTH FOR STATUE OF HERNE  
THE HUNTER  
  
NATURAL FLAGSTONE ALTER FORMED IN  
SEMI-CIRCLE

STONE PIERS WITH COPE & BALL DETAIL  
CATHNESS FLAGSTONE STEPPED COPES  
ON DRYSTONE SEMI-CIRCULAR WALL

### ALTER, SACRED WELL & COMMEMORATIVE STATUE



PLAN  
1:50



SACRED WELL

STONE PLINTH FOR STATUE OF HERNE  
THE HUNTER - EARTH SPIRIT (STATUE  
TO BE DESIGNED BY OTHERS)

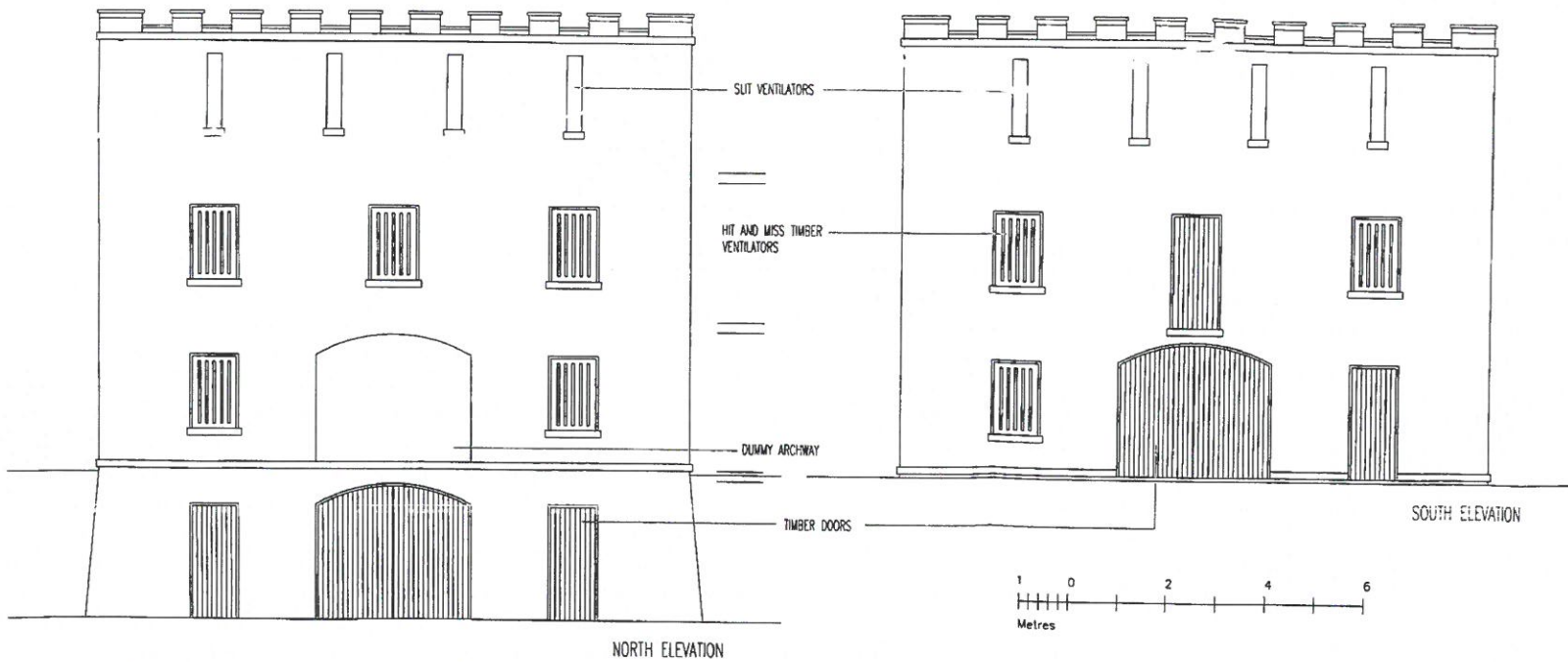
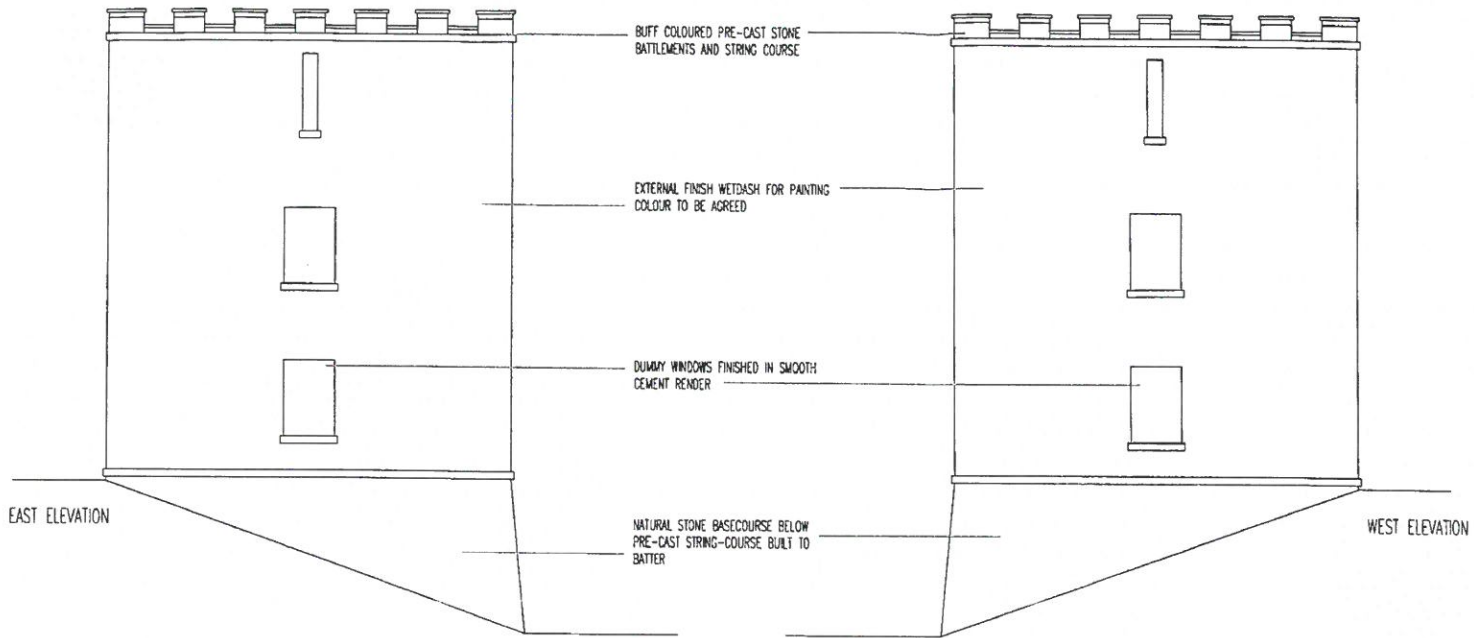
ALIGNMENTS	
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F	
G	

SCALE 1:50      APR 2016

drg 196 43 REVISION --	ALTER, SACRED WELL & STANCE FOR STATUE
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PROPOSED POULTRY REARING & HATCHING BUILDING FOR BROILER CHICKENS WITH GRAVITY FED HOPPER FEED AND WATER SUPPLY PROVISION ON UPPER FLOORS; PROPOSED ALTER, SACRED WELL & STANCE FOR STATUE - RESUBMISSION OF PLANNING APPLICATION 15\00522\FUL

KIRKBURN, CARDRONA, PEEBLES, EH45 9HU  
Cleek Poultry Ltd



RECEIVED 21 APR 2016

Scottish Borders Council  
Environment &  
Infrastructure

15 JUN 2016

Town & Country Planning (Scotland) Act  
**REFUSED**

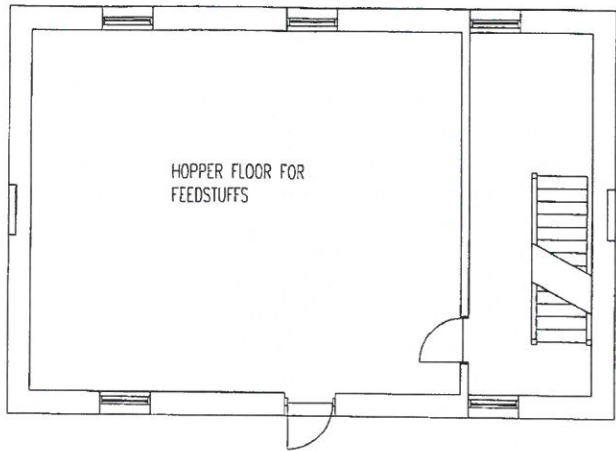
AMENDMENTS	
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SCALE 1:50 APR 2016

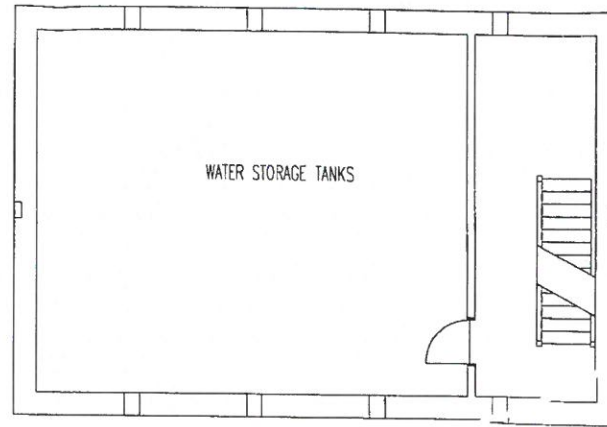
drg 196 44 BROILER SHED ELEVATIONS  
REVISION --

PROPOSED POULTRY REARING & HATCHING BUILDING FOR BROILER CHICKENS WITH GRAVITY FEDD HOPPER FEDD AND WATER SUPPLY PROVISION ON UPPER FLOORS; PROPOSED ALTER, SACRED WELL & STANCE FOR STATUE - RESUBMISSION OF PLANNING APPLICATION 15\ 00522\FUL

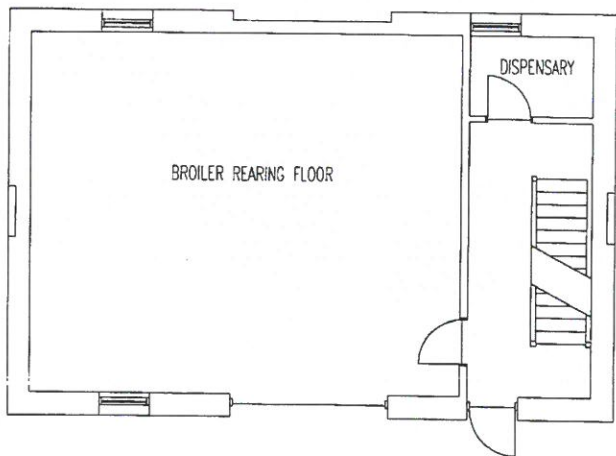
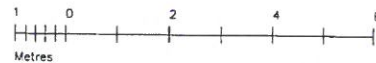
KIRKBURN, CARDRONA, PEEBLES, EH45 9HU  
Cleek Poultry Ltd



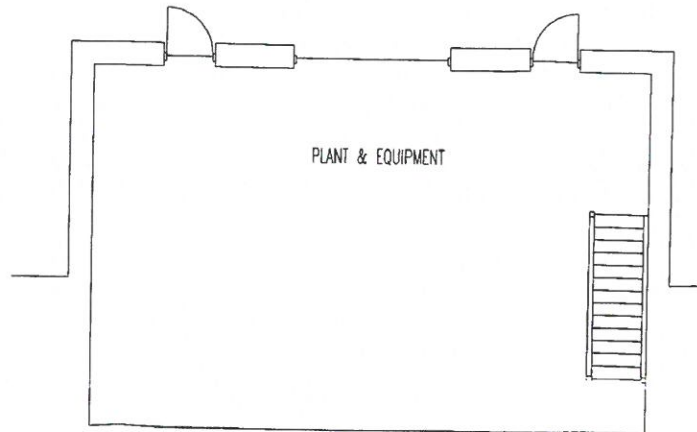
FIRST FLOOR



SECOND FLOOR



GROUND FLOOR



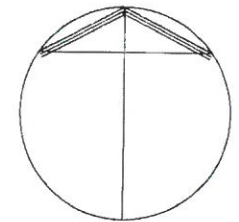
SEMI BASEMENT PLAN

RECEIVED 21 APR 2016

Scottish Borders Council  
Environment &  
Infrastructure

15 JUN 2016

Town & Country Planning (Scotland) Act  
**REFUSED**



AMENDMENTS	
A	
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D	
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SCALE 1:100 APR 2016

drg 19645 BROILER SHED  
REVISION -- FLOOR PLANS

PROPOSED POULTRY REARING & HATCHING  
BUILDING FOR BROILER CHICKENS WITH GRAVITY  
FEED HOPPER FEED AND WATER SUPPLY  
PROVISION ON UPPER FLOORS; PROPOSED  
ALTER, SACRED WELL & STANCE FOR STATUE -  
RESUBMISSION OF PLANNING APPLICATION 15/  
00522\FUL

KIRKBURN, CARDRONA, PEEBLES, EH45 9HU  
Cleek Poultry Ltd



**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 16/00494/FUL

**APPLICANT :** Cleek Poultry Ltd

**AGENT :**

**DEVELOPMENT :** Erection of poultry building and erection of alter, sacred well and stance for statue

**LOCATION:** Field No 0328  
Kirkburn  
Cardrona  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
196 44	Elevations	Refused
196 42	Site Plan	Refused
196 43	Block Plans	Refused
196 45	Floor Plans	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Roads Planning: Response awaited

Environmental Health:

Amenity and Pollution

Assessment of Application

Air quality

Noise

Nuisance

Private Water Supply

This is an Application for Consent to erect a poultry building and other structures.

Some of these activities have the potential to impact on public health and amenity.

A Environmental Statement should be provided for this proposal and should detail,

- o A full description of all activities proposed on site.

- o An assessment of the impact of the proposed activities on the local environment with attention being given to emissions to land air and water (including noise). The Assessment should encompass cumulative impacts with other activities underway or having Planning Consent at this time.
- o An assessment of traffic impacts resulting from the Development and any cumulative impacts with other activities underway or having Planning Consent at this time.
- o Full details of water supply and drainage arrangements for the Development.
- o Details of proposed poultry numbers on site, including any existing poultry facilities.

#### Recommendation

Further Information Required Before Application is Determined

Landscape Architect: Response awaited.

Archaeology Officer:

Thank you for requesting an archaeology consultation on this application. I have previously responded to other applications for this site and those adjacent. I would particularly draw your attention to my comments made with respect to application 15/00522/FUL. These remain valid.

To summarise, there is no objection to the application, however I am concerned about potential cumulative impacts to the setting of the regionally significant churchyard to the west. In order to make an assessment of this potential impact I require:

- o A photomontage and wireframe from the churchyard showing the development
- o Photos from the development site towards the churchyard

In addition, my prior response recommended an condition for an archaeological evaluation prior to development.

Economic Development:

Economic development cannot support this application for the following reasons.

- o We will require sight of a business plan for the poultry business and cash flow projections.
- o The poultry industry is highly regulated. Clear Span steel framed poultry buildings with food safe linings are the preferred option for poultry production. The incorporation of facilities for raising drinkers and feeders (weighing, handling and loading facilities) to aid access for handling equipment would also have to be included in addition to adequate lighting, litter provision and ventilation. This re-submission of the application for poultry housing does not have enough detail for us to respond.

Economic development would suggest and would request clarification that advice is sought from qualified agricultural advisers/engineers prior to submitting drawings to ensure that they comply.

- o Economic development would also have concerns about the proximity of the poultry unit to an existing consent for holiday lodges, as we do not consider that they would be compatible if both are developed.

Peebles and District Community Council: Response awaited.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards

Policy EP5 Special Landscape Areas

Policy EP8 Archaeology

Policy ED7 Businesss, Tourism and Leisure Development in the Countryside

"Special Landscape Area 2 - Tweed Valley" - Supplementary Planning Policies

**Recommendation by** - Craig Miller (Lead Planning Officer) on 9th June 2016

This is a repeat application of a previously refused application for a poultry building and altar/base for statue. Whilst some elements are no longer part of the repeat application (the steel containers, water storage building and plunge pool), the poultry building is much higher and it is pertinent to run through the same assessment as carried out with the previous application, as follows:

"The site forms part of an 8 acre smallholding at Kirkburn, Cardrona, on the back road to Peebles. This planning application is one of six which have been submitted for various buildings and structures on the land to the south and west of the holiday chalets site. Together with a seventh proposal in the form of an AGN, four of the applications all relate to the same site and are competing proposals, only one of which could actually be implemented. This application is for a poultry shed for rare breed chickens, a bottling/pumping shed, ten steel poultry feed containers and a plunge pool/alter/base for statue. These will be positioned on the land at the entrance to the site half way up the access road and on the rising land to the south and above the holiday chalets site, stretching to the public road to Laverlaw to the rear. The site is sandwiched between the existing compound and the site proposed for the mushroom/rabbit,cattle court/hay store/silo competing proposals.

The poultry building will be erected off a new 3m access road to the south of the existing access track, on land above it. It will be 16m by 8m with an eaves height of 6m and a ridge height of 7.5m. It will be clad in larchlap boarding with a charcoal grey fibre roof and will possess one roller shutter door to the front and two other pedestrian doors. Staff quarters are shown at one end of the building consisting of a mezzanine rest room, toilet and kitchenette. The stated use of the building is as a poultry unit.

The proposals also involve Water Bottling and Pumping Building on land just above the entrance to the site, off the existing access road. This will be of similar finishes and height but with a lower eaves of 3.8m. It will be 10m by 6m and possesses one roller shutter door and one pedestrian door. Further proposals involve a series of ten 6m long steel poultry feed storage containers sited on a hardstanding adjoining the access road leading to the existing compound. A plunge pool, alter and statue base are also proposed on elevated land above the poultry building towards the Laverlaw Road. A series of solar panels are also proposed on the south-facing roofs of both proposed buildings.

The site also lies within the Tweed Valley Special Landscape Area No. 2 - a recent local landscape designation which requires extra care and attention to be paid to development that could adversely impact on the character of the landscape. Management recommendations were set out in the Supplementary Planning Guidance accompanying the designation, the most pertinent being "...to better integrate existing development into the landscape". This was arising out of pressure for development on hills and hillsides across the designated area.

Such considerations were uppermost when the adjoining holiday chalets application was considered at Committee. As a result of concerns over visual impacts on rising land, revisions to the scheme were required to reduce impacts on the recently designated landscape. This involved removal of upper chalets and the loop road as well as a series of cross sections to demonstrate that the development would not be seen from the A72 on the Horsbrugh Straight above the existing tree canopy line.

In processing the initial AGN application for Mushroom growing sheds, concern was expressed that those sheds were as tall as the Hub House within the holiday development, yet apparently on higher ground by several metres. The tree top heights on the sections submitted with the holiday chalets application indicated screening up to about 188m AOD which was sufficient to screen the Hub House. It was not felt that the proposed sheds would be screened to the same extent by the existing trees, the Landscape Officer believing that they will be highly visible above them. The same loop road was also proposed as part of the Mushroom sheds application which would also be visible above the tree canopy.

The Landscape Officer concluded that in the absence of any Landscape and Visual Impact Assessment to prove otherwise, the development would have a detrimental impact on the Special Landscape Area. The applicant was invited to respond to these concerns with supporting information which could include cross sections, photomontages, topographical and floor level information. They were also invited to consider the

precise siting of the sheds and the roof height and design. It was clearly stated, however, that any additional information submitted may still confirm the concerns over landscape impact, especially if significant excavation required to lower floor levels remains prominent in itself.

A revised plan was submitted for the mushroom shed application accompanied by a topographical detailed survey and proposals to reduce the impacts of those buildings by cutting in the floor level as well as reducing the heights of those buildings from 7.3m down to 4.8m. The accompanying letter believed that they were a better design solution than the initial proposal. Tree heights were demonstrated, in the highest case, to be higher than the ridge height now proposed. However, of the tree heights actually shown, the general top of the tree line is still appreciably below the ridges of the two buildings. The most recent application on the same site for rabbit breeding sheds goes further and lowers the floor levels even more whilst still keeping the new 4.8m ridge height. These reductions and design solutions are still being considered, noting that it is possible that the ridge heights of those buildings could be as little as 0.5-1.5m above the average tree line height.

This background is important as it should be noted that the poultry building in particular, which is the subject of this application, is neither cut into the site nor is lower in height, being more than 2.5m above the heights of the revised mushroom/rabbit sheds, without taking into account any cut into the site or contour differences. Furthermore, unlike the proposed position of the mushroom/rabbit sheds, the poultry building will be sited on much higher land, judging by the detailed contour plan submitted as part of the revised mushroom sheds AGN. The contours appear at least 3-4m higher than where the mushroom/rabbit sheds are proposed. Even if similar levels of cut were proposed for the current poultry building application, the height of the building would still result in projection above the average known tree height by even more than the cattle court proposal, given the starting point of elevated contours. Even if the poultry shed was reduced in height from 7.5m to a similar height as the mushroom/rabbit sheds and cut into the site, the elevation above the average known tree height would still be of a degree which is significant and was considered unacceptable for the cattle court. This would have a major landscape impact, exacerbated by the bulk of the building with very high eaves. There is clear advice from the Landscape Officer that such an impact would be unacceptable, given the level of projection of building above the tree line when viewed from the A72. Any excavation would also not be screened by the tree screen north of the road. There is also likely to be local impacts from the B7062 next to the site. These landscape impacts would also be exacerbated by the alter/pool/statue base which would be highly visible and unrelated, both visually and operationally to the farm holding and compound. The slope of the ground means that the poultry building and alter structure would be presented to public view to the north, rising up the hill to the Laverlaw Road and introducing intrusive elements into the hill slope. The effects would be contrary to the purposes of designating the Special Landscape Area in the first instance."

Although there has been no response from the Landscape Architect as yet, it is clear that her objections will remain as the proposed castellated building is even higher than the one previously refused. The prominence and elevation above the tree canopy will be significant and dominant, creating greater detrimental impact than the last design which was refused for landscape impact reasons. The building is 9-12 metres from current ground levels which, as the extract report states above, starts with higher ground levels than the excavated sites considered for the rabbit and mushroom sheds. Despite the attempt at traditional castellated design, the impact will be highly significant above the treeline when viewed from across the valley, to the detriment of the landscape character of the area and the local landscape designation. The change in the Local Plan Policies makes no difference to this assessment.

The same applies to the other areas of assessment which led to the previous refusal, namely the economic justification under Policy ED7, the road safety impacts under ED7 and the environmental impacts under the same Policy. Relevant extracts from the previous report are repeated below:

"Policy D1 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. In this case, the building is proposed for poultry yet neither seems suited for the purpose nor related to the size and current scale of farming activities on the holding. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the remainder are occupied already by buildings and the yard area. Whilst it has been mentioned that an additional 12 acres to the rear are used from an adjoining farm, there has been no demonstration of this in a Business Plan"



"Roads Planning also consider there to be a lack of information in terms of the number of vehicle movements this proposal (and the others) will bring. They have requested a Transport Statement to be submitted which details the type, number and size of vehicle trips which will be generated by this proposal along with the frequency of trips. The statement must also include anticipated traffic movements for all other proposed development served by this access. Given the uncertainty over the scale of the buildings and their suitability for the purposes intended, it is understandable that there are Roads concerns over the ability of the access to accommodate the development without further information being submitted. In the absence of such information, it has not been adequately demonstrated that the access is capable of safely accommodating the traffic generated by the proposed development. This would be contrary to Policy D1 of the Consolidated Local Plan."

"Environmental Health have clear concerns over the proposal given that the poultry building represents the type of development discouraged by Government planning regulations over "Cordon Sanitaire" distances. The 400m rule is clearly not achieved by the proposal which sites an intensive poultry unit half that distance from private houses. Whilst there have been major advances in poultry housing and prevention of odour nuisance in recent years, the rule still exists as an alert to potential problems and Environmental Health seek an Environmental Statement. This should detail a full description of all activities proposed on site, emissions impacts to land, air and water (including noise), details of proposed poultry numbers, water and drainage proposals etc. In the absence of any Statement, there can be no agreement that the development would not have an adverse impact on the local environment and residents, Environmental Health wanting such information to be demonstrated before they could confirm any acceptance."

Continued advice along these lines has been received from Economic Development and Environmental Health, Roads Planning having advised verbally as per previous responses.

Overall, the re-application has not resolved any of the previous reasons for refusal and, indeed, has exacerbated them in relation to scale and impact of the building on the landscape and in relation to justification, roads and environmental concerns over scale of enterprise.

#### **REASON FOR DECISION :**

1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building and structures will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building and structures that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appear suited either to the proposed use for which it is intended or the size of the holding on which it would be situated, which further undermines the case for justification in this location.

3 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

4 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that the uses proposed for the building would not have an adverse impact on the local environment and the amenity of nearby residents.

**Recommendation:** Refused

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building and structures will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building and structures that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appear suited either to the proposed use for which it is intended or the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.
- 4 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that the uses proposed for the building would not have an adverse impact on the local environment and the amenity of nearby residents.

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

# APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997  
 The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application  
**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text"/>	Ref No.	<input type="text"/>
Forename	<input type="text"/>	Forename	<input type="text"/>
Surname	<input type="text"/>	Surname	<input type="text"/>
Company Name	CLEEK POULTRY LTD	Company Name	<input type="text"/>
Building No./Name	THE TRACTOR SHED	Building No./Name	<input type="text"/>
Address Line 1	KIRKBURN	Address Line 1	<input type="text"/>
Address Line 2	CARDRONA	Address Line 2	<input type="text"/>
Town/City	<input type="text"/>	Town/City	<input type="text"/>
Postcode	EH45 9HU	Postcode	<input type="text"/>
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text"/>

**3. Postal Address or Location of Proposed Development (please include postcode)**

KIRKBURN, CARDRONA, PEEBLES  
 EH45 9HU

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

**4. Type of Application**

What is the application for? Please select one of the following:

Planning Permission	<input checked="" type="checkbox"/>
Planning Permission in Principle	<input type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

\*Please provide a reference number of the previous application and date when permission was granted:

Reference No:  Date:

\*\*Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

### 5. Description of the Proposal

Please describe the proposal including any change of use:

proposed poultry rearing and breeding shed, proposed altar, sacred well and stance for statue  
(resubmission of planning application 15/00522/FUL

Is this a temporary permission?

Yes  No

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes  No

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

### 6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes  No

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting  Telephone call  Letter  Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes  No

Please provide a description of the advice you were given and who you received the advice from:

Name:

Date:

Ref No.:

This is a resubmission of application 15/00522/FUL which was refused consent

### 7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

0.8ha

Square Metre (sq.m.)

### 8. Existing Use

Please describe the current or most recent use:

agricultural holding

### 9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes  No

*If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.*

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes  No

*If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.*

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

*Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)*

### 10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes  No

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network   
No, proposing to make private drainage arrangements   
Not applicable – only arrangement for water supply required

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway   
Discharge to watercourse(s) (including partial soakaway)   
Discharge to coastal waters

*Please show more details on your plans and supporting information*

What private arrangements are you proposing?  
Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)   
Other private drainage arrangement (such as a chemical toilets or composting toilets)

*Please show more details on your plans and supporting information.*

Do your proposals make provision for sustainable drainage of surface water? Yes  No

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network?

Yes  No

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

### 11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes  No

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes  No  Don't Know

If yes, briefly describe how the risk of flooding might be increased elsewhere.

### 12. Trees

Are there any trees on or adjacent to the application site?

Yes  No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

### 13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes  No

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

not applicable to the application

### 14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes  No

If yes how many units do you propose in total?

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.



**15. For all types of non housing development – new floorspace proposed**

Does your proposal alter or create non-residential floorspace?

Yes  No

If yes, please provide details below:

Use type:

agricultural

If you are extending a building, please provide details of existing gross floorspace (sq.m.):

Proposed gross floorspace (sq.m.):

96 sqm

Please provide details of internal floorspace(sq.m)

Net trading space:

n/a

Non-trading space:

96

Total net floorspace:

96 sqm

**16. Schedule 3 Development**

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

**17. Planning Service Employee/Elected Member Interest**

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes  No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes  No

If you have answered yes please provide details:

**DECLARATION**

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes  No  N/A

Signature:



Name: A J Cleghorn

Date: 19.4.2016

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

**CERTIFICATE E**

Certificate E is required where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land and there are or are not agricultural tenants.

**I hereby certify that -**

(1) No person other than myself was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants.

**or**

(1) No person other than myself was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants. These people are:

Name	Address	Date of Service of Notice

(3) I have taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and have been unable to do so.

Steps taken:

Signed: [REDACTED]

On behalf of:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act





**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	<b>16/00494/FUL</b>
<b>Uniform Ref</b>	<b>16/00821/PLANCO</b>
<b>Proposal</b>	<b>Erection of poultry building and erection of alter, sacred well and stance for statue</b>
<b>Address</b>	<b>Field No 0328 Kirkburn Cardrona Scottish Borders</b>
<b>Date</b>	<b>10/5/16</b>
<b>Amenity and Pollution Officer</b>	<b>David A. Brown</b>
<b>Contaminated Land Officer</b>	<b>Reviewed – no comments</b>

**Amenity and Pollution**

Assessment of Application

- Air quality*
- Noise*
- Nuisance*
- Private Water Supply*

This is an Application for Consent to erect a poultry building and other structures.

Some of these activities have the potential to impact on public health and amenity.

A Environmental Statement should be provided for this proposal and should detail,

- A full description of all activities proposed on site.
- An assessment of the impact of the proposed activities on the local environment with attention being given to emissions to land air and water (including noise). The Assessment should encompass cumulative impacts with other activities underway or having Planning Consent at this time.
- An assessment of traffic impacts resulting from the Development and any cumulative impacts with other activities underway or having Planning Consent at this time.
- Full details of water supply and drainage arrangements for the Development.
- Details of proposed poultry numbers on site, including any existing poultry facilities.

**Recommendation**

Further Information Required Before Application is Determined

## PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 26th April 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/00494/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 17th May 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 17th May 2016, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Cleek Poultry Ltd

**Agent:** N/A

**Nature of Proposal:** Erection of poultry building and erection of alter, sacred well and stance for statue

**Site:** Field No 0328 Kirkburn Cardrona Scottish Borders

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**OBSERVATIONS OF: Archaeology Officer**

## CONSULTATION REPLY

Thank you for requesting an archaeology consultation on this application. I have previously responded to other applications for this site and those adjacent. I would particularly draw your attention to my comments made with respect to application 15/00522/FUL. These remain valid.

To summarise, there is no objection to the application, however I am concerned about potential cumulative impacts to the setting of the regionally significant churchyard to the west. In order to make an assessment of this potential impact I require:

- A photomontage and wireframe from the churchyard showing the development
- Photos from the development site towards the churchyard

In addition, my prior response recommended an condition for an archaeological evaluation prior to development.

## PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 26th April 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/00494/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 17th May 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 17th May 2016, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Cleek Poultry Ltd

**Agent:** N/A

**Nature of Proposal:** Erection of poultry building and erection of alter, sacred well and stance for statue

**Site:** Field No 0328 Kirkburn Cardrona Scottish Borders

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### OBSERVATIONS OF: Economic Development Section

## CONSULTATION REPLY

Economic development cannot support this application for the following reasons.

- We will require sight of a business plan for the poultry business and cash flow projections.
- The poultry industry is highly regulated. Clear Span steel framed poultry buildings with food safe linings are the preferred option for poultry production. The incorporation of facilities for raising drinkers and feeders (weighing, handling and loading facilities) to aid access for handling equipment would also have to be included in addition to adequate lighting, litter provision and ventilation. This re-submission of the application for poultry housing does not have enough detail for us to respond.

**Economic development would suggest and would request clarification that advice is sought from qualified agricultural advisers/engineers prior to submitting drawings to ensure that they comply.**

- Economic development would also have concerns about the proximity of the poultry unit to an existing consent for holiday lodges, as we do not consider that they would be compatible if both are developed.



**LIST OF POLICIES**

**Local Review Reference:** 16/00023/RREF

**Planning Application Reference:** 16/00494/FUL

**Development Proposal:** Erection of poultry building and erection of alter, sacred well and stance for statue

**Location:** Field no 0328, Kirkburn, Cardrona

**Applicant:** Cleek Poultry Ltd

**Adopted Local Development Plan 2016**Policy PMD2: Quality Standards

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

## Sustainability

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

## Placemaking &amp; Design

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

## LIST OF POLICIES

### Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

### Greenspace, Open Space & Biodiversity

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

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

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

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and

## LIST OF POLICIES

- f) the development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

### Policy EP5: Special Landscape Areas

In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

### EP8 Archaeology

#### **(A) National Archaeological Sites**

Development proposals which would destroy or adversely affect the appearance, fabric or setting of Scheduled Monuments or other nationally important sites will not be permitted unless:

- a) the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and
- b) there are no reasonable alternative means of meeting the development need.

#### **(B) Battlefields**

The Council may support development proposals within a battlefield on the Inventory of Historic Battlefields Register, or a regionally significant site, that seek to protect, conserve, and/or enhance the landscape characteristics or important features of the battlefield. Proposals will be assessed according to their sensitivity to the battlefield.

#### **(C) Regional or Local Archaeological Assets**

Development proposals which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset.

In all of the above cases, where development proposals impact on a Scheduled Monument, other nationally important sites, or any other archaeological or historical asset, developers may be required to carry out detailed investigations.

Any proposal that will adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council.

#### **Other Material Considerations**

Scottish Planning Policy

SBC Supplementary Planning Guidance on Local Landscape Designations 2012

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**NOTICE OF REVIEW**

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

**Applicant(s)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

**Agent (if any)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

Yes  No

\* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site Inspection**

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

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

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

The site is a smallholding and it is advisable to make an appointment as there are animals present.

**Statement**

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

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

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

The site is a smallholding. The applicant breeds and brings on cattle and other stock. The flotation pool is needed as a tonal and muscular exercise area for both therapy and tonal improvement the stock.

The building that has been refused is lower than the original application made in 2015. The trees along the frontage or north boundary have matured to such an extent that this building will not be visible from the A72. Furthermore the building use will not create an increase in traffic as the the breeding and rearing is already part of the activity of the small-holding.

The enclosed pool area is needed part of the current agricultural activities which take place at Kirkburn.

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

Yes  No

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

[Empty box for explanation]

**List of documents and evidence**

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

Refusal Notice Drawing 196 40 & 196 <del>41</del> Application Form
--

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

**Checklist**

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

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

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

**Declaration**

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

Signed

Date

28/7/16

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

# APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997  
 The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application  
**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text"/>	Ref No.	<input type="text"/>
Forename	<input type="text"/>	Forename	<input type="text"/>
Surname	<input type="text"/>	Surname	<input type="text"/>
Company Name	CLEEK POULTRY LTD	Company Name	<input type="text"/>
Building No./Name	THE TRACTOR SHED	Building No./Name	<input type="text"/>
Address Line 1	KIRKBURN	Address Line 1	<input type="text"/>
Address Line 2	CARDRONA	Address Line 2	<input type="text"/>
Town/City	<input type="text"/>	Town/City	<input type="text"/>
Postcode	EH45 9HU	Postcode	<input type="text"/>
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	077686 82646	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text"/>
<b>3. Postal Address or Location of Proposed Development (please include postcode)</b>			
KIRKBURN, CARDRONA, PEEBLES EH45 9HU			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
<b>4. Type of Application</b>			
What is the application for? Please select one of the following:			
Planning Permission	<input checked="" type="checkbox"/>		
Planning Permission in Principle	<input type="checkbox"/>		
Further Application*	<input type="checkbox"/>		
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>		
Application for Mineral Works**	<input type="checkbox"/>		
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:	<input type="text"/>	Date:	<input type="text"/>
**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.			

**5. Description of the Proposal**

Please describe the proposal including any change of use:

proposed covered animal flotation unit for welfare and therapy - resubmission of planning application 15/00563/FUL

Is this a temporary permission?

Yes  No

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes  No

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

**6. Pre-Application Discussion**

Have you received any advice from the planning authority in relation to this proposal?

Yes  No

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting  Telephone call  Letter  Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes  No

Please provide a description of the advice you were given and who you received the advice from:

Name:

Date:

Ref No.:

This is a resubmission of application 15/00563/FUL which was refused consent

**7. Site Area**

Please state the site area in either hectares or square metres:

Hectares (ha):

0.5ha

Square Metre (sq.m.)

**8. Existing Use**

Please describe the current or most recent use:

agricultural holding

### 9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes  No

*If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.*

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes  No

*If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.*

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

*Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)*

### 10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes  No

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network   
No, proposing to make private drainage arrangements   
Not applicable – only arrangement for water supply required

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway   
Discharge to watercourse(s) (including partial soakaway)   
Discharge to coastal waters

*Please show more details on your plans and supporting information*

What private arrangements are you proposing?  
Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)   
Other private drainage arrangement (such as a chemical toilets or composting toilets)

*Please show more details on your plans and supporting information.*

Do your proposals make provision for sustainable drainage of surface water? Yes  No



Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network? Yes  No

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

### 11. Assessment of Flood Risk

Is the site within an area of known risk of flooding? Yes  No

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes  No  Don't Know

If yes, briefly describe how the risk of flooding might be increased elsewhere.

### 12. Trees

Are there any trees on or adjacent to the application site? Yes  No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

### 13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling) Yes  No

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

not applicable to the application

### 14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? Yes  No

If yes how many units do you propose in total?

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

**15. For all types of non housing development – new floorspace proposed**

Does your proposal alter or create non-residential floorspace?

Yes  No

If yes, please provide details below:

Use type:

agricultural

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

144 sqm

Please provide details of internal floorspace(sq.m)

Net trading space:

n/a

Non-trading space:

144 sqm

Total net floorspace:

144 sqm

**16. Schedule 3 Development**

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

**17. Planning Service Employee/Elected Member Interest**

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes  No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes  No

If you have answered yes please provide details:

**DECLARATION**

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes  No  N/A

Signature:

Name:

A J Cleghorn

Date:

19.4.2016

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

**CERTIFICATE E**

Certificate E is required where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land and there are or are not agricultural tenants.

**I hereby certify that -**

(1) No person other than myself was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants.

**or**

(1) No person other than myself was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants. These people are:

Name	Address	Date of Service of Notice

(3) I have taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and have been unable to do so.

Steps taken:

Signed:

On behalf of:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

**Reference : 16/00495/FUL**

**To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles**

With reference to your application validated on **10th May 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

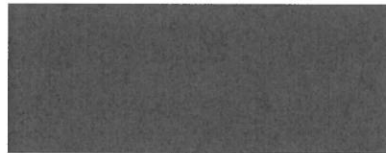
**Proposal : Extension to form animal flotation unit**

**At : Field No 0328 Kirkburn Cardrona Scottish Borders**

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

**Dated 29th June 2016  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



.....  
**Chief Planning Officer**

**APPLICATION REFERENCE : 16/00495/FUL**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
19640	Elevations	Refused
19641A	Site Plan	Refused

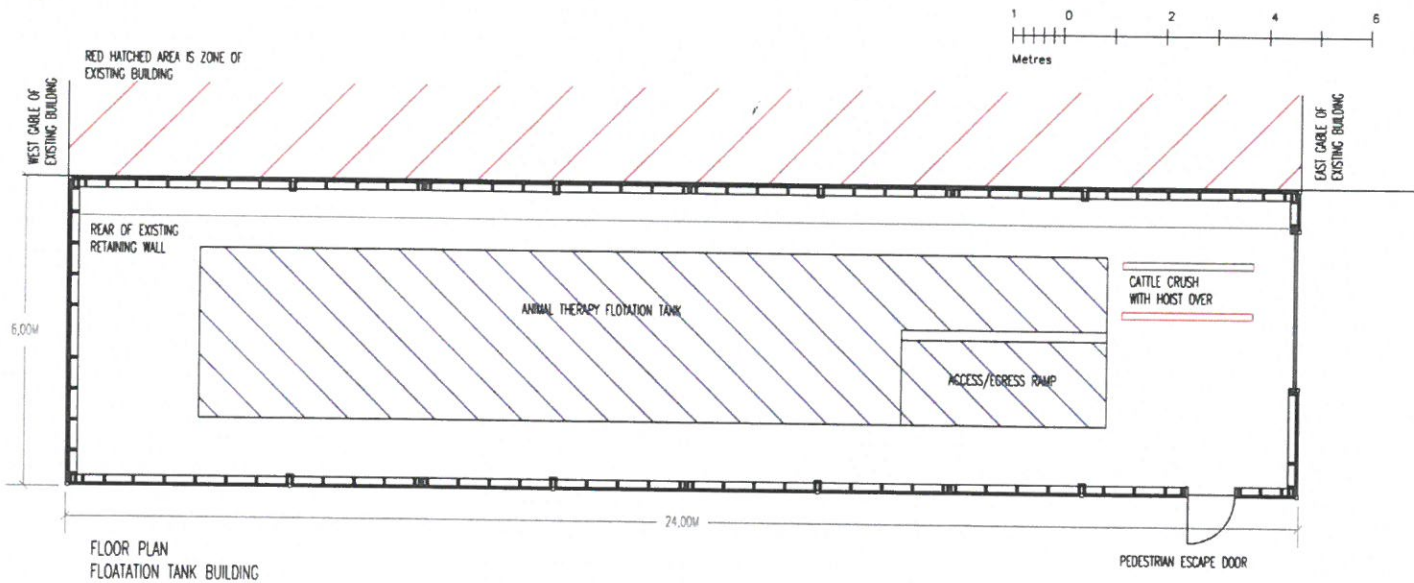
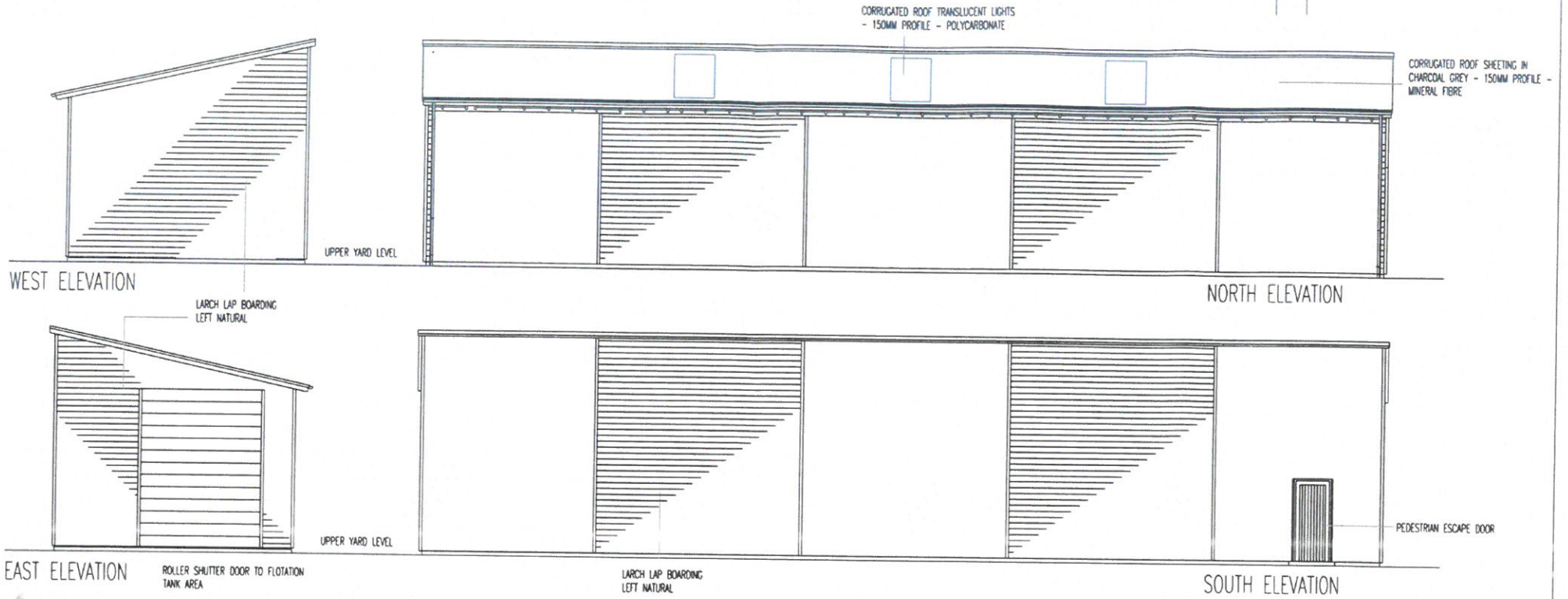
**REASON FOR REFUSAL**

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

**FOR THE INFORMATION OF THE APPLICANT**

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

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



AMENDMENTS	
A	
B	
C	
D	
E	
F	

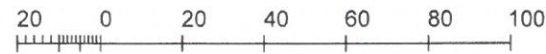
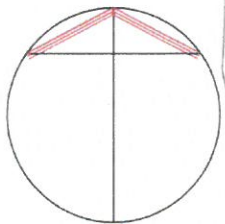
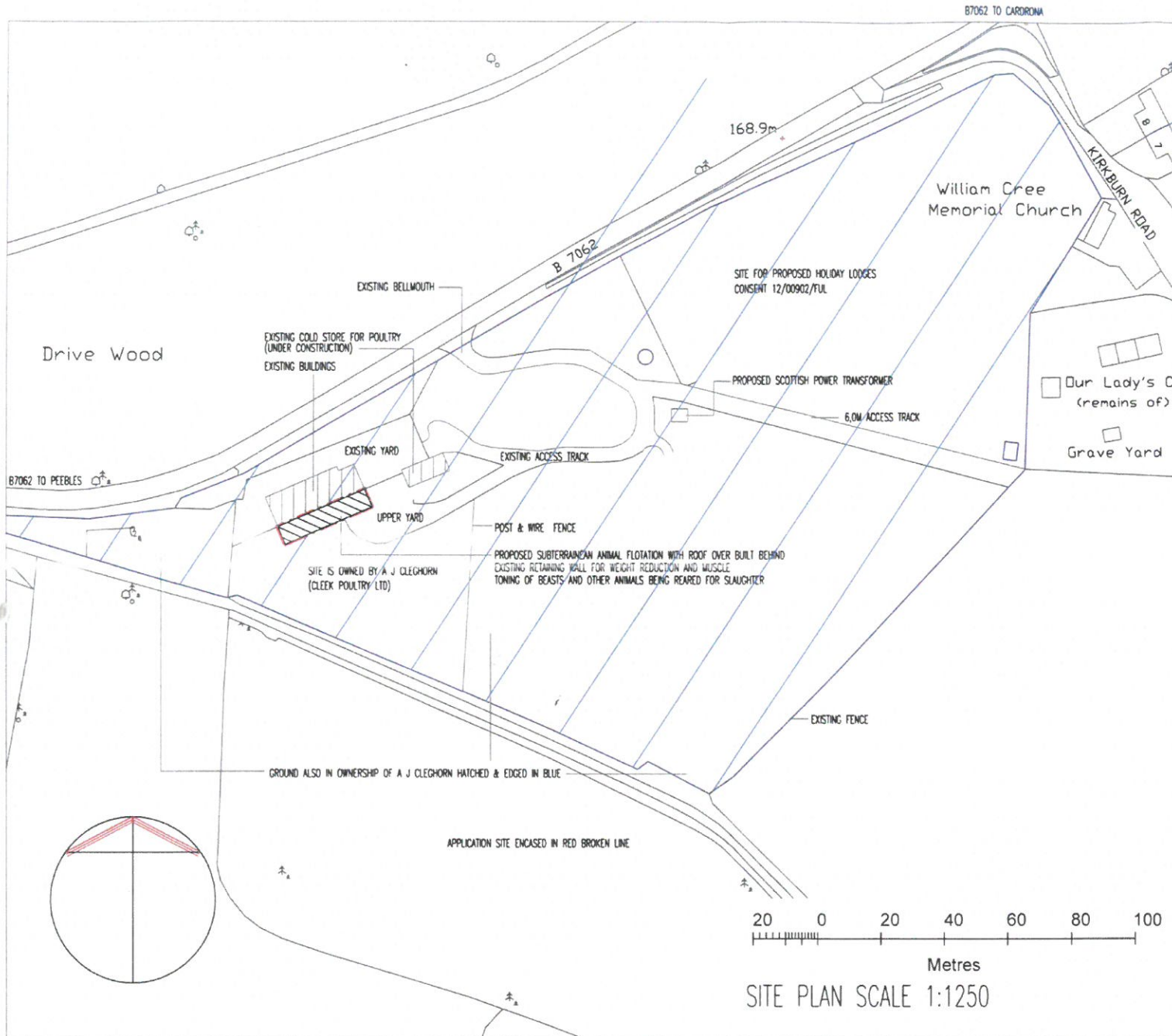
SCALE 1:100 OR AS STATED apr 2016

drg 196 40 GENERAL ARRANGEMENT  
 REVISION --

PROPOSED COVERED ANIMAL FLOTATION UNIT FOR THERAPY AND WELFARE - RESUBMISSION OF PLANNING APPLICATION 15\00563\FUL

KIRKBURN, CARDRONA, PEEBLES, EH45 9HU  
 Cleek Poultry Ltd





SITE PLAN SCALE 1:1250

REVISIONS	
A	site boundary redefined 25.1.2016
B	
C	
D	
E	
F	

SCALE 1:1250 APR 2016

drg 196 41 REVISION -+-	SITE PLAN
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PROPOSED COVERED ANIMAL FLOTATION UNIT  
 FOR THERAPY AND WELFARE - RESUBMISSION  
 OF PLANNING APPLICATION  
 15\00563\FUL  
 KIRKBURN, CARDRONA, PEEBLES, EH45 9HU  
 Cleek Poultry Ltd



**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 16/00495/FUL

**APPLICANT :** Cleek Poultry Ltd

**AGENT :**

**DEVELOPMENT :** Extension to form animal flotation unit

**LOCATION:** Field No 0328 Kirkburn  
Cardrona  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
19640	Elevations	Refused
19641A	Site Plan	Refused

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

Roads Planning:

The previous application (15/00563/FUL), which was subsequently refused permission, for a similar proposal on this site requested additional information regarding traffic movements.

The current submission does not include any information on the number, type and frequency of vehicular movements associated with this proposal. As a result, I am unable to make an informed decision of the impact this proposal will have on the junction with the public road and the section of private road leading to the site.

Until I receive this additional information, I must recommend refusal of this application.

Environmental Health:

Amenity and Pollution

Assessment of Application

Noise

Water and Drainage

This Application proposes to erect a facility for treating animals.

This Application proposes to use a private drainage system.

This can impact of public health.

#### Recommendation

Agree with application in principle, subject to Conditions.

#### Conditions

No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition

Reason: To ensure that the development does not have a detrimental effect on public health.

#### Informative

##### Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exists for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

#### Landscape Architect:

My comments of 20th July 2015 in relation to previous application - Ref No 15/00563/FUL remain relevant and apply to this revised application.

These were :

"The submission provides nothing in the way of topographical information and given that there are no cross sections showing how the proposal related to existing site levels, I am concerned that the sheds may be visible from the north side of the valley and more locally from the B7062 immediately to the north of the field. I suggest that the existing trees along the north boundary may not provide adequate screening for these sheds and it may be that they will be seen from much of the surrounding elevated land to the north west, north and north east.

No Landscape and Visual Impact Assessment (LVIA) has been undertaken to test the scheme to test the visual effect on the integrity of the SLA and visual impact on the receptors on the adjacent road.

Local Plan Policy EP2 requires developers to comply with Structure Plan policy N11 which states that 'In assessing proposals for development in AGLVs (replaced by SLAs in 2012), the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development.'

The submitted information was limited and I have a concern that the proposal will be highly visible and will have a serious negative visual impact on this part of the Tweed valley.

I would expect to see a realistic photomontage presentation submitted as part of a LVIA to establish how visible this proposed development would be from a number of sensitive receptors both in the immediate vicinity and across the valley.

Without a simple landscape and visual impact assessment that clearly shows the effects on this part of the Tweed valley SLA, I cannot make an informed judgement about this proposal and I therefore do not support this application."

#### Archaeology Officer:

Thank you for requesting an archaeology consultation. There are no archaeological implications for this proposal. The western half of the red-line area was archaeologically monitored in 2005 during a

top-soil strip. No features or finds were identified. The eastern half has been impacted by track creation. As such, there is a very low chance for archaeological discovery within the proposed development area.

Economic Development:

There appears to be no business case supporting documents with this application so Economic Development cannot support this application without full sight of this information. The drawing refers to the use of the flotation unit for toning muscle on animals reared for slaughter - therefore, please can the applicant be requested to, and confirm that, the unit will be included as a part of an agricultural business and submit a business plan, including cash flow projections, in order for it to be evaluated.

Economic development would also have concerns about the proximity of the flotation unit to an existing consent for holiday lodges, as we do not consider that they would be compatible if both are developed

Peebles and District Community Council:

### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards

Policy EP5 Special Landscape Areas

Policy EP8 Archaeology

Policy ED7 Business, Tourism and Leisure Development in the Countryside

"Special Landscape Area 2 - Tweed Valley" - Supplementary Planning Policies

**Recommendation by** - Craig Miller (Lead Planning Officer) on 22nd June 2016

The application is a resubmission of 15/00563/FUL which was refused. However, the application is only for one of the two buildings previously refused under that reference number - the building to the rear of the existing buildings at upper yard level, housing the animal flotation unit. It is identical in height and size, albeit with the monopitched roof sloping down to the north as opposed to previously sloping down to the south. The extract from the previous Handling Report relating to landscape impact still applies with this application, the background being important to the understanding of the issues of landscape impact, as follows:

"The site forms part of an 8 acre smallholding at Kirkburn, Cardrona, on the back road to Peebles. This planning application is one of six which have been submitted for various buildings and structures on the land to the south and west of the holiday chalets site. Together with a seventh proposal in the form of an AGN, four of the applications all relate to the same site and are competing proposals, only one of which could actually be implemented. This application is for two new buildings erected at higher yard level above and behind the existing range of buildings and recently consented cold store.

The first building will be erected on top of the previously consented cold store and over a proposed excavated cold store extension, one described as being for poultry, the other for red meat. Above these areas, a new storage shed is proposed measuring 10m by 14m, 6m to the eaves and 7.3m to the ridge both as measured from the upper yard. The second building will be to the rear of the existing buildings and will be erected at upper yard level, measuring 6m by 24m, 4m to the eaves and 5.5m to the ridge. They will be clad in larchlap boarding with a charcoal grey fibre roof, the larger building possessing two roller shutter doors to the side gable and two pedestrian doors to the rear. Two further roller shutter doors will serve the cold stores. The interior of the larger building is described as for tractors/implements/mobile food van parking. Staff quarters are shown at one end of the building at mezzanine level consisting of a rest room, toilet and kitchenette. The smaller building is proposed to house an animal flotation tank with roller shutter door and pedestrian door.

The site also lies within the Tweed Valley Special Landscape Area No. 2 - a recent local landscape designation which requires extra care and attention to be paid to development that could adversely impact

on the character of the landscape. Management recommendations were set out in the Supplementary Planning Guidance accompanying the designation, the most pertinent being "...to better integrate existing development into the landscape". This was arising out of pressure for development on hills and hillsides across the designated area.

Such considerations were uppermost when the adjoining holiday chalets application was considered at Committee. As a result of concerns over visual impacts on rising land, revisions to the scheme were required to reduce impacts on the recently designated landscape. This involved removal of upper chalets and the loop road as well as a series of cross sections to demonstrate that the development would not be seen from the A72 on the Horsbrugh Straight above the existing tree canopy line.

In processing the initial AGN application for Mushroom growing sheds, concern was expressed that those sheds were as tall as the Hub House within the holiday development, yet apparently on higher ground by several metres. The tree top heights on the sections submitted with the holiday chalets application indicated screening up to about 188m AOD which was sufficient to screen the Hub House. It was not felt that the proposed sheds would be screened to the same extent by the existing trees, the Landscape Officer believing that they will be highly visible above them. The same loop road was also proposed as part of the Mushroom sheds application which would also be visible above the tree canopy.

The Landscape Officer concluded that in the absence of any Landscape and Visual Impact Assessment to prove otherwise, the development would have a detrimental impact on the Special Landscape Area. The applicant was invited to respond to these concerns with supporting information which could include cross sections, photomontages, topographical and floor level information. They were also invited to consider the precise siting of the sheds and the roof height and design. It was clearly stated, however, that any additional information submitted may still confirm the concerns over landscape impact, especially if significant excavation required to lower floor levels remains prominent in itself.

A revised plan was submitted for the mushroom shed application accompanied by a topographical detailed survey and proposals to reduce the impacts of those buildings by cutting in the floor level as well as reducing the heights of those buildings from 7.3m down to 4.8m. The accompanying letter believed that they were a better design solution than the initial proposal. Tree heights were demonstrated, in the highest case, to be higher than the ridge height now proposed. However, of the tree heights actually shown, the general top of the tree line is still appreciably below the ridges of the two buildings. The most recent application on the same site for rabbit breeding sheds goes further and lowers the floor levels even more whilst still keeping the new 4.8m ridge height. These reductions and design solutions are still being considered, noting that it is possible that the ridge heights of those buildings could be as little as 0.5-1.5m above the average tree line height. The applicant has been written to with further requests to pull the floor level of the mushroom sheds down to that of the rabbit sheds - amongst other issues still to be addressed.

This background also includes recent consideration of the application for a cattle court building on the site, which was neither cut into the site nor lower in height, being more than 2.5m above the heights of the revised mushroom/rabbit sheds, without taking into account any cut into the site. Even if such cut was proposed for the cattle shed application, the height of the building would still result in projection above the average tree height by at least 3-4.5m which would have a major landscape impact, exacerbated by the bulk of the building across its 44m length. There was clear advice from the Landscape Officer that such an impact would be unacceptable, given the level of projection of building above the tree line when viewed from the A72. There was also likely to be local impacts from the B7062 next to the site.

Those landscape impacts were exacerbated by the circuitous access track, water holding tank and solar array which would all be wholly visible above the tree canopy from the A72, increasing the development of an elevated field. The solar panels would face away from view so there would be no reflective impact. However, the slope of the ground means that the elevated rear of the structures would be presented to public view to the north, rising up the hill to the Laverlaw Road and introducing an intrusive element into the hill slope. The effects would be contrary to the purposes of designating the Special Landscape Area in the first instance.

An associated application for hay sheds and a feed silo simply proposed buildings of much greater ridge heights in similar positions to the cattle court/mushroom/rabbit sheds. The impacts would be even more immense on the hillside above the tree canopy, topped by a towering silo structure which would even be sited on higher land still. There would be no amount of ground regrading that would make these proposals



anything other than significantly prominent in a designated landscape. That application was also considered unacceptable on grounds of landscape impact, within a designated landscape area.

The application for the storage building and animal flotation tank building cause the same issues of landscape impact. Whilst it is accepted that at least they would have the appearance of being more visually related to the existing buildings in terms of location to the rear of existing buildings, the level of projection above the ridge of the existing buildings would still be excessive, ranging from 3.7m for the flotation tank building to 5.6m for the storage shed building. It is acknowledged that the line of tree cover north of the public road is a little higher at this end of the land holding and the existing buildings are screened by those trees - but only just. It is considered that there is not a further 3.7-5.6m vertical height screening above the tree tops to enable such large buildings set at higher level to be effectively screened, either from the A72 or from the public road adjoining the site. Whilst there may be a second topographical survey plan which could have covered this end of the site, this has not been submitted with the application and it would be highly unlikely, in any case, that there would be any demonstration of adequate existing screening given the height differentials between the existing building ridges and those proposed - especially the storage building ridge. It certainly appears that the existing contours would be similar to those being proposed for the rabbit/mushroom sheds. without the cutting into ground levels as proposed for those buildings. Excavation in this location would also cause difficulties with the upper yard, access and impacts on the rear of the existing buildings. It is concluded that the impacts on the landscape would be significant with this proposal, affecting the character and quality of the designated landscape and particularly noticeable from the A72. This is the conclusion of the Landscape Officer."

Although there have been several other decisions on planning applications since the above was written, none have changed the position in relation to landscape impact. Nor have the new LDP Policies altered the Council's position on landscape impact in a Special Landscape area. Whilst the previous associated storage building would have been the most prominent which has now been dropped from the proposals, the previous application was still refused on the basis of the landscape impact of the animal flotation building too, it being considered that 3.7m of height extension above the current building ridge lines was not acceptable and would lead to unacceptable landscape prominence. The switch in ridge position would not be sufficient to reduce the impacts to acceptable levels. The Council Landscape Architect continues to oppose the application for these reasons.

The previous application was also refused on road safety grounds due to lack of information . The previous Handling Report stated the following:

"Roads Planning also consider there to be a lack of information in terms of the number of vehicle movements this proposal (and the others) will bring. They have requested a Transport Statement to be submitted which details the type, number and size of vehicle trips which will be generated by this proposal along with the frequency of trips. The statement must also include anticipated traffic movements for all other proposed development served by this access.

Given the uncertainty over the scale of the buildings and their suitability for the purposes intended, it is understandable that there are Roads concerns over the ability of the access to accommodate the development without further information being submitted. In the absence of such information, it has not been adequately demonstrated that the access is capable of safely accommodating the traffic generated by the proposed development. This would be contrary to Policy D1 of the Consolidated Local Plan."

These concerns still exist, even with the fact that the application is only for the flotation unit.

Economic Development have commented on the lack of a Business Plan again with this application, despite the application only being for the flotation unit. The comments in the previous Handling Report remain pertinent to the resubmitted application, albeit Policies PMD2 and ED7 have replaced Policies G1 and D1, as follows:

"Policy D1 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the remainder are occupied already by buildings and the yard area. The stated purpose of the buildings and their scale raise issues over need and justification, as with the other proposals and in the absence of a co-ordinated Business Plan. .... It is also questioned whether such a modest holding, already with a range of

buildings (including a consented cold storage building and tractor shed) can justify such large additional accommodation which appears duplication. In the absence of a Business Plan, there is no demonstration of the required need for such buildings on this small holding.

It is concluded that the application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings that would justify an exceptional permission in this rural location and therefore the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location."

There were a series of issues also raised by Environmental Health covering private water and private drainage issues which could all be covered by appropriate conditions. The Archaeology Officer is not concerned at these proposals, given the previous development of the steading buildings and the lack of any significant findings.

#### **REASON FOR DECISION :**

1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.

3 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

#### **Recommendation: Refused**

1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.

3 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

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





**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 15/00563/FUL

**APPLICANT :** Cleek Poultry Ltd

**AGENT :**

**DEVELOPMENT :** Extension to form additional cold storage with agricultural storage shed above, erection of animal flotation unit and installation of roof mounted photovoltaic panel array

**LOCATION:** Field No 0328 Kirkburn Cardrona  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
SUNMODULE 196 04 REV A	Specifications Elevations	Refused Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Roads Planning:

The principle of agricultural activity at this site has already been established through various applications. However it is disappointing to note that previously conditioned work has never been completed, with the bell mouth still requiring to be surfaced and visibility from the access onto the public road remains substandard. This proposal, if approved, is obviously going to increase the amount of vehicles using the access and, as such, enforcement action should be raised to enforce the compliance of the existing conditions.

There is a lack of information in terms of the number of vehicle movements this proposal will bring. As such, I will require a Transport Statement to be submitted which details the type, number and size of vehicle trips which will be generated by this proposal along with the frequency of trips. The statement must also include anticipated traffic movements for all other proposed development served by this access.

Should this application be supported, then I must insist that the access is upgraded as per my comments below prior to work commencing on the development. A detailed plan should be submitted for approval showing the following upgrading works;

- The first 6m of the access to be at a gradient of no steeper than 1 in 15, with the access track no steeper than 1 in 8 thereafter.
- The access road must be a minimum of 6m wide for a minimum 10m length, with 6m radii at the bellmouth.

- The first 6m of the access to be surfaced to my specification i.e. 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.
- Measures to be put in place to prevent the flow of water onto the public road.
- Visibility splays of 2.4 by 120 metres in either direction onto the public road. These splays must be retained in perpetuity thereafter.

It should be noted that access requirements were conditioned as part of a previous application for holiday lodges by the same applicant, 12/00902/FUL, which is yet to be implemented. A detailed drawing of the junction upgrades was submitted to the Council and subsequently approved.

Until I receive this additional information I must withhold my support for this proposal.

Landscape Officer:

#### Description of the Site

The site is located in the western part of a larger north facing field on the southern side of the Tweed valley.

The site lies wholly within the Tweed Valley Special Landscape Area (SLA) and the designation recognises the special character of the valley landscape in the Designation statement as follows:

‘The broad Tweed Valley is typical of the Borders, and is the most familiar of the Borders valleys.

Accordingly it has a strong sense of place, with certain views being instantly recognisable. The varied mix of landscape elements is highly representative, with forestry, woodland, open hillsides and pastoral farmland all juxtaposed. Added to this mix is a range of settlement types, with the valley providing the setting to several settlements. The landscape unfolds as the viewer follows the river through the valley, presenting new vistas alternately dominated by forestry, as around Walkerburn, or by the steep rocky slopes above Innerleithen. The contrast between the well settled valley and the bare heather and grass moors and landmark hills is striking. Well-designed forestry actively contributes to this visual experience in places.’

The Inventory Designed Landscape of Kailzie lies immediately across the minor road to the north.

The field slopes steeply down to the minor road that runs northeast/ southwest immediately to the north.

#### Nature of the Proposal

The proposal is for the erection of a 10m x 14m store with staff facilities and roof mounted solar panels, a 25 x 6m building to house an animal therapy flotation tank also with roof mounted solar panels.

#### Implications of the Proposal for the Landscape including any Mitigation

The submission provides nothing in the way of topographical information and given that there are no cross sections showing how the proposal related to existing site levels, I am concerned that the sheds may be visible from the north side of the valley and more locally from the B7062 immediately to the north of the field. I suggest that the existing trees along the north boundary may not provide adequate screening for these sheds and it may be that they will be seen from much of the surrounding elevated land to the north west, north and north east.

No Landscape and Visual Impact Assessment (LVIA) has been undertaken to test the scheme to test the visual effect on the integrity of the SLA and visual impact on the receptors on the adjacent road.

Local Plan Policy EP2 requires developers to comply with Structure Plan policy N11 which states that ‘In assessing proposals for development in AGLVs (replaced by SLAs in 2012), the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development.’

#### Conclusion

The submitted information was limited and I have a concern that the proposal will be highly visible and will have a serious negative visual impact on this part of the Tweed valley.

I would expect to see a realistic photomontage presentation submitted as part of a LVIA to establish how visible this proposed development would be from a number of sensitive receptors both in the immediate vicinity and across the valley.

Without a simple landscape and visual impact assessment that clearly shows the effects on this part of the Tweed valley SLA, I cannot make an informed judgement about this proposal and I therefore do not support this application.

Archaeology Officer: Thank you for requesting an archaeology consultation. The application area was partly covered by a previous archaeological watching brief that failed to identify significant archaeology. Given this, and groundworks that have commenced in the immediate vicinity since the watching brief in 2005, I do not believe there are any further mitigation measures required.

Environmental Health:

Amenity and Pollution

Assessment of Application

Noise

Water and Drainage

This Application includes proposals to erect a cold store and a solar panel array. Refrigeration equipment can be a source of noise complaints if not properly installed and maintained.

Electrical power generating facilities can cause noise impacts from transformers and other ancillary equipment.

This Application proposes to use a private water supply and drainage system.

These can impact of public health.

Recommendation

Agree with application in principle, subject to Conditions.

Conditions

Noise

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

Reason To protect the residential amenity of nearby properties.

The Unit shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason To protect the residential amenity of nearby properties.

No development should commence until the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.

Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.

No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition

Reason: To ensure that the development does not have a detrimental effect on public health.

Informative

#### Private Water Supply

As the proposal may result in the general public consuming the water from the private water supply, the supply will be classed as a Type A. This will mean that the supply will be subjected to annual water testing and a risk assessment of the supply. The applicant should contact an Environmental Health Officer before becoming operational to discuss testing of the water.

#### Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exists for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

Peebles and District Community Council: Response awaited.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development

Policy BE2 Archaeological Sites and Ancient Monuments

Policy EP2 Areas of Great Landscape Value

Policy D1 Business, Tourism and Leisure Development in the Countryside

"Special Landscape Area 2 - Tweed Valley" - Supplementary Planning Policies

**Recommendation by** - Craig Miller (Lead Planning Officer) on 29th July 2015

The site forms part of an 8 acre smallholding at Kirkburn, Cardrona, on the back road to Peebles. This planning application is one of six which have been submitted for various buildings and structures on the land to the south and west of the holiday chalets site. Together with a seventh proposal in the form of an AGN, four of the applications all relate to the same site and are competing proposals, only one of which could actually be implemented. This application is for two new buildings erected at higher yard level above and behind the existing range of buildings and recently consented cold store.

The first building will be erected on top of the previously consented cold store and over a proposed excavated cold store extension, one described as being for poultry, the other for red meat. Above these areas, a new storage shed is proposed measuring 10m by 14m, 6m to the eaves and 7.3m to the ridge both as measured from the upper yard. The second building will be to the rear of the existing buildings and will be erected at upper yard level, measuring 6m by 24m, 4m to the eaves and 5.5m to the ridge. They will be clad in larchlap boarding with a charcoal grey fibre roof, the larger building possessing two roller shutter doors to the side gable and two pedestrian doors to the rear. Two further roller shutter doors will serve the cold stores. The interior of the larger building is described as for tractors/implements/mobile food van parking. Staff quarters are shown at one end of the building at mezzanine level consisting of a rest room, toilet and kitchenette. The smaller building is proposed to house an animal flotation tank with roller shutter door and pedestrian door.

The site also lies within the Tweed Valley Special Landscape Area No. 2 - a recent local landscape designation which requires extra care and attention to be paid to development that could adversely impact on the character of the landscape. Management recommendations were set out in the Supplementary Planning Guidance accompanying the designation, the most pertinent being "...to better integrate existing development into the landscape". This was arising out of pressure for development on hills and hillsides across the designated area.

Such considerations were uppermost when the adjoining holiday chalets application was considered at Committee. As a result of concerns over visual impacts on rising land, revisions to the scheme were required to reduce impacts on the recently designated landscape. This involved removal of upper chalets and the loop road as well as a series of cross sections to demonstrate that the development would not be seen from the A72 on the Horsbrugh Straight above the existing tree canopy line.

In processing the initial AGN application for Mushroom growing sheds, concern was expressed that those sheds were as tall as the Hub House within the holiday development, yet apparently on higher ground by several metres. The tree top heights on the sections submitted with the holiday chalets application indicated screening up to about 188m AOD which was sufficient to screen the Hub House. It was not felt that the proposed sheds would be screened to the same extent by the existing trees, the Landscape Officer believing that they will be highly visible above them. The same loop road was also proposed as part of the Mushroom sheds application which would also be visible above the tree canopy.

The Landscape Officer concluded that in the absence of any Landscape and Visual Impact Assessment to prove otherwise, the development would have a detrimental impact on the Special Landscape Area. The applicant was invited to respond to these concerns with supporting information which could include cross sections, photomontages, topographical and floor level information. They were also invited to consider the precise siting of the sheds and the roof height and design. It was clearly stated, however, that any additional information submitted may still confirm the concerns over landscape impact, especially if significant excavation required to lower floor levels remains prominent in itself.

A revised plan was submitted for the mushroom shed application accompanied by a topographical detailed survey and proposals to reduce the impacts of those buildings by cutting in the floor level as well as reducing the heights of those buildings from 7.3m down to 4.8m. The accompanying letter believed that they were a better design solution than the initial proposal. Tree heights were demonstrated, in the highest case, to be higher than the ridge height now proposed. However, of the tree heights actually shown, the general top of the tree line is still appreciably below the ridges of the two buildings. The most recent application on the same site for rabbit breeding sheds goes further and lowers the floor levels even more whilst still keeping the new 4.8m ridge height. These reductions and design solutions are still being considered, noting that it is possible that the ridge heights of those buildings could be as little as 0.5-1.5m above the average tree line height. The applicant has been written to with further requests to pull the floor level of the mushroom sheds down to that of the rabbit sheds - amongst other issues still to be addressed.

This background also includes recent consideration of the application for a cattle court building on the site, which was neither cut into the site nor lower in height, being more than 2.5m above the heights of the revised mushroom/rabbit sheds, without taking into account any cut into the site. Even if such cut was proposed for the cattle shed application, the height of the building would still result in projection above the average tree height by at least 3-4.5m which would have a major landscape impact, exacerbated by the bulk of the building across its 44m length. There was clear advice from the Landscape Officer that such an impact would be unacceptable, given the level of projection of building above the tree line when viewed from the A72. There was also likely to be local impacts from the B7062 next to the site.

Those landscape impacts were exacerbated by the circuitous access track, water holding tank and solar array which would all be wholly visible above the tree canopy from the A72, increasing the development of an elevated field. The solar panels would face away from view so there would be no reflective impact. However, the slope of the ground means that the elevated rear of the structures would be presented to public view to the north, rising up the hill to the Laverlaw Road and introducing an intrusive element into the hill slope. The effects would be contrary to the purposes of designating the Special Landscape Area in the first instance.

An associated application for hay sheds and a feed silo simply proposed buildings of much greater ridge heights in similar positions to the cattle court/mushroom/rabbit sheds. The impacts would be even more immense on the hillside above the tree canopy, topped by a towering silo structure which would even be sited on higher land still. There would be no amount of ground regrading that would make these proposals anything other than significantly prominent in a designated landscape. That application was also considered unacceptable on grounds of landscape impact, within a designated landscape area.

The application for the storage building and animal flotation tank building cause the same issues of landscape impact. Whilst it is accepted that at least they would have the appearance of being more visually



related to the existing buildings in terms of location to the rear of existing buildings, the level of projection above the ridge of the existing buildings would still be excessive, ranging from 3.7m for the flotation tank building to 5.6m for the storage shed building. It is acknowledged that the line of tree cover north of the public road is a little higher at this end of the land holding and the existing buildings are screened by those trees - but only just. It is considered that there is not a further 3.7-5.6m vertical height screening above the tree tops to enable such large buildings set at higher level to be effectively screened, either from the A72 or from the public road adjoining the site. Whilst there may be a second topographical survey plan which could have covered this end of the site, this has not been submitted with the application and it would be highly unlikely, in any case, that there would be any demonstration of adequate existing screening given the height differentials between the existing building ridges and those proposed - especially the storage building ridge. It certainly appears that the existing contours would be similar to those being proposed for the rabbit/mushroom sheds. without the cutting into ground levels as proposed for those buildings. Excavation in this location would also cause difficulties with the upper yard, access and impacts on the rear of the existing buildings. It is concluded that the impacts on the landscape would be significant with this proposal, affecting the character and quality of the designated landscape and particularly noticeable from the A72. This is the conclusion of the Landscape Officer who also points out the lack of any Landscape and Visual Impact Assessment to demonstrate the impacts of the development.

I have no issues with the solar panels on the rear facing roof slopes.

Policy D1 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the remainder are occupied already by buildings and the yard area. The stated purpose of the buildings and their scale raise issues over need and justification, as with the other proposals and in the absence of a co-ordinated Business Plan. There is staff provision in the storage building in the form of a rest room, kitchenette and a toilet which either seem unnecessary and unrelated to tractor and vehicle storage - or excessive in that such provision could be provided elsewhere on the holding, probably within the existing buildings. Certainly, there would be no effective justification to have these facilities duplicated in every building proposed on this site. It is also questioned whether such a modest holding, already with a range of buildings (including a consented cold storage building and tractor shed) can justify such large additional accommodation which appears duplication. In the absence of a Business Plan, there is no demonstration of the required need for such buildings on this small holding.

It is concluded that the application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings that would justify an exceptional permission in this rural location and therefore the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location.

Roads Planning have concerns over this proposal together with others submitted on the same and adjoining sites. They point out that conditioned work has never been completed, with the bell mouth still requiring to be surfaced and visibility from the access onto the public road remaining substandard. This proposal, if approved, would increase the amount of vehicles using the access and should it be approved, upgrading works should be conditioned following the submission of details. Roads Planning also consider there to be a lack of information in terms of the number of vehicle movements this proposal (and the others) will bring. They have requested a Transport Statement to be submitted which details the type, number and size of vehicle trips which will be generated by this proposal along with the frequency of trips. The statement must also include anticipated traffic movements for all other proposed development served by this access.

Given the uncertainty over the scale of the buildings and their suitability for the purposes intended, it is understandable that there are Roads concerns over the ability of the access to accommodate the development without further information being submitted. In the absence of such information, it has not been adequately demonstrated that the access is capable of safely accommodating the traffic generated by the proposed development. This would be contrary to Policy D1 of the Consolidated Local Plan.

There were a series of issues also raised by Environmental Health covering noise, private water and private drainage issues which could all be covered by appropriate conditions. The Archaeology Officer is not



concerned at these proposals, given the previous development of the steading buildings and the lack of any significant findings.

#### **REASON FOR DECISION :**

The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed buildings will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings and that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location.

The application is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

#### **Recommendation: Refused**

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed buildings will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings and that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

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



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference: 15/00563/FUL

To: Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles

With reference to your application validated on **28th May 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal: Extension to form additional cold storage with agricultural storage shed above, erection of animal flotation unit and installation of roof mounted photovoltaic panel array**

At: Field No 0328 Kirkburn Cardrona Scottish Borders

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

Dated 3rd August 2015  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA

Signed

  
.....

Chief Planning Officer

**APPLICATION REFERENCE: 15/00563/FUL**

**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
SUNMODULE 196 04 REV A	Specifications Elevations	Refused Refused

**REASON FOR REFUSAL**

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed buildings will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
  
- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings and that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location.
  
- 3 The application is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

**FOR THE INFORMATION OF THE APPLICANT**

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

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

## PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 13th May 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/00495/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 3rd June 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 3rd June 2016, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Cleek Poultry Ltd

**Agent:** N/A

**Nature of Proposal:** Extension to form animal flotation unit

**Site:** Field No 0328 Kirkburn Cardrona Scottish Borders

---

**OBSERVATIONS OF: Economic Development Section**

## CONSULTATION REPLY

- There appears to be no business case supporting documents with this application so Economic Development cannot support this application without full sight of this information. The drawing refers to the use of the flotation unit for toning muscle on animals reared for slaughter – therefore, please can the applicant be requested to, and confirm that, the unit will be included as a part of an agricultural business and submit a business plan, including cash flow projections, in order for it to be evaluated.
- Economic development would also have concerns about the proximity of the flotation unit to an existing consent for holiday lodges, as we do not consider that they would be compatible if both are developed.

## PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 13th May 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/00495/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 3rd June 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 3rd June 2016, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Cleek Poultry Ltd

**Agent:** N/A

**Nature of Proposal:** Extension to form animal flotation unit

**Site:** Field No 0328 Kirkburn Cardrona Scottish Borders

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**OBSERVATIONS OF: Archaeology Officer**

## CONSULTATION REPLY

Thank you for requesting an archaeology consultation. There are no archaeological implications for this proposal. The western half of the red-line area was archaeologically monitored in 2005 during a top-soil strip. No features or finds were identified. The eastern half has been impacted by track creation. As such, there is a very low chance for archaeological discovery within the proposed development area.

**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	<b>16/00495/FUL</b>
<b>Uniform Ref</b>	<b>15/00946/PLANCO</b>
<b>Proposal</b>	<b>Planning Consultation - Extension to form animal flotation unit</b>
<b>Address</b>	<b>Field No 0328 Kirkburn Cardrona Scottish Borders</b>
<b>Date</b>	<b>1/06/2016</b>
<b>Amenity and Pollution Officer</b>	<b>David A. Brown</b>
<b>Contaminated Land Officer</b>	<b>Reviewed No comment</b>

**Amenity and Pollution**

Assessment of Application

Noise

Water and Drainage

This Application proposes to erect a facility for treating animals.

This Application proposes to use a private drainage system.

This can impact of public health.

**Recommendation**

Agree with application in principle, subject to Conditions.

**Conditions**

*No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition*

*Reason: To ensure that the development does not have a detrimental effect on public health.*

**Informative**

*Private Drainage System*

Private drainage systems often cause public health problems when no clear responsibility or access rights exists for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.



# REGULATORY SERVICES



To: **Development Management Service**  
**FAO Craig Miller**

Date: 8 June 2016

From: **Roads Planning Service**  
Contact: **Paul Grigor**

Ext: 6663

Ref: 16/00495/FUL

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**Subject: Extension to form animal flotation unit**  
**Field No. 0328, Kirkburn, Cardrona, Scottish Borders**

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The previous application (15/00563/FUL), which was subsequently refused permission, for a similar proposal on this site requested additional information regarding traffic movements.

The current submission does not include any information on the number, type and frequency of vehicular movements associated with this proposal. As a result, I am unable to make an informed decision of the impact this proposal will have on the junction with the public road and the section of private road leading to the site.

Until I receive this additional information, I must recommend refusal of this application.

**AJS**

## PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 13th May 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/00495/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 3rd June 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 3rd June 2016, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Cleek Poultry Ltd

**Agent:** N/A

**Nature of Proposal:** Extension to form animal flotation unit

**Site:** Field No 0328 Kirkburn Cardrona Scottish Borders

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**OBSERVATIONS OF: Landscape Architect**

## CONSULTATION REPLY

My comments of 20<sup>th</sup> July 2015 in relation to previous application - Ref No 15/00563/FUL remain relevant and apply to this revised application.

Siobhan McDermott  
LANDSCAPE ARCHITECT

21<sup>st</sup> June 2016



**LIST OF POLICIES**

**Local Review Reference:** 16/00024/RREF

**Planning Application Reference:** 16/00495/FUL

**Development Proposal:** Extension to form animal flotation unit

**Location:** Field No 0328 Kirkburn, Cardrona

**Applicant:** Cleek Poultry Ltd

**Adopted Local Plan 2016**Policy PMD2: Quality Standards

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

**Sustainability**

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

**Placemaking & Design**

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

## LIST OF POLICIES

### Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

### Greenspace, Open Space & Biodiversity

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

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

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

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and

## LIST OF POLICIES

- f) the development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

### Policy EP5: Special Landscape Areas

In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

### EP8 Archaeology

#### **(A) National Archaeological Sites**

Development proposals which would destroy or adversely affect the appearance, fabric or setting of Scheduled Monuments or other nationally important sites will not be permitted unless:

- a) the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and
- b) there are no reasonable alternative means of meeting the development need.

#### **(B) Battlefields**

The Council may support development proposals within a battlefield on the Inventory of Historic Battlefields Register, or a regionally significant site, that seek to protect, conserve, and/or enhance the landscape characteristics or important features of the battlefield. Proposals will be assessed according to their sensitivity to the battlefield.

#### **(C) Regional or Local Archaeological Assets**

Development proposals which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset.

In all of the above cases, where development proposals impact on a Scheduled Monument, other nationally important sites, or any other archaeological or historical asset, developers may be required to carry out detailed investigations.

Any proposal that will adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council.

#### **Other Material Considerations**

Scottish Planning Policy

SBC Supplementary Planning Guidance on Local Landscape Designations 2012

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**APPLICATION REFERENCE : 16/00397/FUL**
**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
001	Location Plan	Refused
101	Site Plan	Refused
102	Site Plan	Refused
GP Dimensions	Elevations	Refused
GP Roof	Roof Plan	Refused
GP Door End	Elevations	Refused
GP End Wall	Elevations	Refused
GP Side Wall	Elevations	Refused
Bottom Side Rail	Other	Refused
Side Wall Panels	Elevations	Refused
Container Floor Sheet	Other	Refused
	Photos	Refused
Rear End Wall	Elevations	Refused
GP Wall Section	Sections	Refused
GP Underfloor	Elevations	Refused

**REASON FOR REFUSAL**

- The proposal does not comply with Scottish Borders Council Local Development Plan Policies ED7, EP6 and PMD2 in that there is no overriding economic and/or operational need for the proposal to be sited in this particular countryside location; the proposal would more reasonably be accommodated within the Development Boundary; and the siting and operation of a commercial storage facility would be highly unsympathetic to the rural character and amenity of this site and the surrounding area, principally through the landscape and visual impacts that would result from such an industrial type and scale of operation being accommodated at this highly visible countryside location.

**FOR THE INFORMATION OF THE APPLICANT**

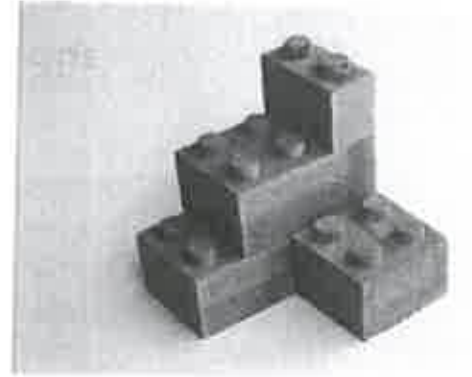
It should be noted that:

- All shipping containers require to be removed from the site at the Applicant's earliest opportunity. While it is reasonable to allow sufficient time for the Applicant to make alternative arrangements for the removal and disposal of all shipping containers, the Planning Authority reserves its right to inspect the site subsequent to this planning decision to ensure that the site is being operated in accordance with planning regulations, and if necessary, to pursue enforcement action against any observed breaches of these regulations if the containers, or any part thereof, are found to be still in situ.

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

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

**Corporate Administration,  
Council Headquarters,  
Newtown St  
Boswells,  
Melrose  
TD6 OSA**



12 August 2016

Dear Sir/Madam,

**PLANNING REFERENCE: 16/00397/FUL - Change of use of land to commercial storage and siting of 42 No storage containers (retrospective) at Land East Of Langlee Mains Farmhouse, Galashiels**

Please find enclosed our appeal to the Local Review Body relating to the refusal of planning permission for the above planning application.

Yours faithfully,



Peter MacLeod, BSc. MSc. MRTPI



**NOTICE OF REVIEW**

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

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

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

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

**Use BLOCK CAPITALS if completing in manuscript**

**Applicant(s)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

**Agent (if any)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

Yes No

\* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site inspection**

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

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

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

The units are not easily viewed from the public road. There is heavy plant and vehicles moving on site which could be a risk to the safety of persons on site.

**Statement**

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

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

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

The applicant wishes to appeal under section 43A (8) a of the Town and Country Planning (Scotland) Act 1997 against the refusal of the planning application.

The application was refused for the following reason:

"The proposal does not comply with Scottish Borders Council Local Development Plan Policies ED7, EP6 and PMD2 in that there is no overriding economic and/or operational need for the proposal to be sited in this particular countryside location; the proposal would more reasonably be accommodated within the Development Boundary; and the siting and operation of a commercial storage facility would be highly unsympathetic to the rural character and amenity of this site and the surrounding area, principally through the landscape and visual impacts that would result from such an industrial type and scale of operation being accommodated at this highly visible countryside location."

Whilst it is appreciated that the proposed change of use does not satisfy the usual criteria for a countryside location it is considered that there are a number of mitigating circumstances and material considerations that require to be fully considered.

The applicant made a substantial case for the support of the proposals in the planning statement submitted with the planning application. The applicant now wishes to expand on some of these considerations and a further report has been submitted with this appeal in a separate Appeal Statement document.

It is not clear whether the option for a hearing requires to be taken. The applicant and/or his agent would like to submit further written representations and have the opportunity to speak at the local review.

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

Yes  No

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

The submitted material is more of an elaboration on what has already been submitted in the planning statement concentrating more on the reasons for refusal.

In addition we have obtained statements from business occupiers of the storage units and from the surrounding land owner.

These have been submitted in response to the reasons for refusal. The planning statement submitted with the planning application had previously been considered sufficient to support the proposal. The reasons for refusal and the report of handling have raised points which now require further elaboration on points previously made.



**List of documents and evidence**

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

Original Planning Statement  
 Original plans  
 Appeal statement (including letters of support)

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

**Checklist**

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

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

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

**Declaration**

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

Signed

Date

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

**Appeal against refusal of Planning Permission for Commercial Storage Use  
At  
Farknowes, Langshaw Road, Galashiels**



**12 AUGUST 2016**

Peter Macleod, BSc, MSc, MKTPI  
122 Scott Street  
Galashiels  
Selkirkshire  
TD5 1DF

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## **1. INTRODUCTION**

### **THE SITE**

The site is the former Forth Meats Supplies depot at Farknowes on the Langshaw Road. It is currently the base for Wilson G Jamieson Fencing & Forestry Ltd (the appellant).



**Figure 1. An aerial image of the surrounding area. The site is marked by a red dot**

### **THE PROPOSAL**

The proposal is retrospective, and is for the change of use of part of the site to commercial storage. The storage is provided within 42 steel freight containers. The proposal includes the planting of a hedge of indigenous species between the road side and the containers.

The proposal uses existing infrastructure, existing access and it requires no further staffing resources.

### **EVOLUTION OF THE SCHEME**

The appellant acquired the site in 2012 from the landowner, who also is owner of the surrounding farm land and cattle sheds.

The appellant invested a large amount of money in the improvement of the site, much of which had serious ground conditions and drainage problems. This required approval from SEPA. One of the conditions that SEPA attached to the granting of the license was that the improvement was required for an enhanced use of the land. The appellant decided that the storage facility was a simple way of achieving this. The use would require no further staff, it was a low intensity use and it involved no buildings. At the time he was not aware that the placing of the containers would require planning permission or that it would be a problem use in this location. The

containers were placed adjacent to the existing building and were factory painted a dark green to match the existing shed.

#### **PLANNING HISTORY (Land East of Langlee Mains Farmhouse Galashiels)**

The matter first came to light when the appellant made an application for a new building in connection with his forestry operations in December 2015.

05/00890/COU – “Part change of use and alterations to form meat processing facility”. Approved subject to conditions

05/00891/OUT - Erection of offices and welfare accommodation to service meat processing facility . Approved subject to Conditions & Informatives

05/02107/FUL – “Part change of use and alterations to form meat processing facility and erection of welfare and office accommodation”. Approved subject to conditions.

10/00249/FUL - Change of use of land to form temporary construction base, siting of 4 No storage containers, 7 No office units and 1 no security office, and erection of temporary ‘heras’ boundary fencing. Approved subject to Conditions & Informatives.

15/01451/FUL - Extensions to form 2 No storage units (retrospective) and 7 No storage units and erection of wood storage building . Refused

16/00397/FUL - Change of use of land to commercial storage and siting of 42 No storage containers (retrospective). Refused with informative.

#### **The Reason For Refusal Of Application 16/00397/FUL**

*“The proposal does not comply with Scottish Borders Council Local Development Plan Policies ED7, EP6 and PMD2 in that there is no overriding economic and/or operational need for the proposal to be sited in this particular countryside location; the proposal would more reasonably be accommodated within the Development Boundary; and the siting and operation of a commercial storage facility would be highly unsympathetic to the rural character and amenity of this site and the surrounding area, principally through the landscape and visual impacts that would result from such an industrial type and scale of operation being accommodated at this highly visible countryside location.”*

An informative was also attached which stated:

*“All shipping containers require to be removed from the site at the appellant’s earliest opportunity. While it is reasonable to allow sufficient time for the appellant to make alternative arrangements for the removal and disposal of all shipping containers, the Planning Authority reserves its right to inspect the site subsequent to this planning decision to ensure that the site is being operated in accordance with planning regulations, and if necessary, to pursue enforcement action against any observed breaches of these regulations if the containers, or any part thereof, are found to be still in situ.”*

## 2. THE APPEAL

### CONTEXT

The business is run in conjunction with the appellant's forestry and fencing business on site. The operator is an established Galashiels based family business, and a recognised sponsor of the Galashiels Braw Lads Gathering.

The site is located in the countryside to the outskirts of Galashiels. It originated as a farm yard but had been in use as a meat supplier's depot prior to ownership by the present appellant. It has recently been granted planning permission to operate as a forestry business including the erection of a new storage building and an extension to the existing building, all as ancillary buildings to the forestry and fencing operations at Farknowes.

The site no longer forms part of an agricultural unit and is unlikely ever to return to such a use.

Two cattle sheds are located to the immediate west side of the site, which add to the local activity and the generally 'developed' appearance of the site. To the east is the former landfill site and land gas generating plant. Not much further south on the east side of the road is the Council's refuse and recycling site (see aerial image above).

### COUNCIL POLICIES

The original planning report listed all of the relevant policies, however the only policies referred to in the reason for refusal are Policies ED7, EP6 and PMD2. These relate to business in the countryside, countryside around towns and quality standards respectively. All three are listed in full in the appendix.

### RESPONSE TO THE COUNCIL'S ASSESSMENT AND DECISION

The report of handling states that "*The site is agricultural land out with the Development Boundary*". It is considered that this is a misleading description of the site. It is a long time since it was in any form of agricultural use and a significant period of time since it was agricultural land. It was previously part of a meat supplier's site and it now has planning permission for forestry and fencing related activities. It is unlikely to return to agricultural use.

#### Planning Principle/Policy

The report advises that Policy ED7 requires a business to have an economic or operational need for the countryside location. In this instance the principal reason is that the site is within the location of the appellant's main business.

The site at present has much more space than the appellant needs for the forestry and fencing business. Also the ground improvements carried out were licensed by SEPA on the basis that it was needed for a specific use. The appellant had been aware that there was a need for cheap storage solutions for local businesses and the opportunity arose to purchase the containers. Therefore the business idea developed from this. The storage use is a very low intensity use. There is no pollution and very little activity associated with the use. It also requires little in the way of supervision, however it does require secure presence. It therefore was appropriate to combine the storage use with the existing uses which allows the operation to be managed simultaneously with the forestry/fencing operation, requiring no further staff or infrastructure. There is no additional lighting required other than that which already exists with the forestry operations. The existing use already has security measures in place which will also ensure that the storage use is made secure (fencing, cameras and lighting).

Therefore the main operational/economic reasons are that the site already contains all the necessary infrastructure and staff resources to support it. There were already business activities on site and it made sense to combine the two rather than have two separate sites.

The second reason is that the site is easily accessible from both the town and the countryside. It is only 850 metres from the B6374 Melrose Road.

Thirdly, there are in fact very few locations within the Galashiels development boundary where such a use could be accommodated. It is also argued that the proposed use would not make very good use of urban sites as it is a very low intensity use with very little in the way of job creation. The urban sites are better reserved for more intensive uses with higher employment rates. Also the urban sites would draw a far higher land cost and this would reduce the attractiveness of the storage units to small business looking for low cost solutions, in particular starter companies. In the current economic climate the cost of off-site storage needs to be kept as low as possible.

The report states that **Policy EP6** also requires that there is an essential requirement for a rural location and that it is appropriate to the countryside setting. The area is not wholly rural in character and the proposed use has little in the way of impact in visual terms. The units have been carefully laid out so they are viewed against the existing and proposed buildings, and they have been factory painted to match these rural buildings. It has always been the appellant's intention to further screen these to the road side with indigenous hedge planting. This was put on hold until the current application process has been concluded. The site is actually not very visible from the surrounding countryside. It is set within a dip and is further screened by existing vegetation. If driving along the Langshaw Road it is only visible for a relatively short length of the road. It is not visible from the road to Langlee Mains, above and to the west of the site.



### **Economic Considerations**

In the case officer's report under the sub-heading 'Economic Considerations' it is clear that the proposal is supported by the Council's Economic Development division, but that the planning case officer is not satisfied that the use can be justified in this location.

The suggestion that the appellant's assertion that there is a demand for storage in the area is 'non-specific' is unreasonable. The appellant did not carry out a market survey, however the nature of the appellant's business, and the numerous business contacts that he has developed meant that not only was he very aware himself that such a facility was in demand and in low supply, he was also getting the same views expressed to him by other businesses. It is for this reason that he invested over £50,000 in purchasing the storage containers.

The demand would not be met in the development boundary. There are no suitable sites. Any sites involving buildings within business locations would increase the cost to a point that would not be viable to the small businesses that are using the facility.

The feedback from the questionnaires sent out was conclusive of several things, most notably that there are no other similar facilities available locally and that the site is very easily accessed.

The report suggests that the appellant is taking advantage of the low cost of an 'out of town' location to get a better position in the market over rivals, and that demand only exists due to the low price derived from the locational advantage. This is very misleading. The main point here is that there are no rivals. Also, a very valid point is that this business idea only becomes viable if the costs are very low as the market is not for businesses with unlimited finances. It is a relatively marginal market. Businesses do not wish to spend large amounts of their budget on storage of equipment that may or may not be required. It is not a service that can charge the high costs that would be associated with a building, or serviced site within the town. This is possibly why there are no existing similar services available. What such a use requires is some low cost land close to the town with good access and good security. The Farkowes site has these attributes. It also benefits from being a secluded and well screened site and located in an area where there are other activities that impact upon the character of the area in general.

It is true that the storage containers are available to any businesses and not just to rural businesses. However they are still available to rural businesses or to town based business that carry out work in the countryside and the site now provides this facility that previously did not exist to either. The location provides easy access for both rural and town based businesses. The appellant also offers the opportunity to hire a unit on your own land, and will arrange delivery of the storage container.

## Landscape Considerations

The site benefits from being well screened and the further proposed landscaping would enhance this further.

In the report under the sub-heading 'Landscape Considerations' the case officer advises that the shipping containers are an alien form to be found in the countryside, that they are an industrial feature more reminiscent of a dockyard or haulage yard. This is disputed. Shipping containers are frequently utilised by farmers and others in rural locations, but it is agreed that they are not often seen in the numbers presently present at Farknowes. The appellant has however taken great care to have these containers painted a dark rural green colour, and has arranged them so they align with the existing building on site and the proposed new building. These containers are no higher than the block-work base of the existing and proposed buildings and they are the same colour as the metal cladding. If this permission is granted then the appellant will proceed with his proposed planting scheme which will further screen the containers. Also, the containers that are seen in haulage yards and dockland areas are usually bright red, orange, white or blue in colour. The comparison is considered to be inaccurate. Furthermore, the smaller numbers of containers often seen in farms and other rural areas tend to be these brighter colours.

The case officer comments that the site is highly visible. It is contested that this is not accurate. The site is only visible for a relatively short stretch of the public road. Yes it is highly visible from the adjacent public road, but that is because it is only 12 to 15 metres away. Once a hedge is allowed to mature the visibility from the adjacent road will be significantly lower even from close distance. Also, it is viewed in the context of the existing buildings, and the units have been painted to match.

The following four images demonstrate the limited visibility of the site. The first of the photographs shows the first point at which it becomes visible from the south.. The final three are of varying distances away from the site to the north on the Langshaw Road .



Figure 2. The site first comes into view heading north on the Langshaw Road



**Figure 3. View to the site at around 600 metres to the north**



**Figure 4. View to the site at around 300 metres to the north**



**Figure 5. View to the site at around 100 metres to the north**

### **Access and Road Safety**

The operation has a very low intensity of traffic generation. This has created no problems to date and there have been no conflicts between the three uses that utilise the existing shared access. The access has good visibility and has a non-loose surface adjacent to the road.

The appellant has right of access for his business operations. If necessary the access could be improved either in terms of width, surfacing or sight lines.



**Figure 6. The existing site entrance**

## CONCLUDING REMARKS

The proposed use provides an invaluable resource to local companies at an affordable price. The demand for such a use has been clearly demonstrated by the rate at which the units were filled and the positive feedback received from business customers.

The proposal makes good use of surplus land and the existing infrastructure, staff and security within the appellant's existing site.

There are no alternative sites presently available for a development of this nature within the Galashiels settlement boundary.

There are very limited commercial storage solutions presently available in the Borders area.

The use is not out of character with the area. The use is a very low intensive one and the units have been carefully sited and coloured to blend in with the surroundings. Landscaping will further enhance this. Even if another farm user could be found for this part of the site, the impacts on the surrounding environment in terms of movement of farm machinery and goods vehicles on the local roads would be no different from (and could indeed be greater than) the proposed Class G use.

The proposed development will have minimal impact upon the landscape setting of the site and the character of the area in general. The colour of the storage units and their positioning has been well thought out and the proposed landscaping measures will mitigate visual impact further.

The proposal will not undermine the policies of the development plan. These policies are not unreasonable and are appropriate in the majority of cases, but as with all policies they cannot be written to cover every single eventuality and in this case there are circumstances which the policies have not prescribed for.

The proposed development should not set an undesirable precedent as the set of circumstances demonstrated in this case would not normally be present. Each case that the Council considers will be dealt with on its individual merits in the context of the development plan and other material considerations.

**The appellant therefore submits that under these circumstances an exception to policies ED7 EP6 and PMD2 be allowed and that planning permission be granted for the proposed storage use.**

Addendum: If the Local Review Body Members have any concerns about granting planning permission, as this is a retrospective proposal and the investment has already been made, the appellant would be willing to accept a temporary consent (suggested three years). At the expiry of this temporary consent the appellant would be entitled to make a further application to continue the use either permanently or for a further temporary period.

## **SUMMARY OF FACTS**

- **The site has existing activities and will unlikely return to agricultural use**
- **The Site is well laid out and well managed**
- **Units are painted to match existing buildings, and are sited between the buildings and the road**
- **There are no alternatives locally**
- **There have been no complaints regarding the operation**
- **Positive feedback received from surrounding landowner**
- **It provides a valuable facility for local business**
- **Low cost due to location makes it a viable business**
- **Utilises existing infrastructure and staff resources on site**
- **Other local commercial uses in the area**
- **Low visibility within the surrounding landscape**
- **Proposed landscaping will further improve the setting**

## 5. APPENDICES

### A. Policies referred to in reasons for refusal: -

#### **POLICY PMD2 – QUALITY STANDARDS**

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings.

A set of standards are listed under the headings of SUSTAINABILITY; PLACEMAKING & DESIGN; ACCESSIBILITY; and GREENSPACE OPEN SPACE & BIODIVERSITY.

#### **POLICY ED7: BUSINESS , TOURISM AND LEISURE IN THE COUNTRYSIDE**

The aim of the policy is to allow for appropriate employment generating development in the countryside whilst protecting the environment and to ensure

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and is in accordance with the Scottish Borders Tourism Strategy and Action Plan; or
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PM D2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

#### **POLICY EP6: COUNTRYSIDE AROUND TOWNS**

Within the area defined as 'Countryside Around Towns', proposals will only be considered for approval if they meet the following considerations:



- a) there is an essential requirement for a rural location and the use is appropriate to a countryside setting e.g. agricultural, horticultural, forestry, countryside recreation, nature conservation, landscape renewal, community facilities, or
- b) it involves the rehabilitation, conversion, limited extension or an appropriate change of use of an existing traditional building of character, or
- c) in the case of new build housing it must be located within the confines of an existing building group as opposed to extending outwith it and it must be shown the high quality environment will be maintained. The definition of a building group is stated within Policy HD2 Housing in the Countryside, or
- d) it enhances the existing landscape, trees, woodland, natural & man-made heritage, access and recreational facilities, or
- e) subject to satisfactory design and setting, it has a proven national or strategic need and no alternative is suitable.

**B. The questionnaire and cover letter**



Dear Valued Customer,

Scottish Borders Council has recently refused a planning application submitted by ourselves in relation to our storage containers and our last option is to take the decision through the appeals process. I am currently building our case for the local review body and it would be greatly appreciated if you would complete this short questionnaire and return it as soon as possible.

All submitted questionnaires will be used as evidence in our appeals process.

Yours faithfully,

Wilson Jamieson  
Company Director



**Questionnaire**

**Business name:**

**Contact name:**

**Has the storage facility helped your business in any way? If yes, please explain below:**

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**Has the storage facility allowed you to employ any additional staff?**

**What affect would it have on your business if this storage facility were to be removed?**

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**Are there any other suitable options available to your business that compare locally?**

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**Any other comments i.e. location, availability & suitability**

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**C. The responses from tenants to the questionnaire**

E-mail: [wilson@wilsonjamieson.co.uk](mailto:wilson@wilsonjamieson.co.uk)

**Questionnaire**

Business name: SPG FIRE & SECURITY LTD

Contact name: ANGELA GILLIE

Has the storage facility helped your business in any way? If yes, please explain below:

Yes, it has enabled us to store bulky and expensive equipment which we do not have room for at our office, with the peace of mind it is safe and secure and available to us 24hrs a day 365 days a year.

Has the storage facility allowed you to employ any additional staff?

NO

What affect would it have on your business if this storage facility were to be removed?

Possibly have to sell equipment and hire when required, which would not give us the flexibility as sometimes equipment is required after office hours if we are called to an emergency.

Are there any other suitable options available to your business that compare locally?

NO

Any other comments e.g. location, availability & suitability

Location is great for us as it is 5 minutes from our offices.



E-mail: [wilson@wilsonjamieson.co.uk](mailto:wilson@wilsonjamieson.co.uk)

## Questionnaire

**Business name: Bank Street Dental Practice, 19 Bank Street, Galashiels**

**Contact name: Ian Mascal 01896 752752 bankstdent19@gmail.com**

**Has the storage facility helped your business in any way? If yes, please explain below:**

**The storage facility has been a huge benefit to our practice where storage has been a major problem for years with nowhere to expand premises further in Bank Street, Galashiels. The facility has enabled us to clear a room and create a decent sized staff room that has been greatly appreciated by all our staff. We now also have space to store more day to day items, with easier access as the items requiring longer term storage are conveniently located in the storage unit**

**Has the storage facility allowed you to employ any additional staff?**

**No more staff, big improvement in moral of staff with more space for changing and refreshments**

**What affect would it have on your business if this storage facility were to be removed?**

**Now that we have use of the facility it would be a huge backward step to lose the ability to have spare equipment at such a close, convenient location. We store equipment that should something breakdown we can replace it quickly without having to access an engineer who needs to travel several hours to provide service and charges a very large call out fee**

**Are there any other suitable options available to your business that compare locally?**

**Before renting a storage unit we could not find any similar facility so conveniently located, in such good condition (brand new) and at such a reasonable rate**

**Any other comments e.g. location, availability & suitability**

**There would appear to be a great shortage of storage facilities in the region as we were struggling to find somewhere and would have had to consider consigning some heavy equipment to landfill if this unit had not been available. It is convenient as the rental can be cancelled at short notice without penalty. The whole scheme appears to have been well planned and runs efficiently with easy 24 hour access. It is ideal for our needs – loss of the facility would create massive difficulties for our business now that we depend on using the unit**





Old Parish Manse, Barr Road, Galashiels, TD1 3HX  
Tel. 01896 758902, Mobile 07831 178069  
VAT Reg. No. 502 1623 04  
E-mail: wilson@wilsonjamieson.co.uk

## Questionnaire

Business name:

C. WADDELL JOINERY

Contact name:

COLIN WADDELL

Has the storage facility helped your business in any way? If yes, please explain below:

THE STORAGE FACILITY HAS ALLOWED ME AT A MINIMAL COST TO HAVE ACCESS TO THE SMALL AMOUNT OF GROUND MY BUSINESS REQUIRES.

Has the storage facility allowed you to employ any additional staff?

NO

What affect would it have on your business if this storage facility were to be removed?

IF IT WERE TO BE REMOVED THIS WOULD RESULT IN ME HAVING TO RENT A BIGGER UNNECESSARY SPACE AT A QUOTE COSTS PROBABLY INVOLVING RATES IF I HAD TO RENT A YARD.

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Are there any other suitable options available to your business that compare locally?

NOT THAT I AM AWARE OF

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Any other comments e.g. location, availability & suitability

IF THIS WERE TO LOSE IT WOULD BE A GREAT INCONVENIENCE TO MYSELF & OTHER SMALL BUSINESSES THAT RELY ON THE SERVICE PROVIDED. THE PROBLEM OF ONLY PREMISES IN THIS FORM ARE RARE & YARDS THAT ARE FEW & FAR BETWEEN ARE MORE EXPENSIVE & UNNECESSARY, GROUND FOR RENTAL IS VERY SCARCE

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E-mail: [wilson@wilsonjamieson.co.uk](mailto:wilson@wilsonjamieson.co.uk)

### Questionnaire

Business name: Kings Arms Hotel

Contact name: Elaine Kennedy

Has the storage facility helped your business in any way? If yes, please explain below:

This storage facility is a huge benefit to my business as i store my catering equipment in it for outside functions

Has the storage facility allowed you to employ any additional staff?

Yes as i can take on more work as i have storage space for the equipment

What affect would it have on your business if this storage facility were to be removed?

Are there any other suitable options available to your business that compare locally?

no

Any other comments e.g. location, availability & suitability

Fairknowe is in an ideal location as it is out of the main town and has room to park without causing any disruption to the public it has to stay or a lot of people will struggle without it mainly businesses



E-mail: [wilson@wilsonjamieson.co.uk](mailto:wilson@wilsonjamieson.co.uk)

## Questionnaire

**Business name:** Well Kept Gardens

**Contact name:** Neil Howlieson

**Has the storage facility helped your business in any way? If yes, please explain below:**

The storage facility has enabled me to have a very secure place to store my expensive gardening equipment. Previously had limited storage (garden sheds at home) which were overlooked by social housing flats and my equipment was constantly in view of the residents. We have already had a situation at home where an individual was challenged in our rear garden casing out our garden shed, the matter was reported to the police.

As I do not have the luxury of a large vehicle to carry all my equipment I need this facility which is away from prying eyes when I change over my equipment. The storage unit gives me this as I can drive up close and quickly make the equipment changes necessary.

This has also allow me to the space to purchase larges pieces of plant ( which could not be stored at home) that was required to grow my business.

**Has the storage facility allowed you to employ any additional staff?**

I subcontract some work to another individual who has now became a sole trader in his own right. I continue to subcontract to him as his business grows and we share some of the equipment stored at the facility.

**What affect would it have on your business if this storage facility were to be removed?**

If the storage facility is removed I would have no where in my mind to securely store my equipment /plant that I have accumulated on my six years of trading and the last thing I want to do is downsize.



**WILSON G JAMIESON LTD**  
FENCING & FORESTRY  
Old Parish Manse, Barr Road, Galashiels, TD1 3HA  
Tel. 01896 758902. Mobile 07831 178069  
VAT Reg. No. 502 1623 04

E-mail: [wilson@wilsonjamieson.co.uk](mailto:wilson@wilsonjamieson.co.uk)

**Are there any other suitable options available to your business that compare locally?**

I have not seen or know off any other place that offers a storage facility to meet all my needs, namely security, easy access from home , not overlooked and seen by the general public, a working facility that offers additional security and finally vehicle access directly and up close to the unit itself.

**Any other comments e.g. location, availability & suitability**

The location and access road to this facility are ideal and meets all the requirements for a whole host of trades that use a wide range of transport vehicles for their business needs.

**D. Letter from surrounding land owner**

Jim Hewit  
Park Lane  
Croft Park  
Kelso  
TD5 7ET

19 July 2016

Dear Sir/Madam,

I am the owner of the land surrounding the site at Farknowes, Langshaw Road, Galashiels for which Wilson Jamieson is applying for planning permission for change of use of land to commercial storage and the siting of storage containers.

There have been commercial activities on this site for many years and Wilson Jamieson's use of the site does not interfere with the agricultural use of the adjoining land. The 42 containers that are already on site do not cause any disruption, concern or any nuisance as there is not a lot of traffic associated with them. The site has always been tidy, well managed and maintained. The alterations do not do harm to the character or the landscape of the area with the containers installed matching the large building already on the site.

For these reasons I do not have any objection to planning permission being granted for the proposed change of use of land to commercial storage and siting of storage containers.

Yours faithfully,

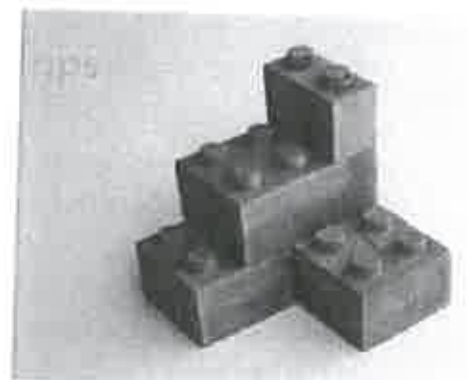


James Hewit





**Caroline Law  
Development Management  
Scottish Borders Council  
Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA**



22 March 2016

Dear Ms Law,

Further to our discussion earlier today, please find enclosed the planning application submitted on behalf of Wilson G Jamieson Ltd for the site at Farknowes, on the Langshaw Road by Easter Langlee.

The proposal is for change of use of what is lawfully agricultural land to commercial storage (class 6) inclusive of the siting of 42 shipping containers within the site boundary. This is a retrospective application. The fee should be £401.

I look forward to confirmation of the receipt and registration of the application in due course.

I am aware that you will likely be requiring a fee for advertising the application under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. I understand that the fee for this will be £80.

The applicant should be in touch with regards paying the £481 in fees.

Yours faithfully,



**Peter MacLeod, BSc. MSc. MRTPI**



# PLANNING APPLICATION

1. Name and Address of applicant	Name and Address of Agent
<p>WILSON &amp; JAMIESON LTD OLD PARISH HAUSE, BARR RD GALASHIELS Post Code TDI 3HX</p> <p>Tel. No. [REDACTED]</p> <p>E-mail address [REDACTED]</p>	<p>PETER MACLEOD 122 SCOTT STREET GALASHIELS Post Code TDI 1DX</p> <p>Tel. No. [REDACTED]</p> <p>E-mail address P.MACLEOD@GARDENING SERVICES.CO.UK</p>

2. Full Postal Address of Application Site (edged in red on the site plan)

WILSON & JAMIESON LTD, FACKINGHUS, LANASHAW FORD, GALASHIELS

Is this address a flat?  
 Yes  No

3. Brief Description of Proposed Development

CHANGE OF USE OF LAND TO COMMERCIAL STORAGE  
(IN RETROSPECT)

4. Type of Application (tick one box only)

- (a) Full application for new building works and/or a change of use and/or engineering works
- (b) Full application for a change of use not involving any building works
- (c) Planning permission in Principle
- (d) Approval of matters specified in conditions (pursuant to a Planning Permission in Principle)
- (e) Application for removal or variation of a condition on a planning permission previously granted  
(Please indicate reference number of previous application)
- (f) Application for renewal of a limited period permission  
(Please indicate reference number of previous application)
- (g) Application for renewal of an unimplemented permission  
You need only answer Questions 17 and 18  
(Please indicate reference number of previous application)

5. Applications for Matters Specified in Conditions (if you ticked (d) in Q.4, please complete)

- (a) State the reference number and date of the planning permission in principle .....
- (b) State which of the conditions are submitted for approval as part of this application:  
 All Conditions (please tick)  or Condition Numbers

**6. Pre-Application Discussion and Consultation**

(a) Has assistance or prior advice been sought from Scottish Borders Council about this application?

Yes  No

If yes, please complete the following information about the advice you were given:

Officer Name: Stewart Harkes Date: FEB 2016  
 Council Reference: 15/01451/FUL

(b) Has Pre-Application Consultation taken place (for MAJOR developments: See Notes for Guidance)?

Yes  No

If Yes, a Pre-application Consultation Report should accompany this application

**7. Site Area**

8. State whether applicant owns or controls any adjoining land (edged in blue on submitted plans)

0.22 hectares

Yes  No

**9. Existing/Proposed Uses**

Please indicate all existing and proposed uses that are the subject of this application:

Existing	Proposed
<u>AGRICULTURAL</u>	<u>COMMERCIAL STORAGE</u>

**10. Commerce and Business**

**(A) Floorspace**

Please indicate the total amount of floorspace (in square metres) to which this application relates

Existing - - Proposed - IT IS AN EXTERNAL STORAGE AREA OF 2000m<sup>2</sup> JAN WHICH 42 CONTAINERS ARE LOADED SEE PLANS.

**(A) Employment**

Please indicate the number of staff employed (including part-time):

Existing - 13 Proposed - 13

**(B) Traffic Flow**

What is the anticipated traffic flow to the site during a normal working day? (No. of vehicles moving in and out of the site) (Include all vehicles except those used by individual employees driving to work)

Existing - 20-25 per day Proposed - 25-30 per day

**(C) Industrial Processes**

In the case of industrial development, please give a description of the processes to be carried on and of the end products, as well as the type of machinery to be installed:

NONE

**(D) Storage of Hazardous Substances**

Will the proposal involve the use or storage of any materials of a type and quantity defined as hazardous substances? If YES, please state materials and quantities below:

NONE

**11. Car Parking**

Please indicate car parking facilities/spaces:

THERE IS SPACE IN FRONT OF EACH CONTAINER FOR LOADING AND UNLOADING

Existing:

Proposed:

**12. Accesses and Rights of Way (Please tick those that apply)**

- (A) There will be no new access to a highway (either vehicle or pedestrian), no alteration to an existing access to a public road and no alteration to any public right of way or other public path
- (B) There will be a new or altered access to a public road      Vehicular       Pedestrian
- (C) A public right of way or other public path will be affected by the proposed development

**13. Trees**

Will the proposed development involve the felling of any trees?      Yes       No   
 (If YES, please indicate positions on plan)

**14. Drainage and Water Supply**

(A) Please state how surface water will be disposed of: EXISTING SITE DRAINAGE TO SOAKAWAY LEAD TO GULLY NEAR PUBLIC ROAD

(B) How will foul sewage be dealt with?

Mains sewer       Septic Tank and Soakaway       Other (Please specify).....

(C) From where will the proposed development receive its water supply?

Public mains supply       Private source

Where the water supply is from a private source, has any testing or analysis been undertaken?

Yes       No

Please indicate position of source on location/site plan, and where possible provide details of the source (e.g. borehole, spring etc.), and of any related pipework or apparatus

**15. Materials**

Please state type and colour of materials to be used (if known)      STEEL      SHIPPING CONTAINERS

	EXISTING	PROPOSED
Exterior Walls	—	STEEL
Roof	—	STEEL
Windows	—	NONE

**16. Additional Information**

Is there any additional information you wish to give in support of this application?

NO BUILDINGS OR BUILDING WORKS ARE PROPOSED THIS IS A CHANGE OF USE ONLY

**17. Declaration**

I hereby apply for planning permission and declare that, to the best of my knowledge, the information contained in this application and on the submitted plans is correct.

I attach **FOUR** copies of the application forms and enclose the application fee of £. 401....., together with:

- Four sets of the necessary plans and drawings
- In the case of MAJOR developments, a Pre-Application Consultation Report
- A Design and Access Statement or Design Statement, where the application site is situated within a conservation area, historic garden or designed landscape, a National Scenic Area, the site of a scheduled monument or the curtilage of an A Listed Building (see notes for Guidance for further information)

Signed..... on behalf of WILSON & JAMIESON Date 31 MARCH 2016

**18. Please complete Certificate A and Certificate B (please tick ONE box in each)**

**CERTIFICATE A** under Section 35 of the Town and Country Planning (Scotland) Act 1997, as amended

I certify that:

- At the beginning of a period of 21 days ending with the date of this application, nobody other than the applicant was the owner<sup>1</sup> of all of the land to which the application relates
- OR
- The applicant has given the required notice to everyone who, at the beginning of the period of 21 days ending with the date of the accompanying application, was the owner<sup>1</sup> of any part of the land to which the application relates, as listed below:

Owner's Name	Address at which notice was served	Date on which notice was served

Signed..... on behalf of WILSON & JAMIESON Date 31 MARCH 2016

**CERTIFICATE B** under Section 35 of the Town and Country Planning (Scotland) Act 1997, as amended

I certify that:

- At the beginning of a period of 21 days ending with the date of this planning application, none of the land to which the application relates is, or is part of, an agricultural holding;
- OR
- The applicant has given the required notice to every person other than the applicant who, at the beginning of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's Name	Address at which notice was served	Date on which notice was served

Signed..... on behalf of WILSON & JAMIESON Date 31 MARCH 2016

<sup>1</sup>An owner includes anyone with a lease on the land that has at least seven years left to run

# PLANNING APPLICATION

1. Name and Address of applicant	Name and address of Agent
<p>WILSON G. JAMESON LTD            OLD PARISH MANSE, BARR ROAD            GALASHIELS Post Code TD1 3HX            Tel. No. [REDACTED]            E-mail address [REDACTED]</p>	<p>PETER WATSON            122 SUTT STREET            GALASHIELS Post Code TD1 1DX            Tel. No. 01896 750 355            E-mail address p.watson@scottishplanning.com</p>

2. Full Postal Address of Application Site (edged in red on the site plan)

WILSON G JAMESON LTD, FAIRHOLMES, LANGSHAW ROAD, GALASHIELS

Is this address a flat?  
 Yes  No

3. Brief Description of Proposed Development

CHANGE OF USE OF LAND TO COMMERCIAL STORAGE AND SITING OF 42 NO. STORAGE CONTAINERS (RETROSPECTIVE)

4. Type of Application (tick one box only)

- (a) Full application for new building works and/or a change of use and/or engineering works
- (b) Full application for a change of use not involving any building works
- (c) Planning permission in Principle
- (d) Approval of matters specified in conditions (pursuant to a Planning Permission in Principle)
- (e) Application for removal or variation of a condition on a planning permission previously granted (Please indicate reference number of previous application)
- (f) Application for renewal of a limited period permission (Please indicate reference number of previous application)
- (g) Application for renewal of an unimplemented permission (You need only answer Questions 17 and 18) (Please indicate reference number of previous application)

5. Applications for Matters Specified in Conditions (if you ticked (d) in Q.4, please complete)

(a) State the reference number and date of the planning permission in principle .....

(b) State which of the conditions are submitted for approval as part of this application:

All Conditions (please tick)  or Condition Numbers



**6. Pre-Application Discussion and Consultation**

(a) Has assistance or prior advice been sought from Scottish Borders Council about this application?

Yes  No

If yes, please complete the following information about the advice you were given:

Officer Name: Stewart Harkes Date: FEB 2016

Council Reference: 15/01451/FUL

(b) Has Pre-Application Consultation taken place (for MAJOR developments. See Notes for Guidance)?

Yes  No

If Yes, a Pre-application Consultation Report should accompany this application

7. Site Area	8. State whether applicant owns or controls any adjoining land (edged in blue on submitted plans)
<u>0.22</u> hectares	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

**9. Existing/Proposed Uses**

Please indicate all existing and proposed uses that are the subject of this application:

Existing	Proposed
<u>AGRICULTURAL</u>	<u>COMMERCIAL STORAGE</u>

**10. Commerce and Business**

<b>(A) Floorspace</b> Please indicate the total amount of floorspace (in square metres) to which this application relates	
Existing - <u>—</u>	Proposed - <u>IT IS AN EXTERNAL STORAGE AREA OF 2500M<sup>2</sup> UPON WHICH 42 CONTAINERS ARE LOADED SEE PLANS</u>
<b>(A) Employment</b> Please indicate the number of staff employed (including part-time):	
Existing - <u>13</u>	Proposed - <u>13</u>
<b>(B) Traffic Flow</b> What is the anticipated traffic flow to the site during a normal working day? (No. of vehicles moving in and out of the site) (Include all vehicles except those used by individual employees driving to work)	
Existing - <u>20-25 per day</u>	Proposed - <u>25-30 per day</u>
<b>(C) Industrial Processes</b> In the case of industrial development, please give a description of the processes to be carried on and of the end products, as well as the type of machinery to be installed:	
<u>NONE</u>	
<b>(D) Storage of Hazardous Substances</b> Will the proposal involve the use or storage of any materials of a type and quantity defined as hazardous substances? If YES please state materials and quantities below:	
<u>NONE</u>	

**11. Car Parking**

Please indicate car parking facilities/spaces:

THERE IS SPACE IN FRONT OF EACH UNIT FOR LOADING AND UNLOADING

Existing:

Proposed:

**12. Accesses and Rights of Way (Please tick those that apply)**

- (A) There will be no new access to a highway (either vehicle or pedestrian), no alteration to an existing access to a public road and no alteration to any public right of way or other public path
- (B) There will be a new or altered access to a public road  Vehicular  Pedestrian
- (C) A public right of way or other public path will be affected by the proposed development

**13. Trees**

Will the proposed development involve the felling of any trees? (if YES, please indicate positions on plan) Yes  No

**14. Drainage and Water Supply**

(A) Please state how surface water will be disposed of: EXISTING SITE DRAINAGE TO SOAKAWAY AND TO GULLY UNDER PUBLIC ROAD

(B) How will foul sewage be dealt with?  
 Mains sewer  Septic Tank and Soakaway  Other (Please specify).....

(C) From where will the proposed development receive its water supply?

Public mains supply  Private source

Where the water supply is from a private source, has any testing or analysis been undertaken?

Yes  No

Please indicate position of source on location/site plan, and where possible provide details of the source (e.g. borehole, spring etc.), and of any related pipework or apparatus

**15. Materials**

Please state type and colour of materials to be used (if known) STEEL SHIPPING CONTAINERS

	EXISTING	PROPOSED
Exterior Walls	---	---
Roof	---	STEEL
Windows	---	STEEL
		NONE

**16. Additional Information**

Is there any additional information you wish to give in support of this application?


NO BUILDINGS OR BUILDING WORKS ARE PROPOSED THIS IS A CHANGE OF USE ONLY

**17. Declaration**

I hereby apply for planning permission and declare that, to the best of my knowledge, the information contained in this application and on the submitted plans is correct.

I attach ~~FOUR~~ copies of the application forms and enclose the application fee of £. 401 together with:

- Four sets of the necessary plans and drawings (see to follow)
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- A Design and Access Statement or Design Statement, where the application site is situated within a conservation area, historic garden or designed landscape, a National Scenic Area, the site of a scheduled monument or the curtilage of an A Listed Building (see Notes for Guidance for further information)


Signed.....  on behalf of WILSON & JAMIESON Date 5 April 2016


**18. Please complete Certificate A and Certificate B (please tick ONE box in each)**

**CERTIFICATE A** under Section 35 of the Town and Country Planning (Scotland) Act 1997, as amended

I certify that:

- At the beginning of a period of 21 days ending with the date of this application, nobody other than the applicant was the owner<sup>1</sup> of all of the land to which the application relates
- OR
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Owner's Name	Address at which notice was served	Date on which notice was served
		

Signed.....  on behalf of WILSON & JAMIESON Date 5 April 2016

**CERTIFICATE B** under Section 35 of the Town and Country Planning (Scotland) Act 1997, as amended

I certify that:

- At the beginning of a period of 21 days ending with the date of this planning application, none of the land to which the application relates is, or is part of, an agricultural holding;
- OR
- The applicant has given the required notice to every person other than the applicant who, at the beginning of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's Name	Address at which notice was served	Date on which notice was served
		

Signed.....  on behalf of WILSON & JAMIESON Date 5 APRIL 2016

<sup>1</sup>An owner of the land that has at least seven years left to run

**PLANNING STATEMENT FOR PROPOSED CHANGE OF USE TO  
COMMERCIAL STORAGE FACILITY  
AT  
FARKNOWES, LANGSHAW ROAD, GALASHIELS**



**March 2016**

**Peter MacLeod, BSc. MSc. MRTPI  
122 Scott Street  
Galashiels  
TD1 1DX**

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## 1. Introduction

### **The surrounding area**

The area is a rural edge of town location to the west side of Galashiels in the Scottish Borders. It is located on the Langshaw Road which runs from Easter Langlee to Lauder.

It is at an altitude of around 150 metres AOD on the west side of the Allan Water valley. It is a rolling landscape of mainly grazing and woodland plantations.

To the east, across the road is Scottish Borders Council's Farknoves Landfill Site. Adjacent and to the south of the landfill site is the Council's public recycling depot. The landfill site has ceased taking in material and currently houses a landfill gas electricity generator sited directly across from the application site.

To the east side of the landfill and waste recycling plants is the Allan Water. This is the only nearby watercourse and the application site is within the catchment.

The current edge of the built up area of Galashiels is 420 metres to the south at Coopersknowe Crescent, and 500 metres to the south west at Broom Drive.

There are two farm sheds to the immediate west side of the application site, and they share the same access from the public road.

Further to the west and considerably higher than the site, at a distance of at least 680 metres there are several dwellings and farm buildings at Langlee Mains Farm. To the north the next property is at Glendearg Farm at 1.4 kilometres.

To the north of Glendearg is Meadowfield Golf Driving Range.



**Figure 1: Map showing the wider area context (the site centre is marked by the red dot)**

## The Site

The site is part of a former farmyard site. The main site is in the ownership of Wilson G Jamieson Ltd extends to 1.78 hectares (combined red and blue lined area on site plan). The main site is presently occupied by a large agricultural style shed with an open side to the west and a side extension to the west elevation. The existing shed measures approximately 42 by 21 metres with an extension to the west side measuring 18 metres by 7 metres. This is subject to a separate planning application.

The part of the site for which the change of use to commercial storage business relates extends to just under 2200 square metres (red line). The proposal is being applied for retrospectively as the storage use is already taking place on the site.



**Figure 2: Aerial of site showing boundary (red) overhead power line (pale blue) and gas pipe (green)**

The site is traversed by a gas main (Newhouses to Calfhill pipeline) which runs north to south across the east side of the site. It is also traversed by an overhead electricity cable (132 kv) which connects the sub-station at Melrose Road, Galashiels to Dun Law Windfarm.

The site is accessed through the yard of the forestry business which in turn is accessed from a shared access via a metal gate leading onto the main public road to the north end of the application site.





**Figure 3: The existing access from the public road. The first two containers visible to the right.**

The site is enclosed with post and wire fencing.

There are presently several caravans and mobile homes stored to the south of the site but these do not form part of this application. These are to be removed over the next few months and it is not intended to offer this service in future.



**Figure 4: View showing the southern end of the storage site and caravans to be removed**



## **The applicant**

The applicant is Wilson G Jamieson Fencing and Forestry, a Galashiels based company. It is primarily a forestry and arboricultural contractor, and has been in operation for over 30 years. It is the largest Fencing and Forestry Company in the South of Scotland. Work that the company undertakes ranges from tree limb removal within a domestic environment to large scale forestry removal for national utility operators. They also provide a fence building and maintenance service.

The company also leases its own vehicles plant and machinery, along with operators if necessary, to local farmers and estates.

The company's customer base includes Scottish Borders Council, Midlothian Council, local farms, and the majority of the large estates in the Borders. An important customer is Scottish Power with which the company has held the contract for tree clearance of overhead power lines exclusively since 1988.

The company employs 13 staff at present, 11 full-time and 2 part time. Staffing can vary and has been as high as 23.

## **Site History**

The company acquired the Farknowes site in the summer of 2012. The previous occupier of the site was Forth Meat Supplies Ltd. The site was used for the garaging of refrigerator lorries and also for the transfer of cattle. Cattle were brought to and from the site by cattle truck before being transferred to the nearby abattoir for slaughter. They were held here and checked and treated if necessary. Lorries were garaged in the large agricultural shed.

The site has not been part of the field to the west for at least 20 years as is evident from online aerial photography records. There is no aerial photographic evidence between 1945 and 1999. In 1945 it was an open field.

## **The following is a summary of recorded planning applications since 2000:**

Reference: **02/01163/FUL**  
Received: **12 Jul 2002**  
Address: **Easter Langlee Farm Galashiels Selkirkshire TD1 2NU**  
Proposal: **Erection of cattle shed with hardstanding**  
Status: **Application Permitted**

Reference: **05/00890/COU**  
Received: **06 May 2005**  
Address: **Agricultural Implement Shed Field 4560 Easter Langlee Galashiels**  
Proposal: **Part change of use and alterations to form meat processing facility**  
Status: **Approved subject to conditions**

Reference: **05/00891/OUT**  
Received: 06 May 2005  
Address: Land Adjacent Agricultural Shed Field 4560 Easter Langlee Galashiels  
Proposal: Erection of offices and welfare accommodation to service meat processing facility  
Status: Approved - Conditions & Informatives

Reference: **05/02107/FUL**  
Received: 14 Nov 2005  
Address: Agricultural Implement Shed Field 4560 Easter Langlee Galashiels  
Proposal: Part change of use and alterations to form meat processing facility and erection of welfare and office accommodation  
Status: Approved subject to conditions

Reference: **10/00249/FUL**  
Received: 01 Mar 2010  
Address: Land East Of Langlee Mains Farmhouse Galashiels  
Proposal: Change of use of land to form temporary construction base, siting of 4 No storage containers, 7 No office units and 1 no security office, and erection of temporary 'heras' boundary fencing  
Status: Approved - Conditions & Informatives

Reference: **15/01451/FUL**  
Received: 01 Dec 2015  
Address: Land East Of Langlee Mains Farmhouse Galashiels  
Proposal: Extensions to form 2 No storage units (retrospective) and 7 No storage units and erection of wood storage building  
Status: Refused

The site has been an area of development and activity for the past 20 years or so. Prior to that little is known about the precise use and activities carried out on the site. Initially the activities were local farm related, branching out into general agricultural processes, cattle/meat marketing, and then into forestry operations (the subject of the current application for planning permission). It is clear that in 1945 it was just open grazing and was part of a much larger field.

The more recent occupation by Forth Meat Supplis Ltd was for a use related to agriculture. Forth Meats operate in the cattle market business, handling cattle and then meat from farm to slaughterhouse and then on to market (retail and catering). Cattle would be sent to Scottish Borders Abattoir Ltd in Winston Road which is close to this site. The cattle could be brought here from any sites within or outwith the Galashiels area. The storage of feed and vehicles, again whilst agricultural in nature, were not part of the local farm activities.



Figure 5: 2009 Aerial image (Google Earth)

The site has therefore evolved over the years and the current use is a continuation and diversification of that evolutionary process. Planning permission had in fact been granted for the site to be used as a meat processing facility in 2005, however this was never initiated.

The fact that it was recently utilised temporarily as a yard for the upgrading of the main gas pipeline is further testament to the yards suitability for storage of materials and plant and as an operations centre.

The southern part of the site was previously not suitable for any use, agricultural or otherwise, due to it having become waterlogged and also due to the fact that there was also a large depression in the ground. With the consent of SEPA this matter has been resolved, at significant expense to the current owner, and the site is now significantly improved. This work involved upgrading and replacing site drainage to the existing culvert that passes under the public road.

In 2015 the applicant took the decision to diversify business and to make use of the extra ground not presently being used. It was seen to be an ideal location for business storage units and for the storage of vehicles/caravans. The applicant was not aware that this would require planning permission. The matter only came to the attention of the local planning authority because of the submission of the planning application.

It is also of note also that adjacent land to the west and north is currently the subject of a proposed 20MW solar farm of around 36 hectares for which two screening opinion requests have been submitted (14/01223/SCR and 15/00369/SCR).

The land to the east and south east, across the road, has been used in the past as a domestic refuse landfill site and still contains the Council's recycling depot. I



Figure 6: Proposed solar Farm to east



Figure 7: Former landfill site to west

## **2. The proposal**

It is proposed to use part of the forestry business site for leasing to businesses as commercial storage. This may include the storage of plant, materials, equipment and other items for local businesses. It is principally intended for rural based business, for example landscaping, horticulture, Forestry, farming services, equine services, and other rural based service industries. It would not be for domestic storage purposes.

The business will be operated by Wilson G Jamieson Ltd from within their existing site and Galashiels offices and there will be no additional staffing requirements for this use.

No buildings are proposed to be erected within the site. Items would be kept within the moveable storage containers. The containers are not fixed to the ground. They have no services connected to them. They sit on concrete blocks which are sitting on a hardcore base.

At present there are 42 steel storage containers located within the application site boundary and most of these are presently being used by local businesses. The containers are all standard ISO Shipping Containers. These measure approximately 2.4 metres wide by 2.6 metres high and are 6.1 metres long. These have all been factory painted dark green. These were all purchased brand new by the company at a cost in excess of £100 000.

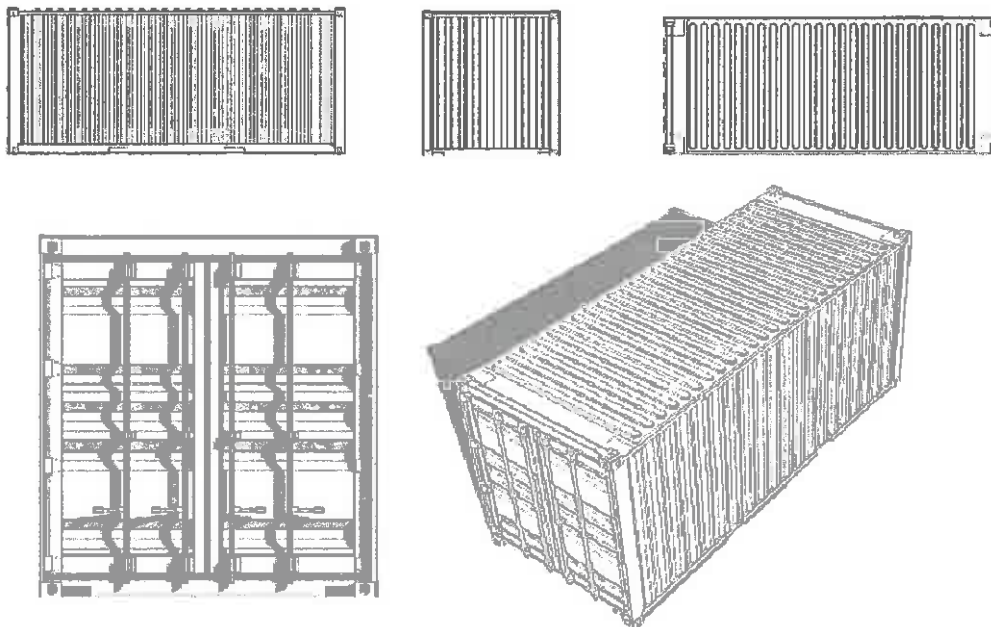
The site is surfaced in a permeable compacted hardcore base with no concrete or asphalt surfaces. There is adequate vehicle manoeuvring space between the containers and the adjacent main building. Access is to be shared with the forestry operation. No new access is required.



**Figure 8: The storage area viewed across the proposed paddock area**

The precise dimensions of a standard ISO shipping container are 6058mm long, 2440mm wide and 2591mm high. The Construction characteristics of a standard ISO shipping container are as follows:

- Monocoque body
- Corner Castings
- Steel corrugated sheet sidewalls, roof, and back panel
- All-welded-steel, continuously
- Purin reinforced Plywood Floors
- Forklift pockets
- Grappler pockets
- Gooseneck tunnel



**Figure 9: Technical drawings of a container**



Figure 10: A typical shipping container as used on site

### 3. Constraints and Policy Considerations

There are no cultural heritage designations, protected landscapes or wildlife designations directly affected by the development. The nearest such designation is the Avenel Hill and Gorge SSSI to the east and the Allan Water which forms part of the River Tweed SAC. The site is separated from both of these by the former domestic refuse landfill site and the operation of the business on this site will have no impact upon the qualifying interests of these designations.

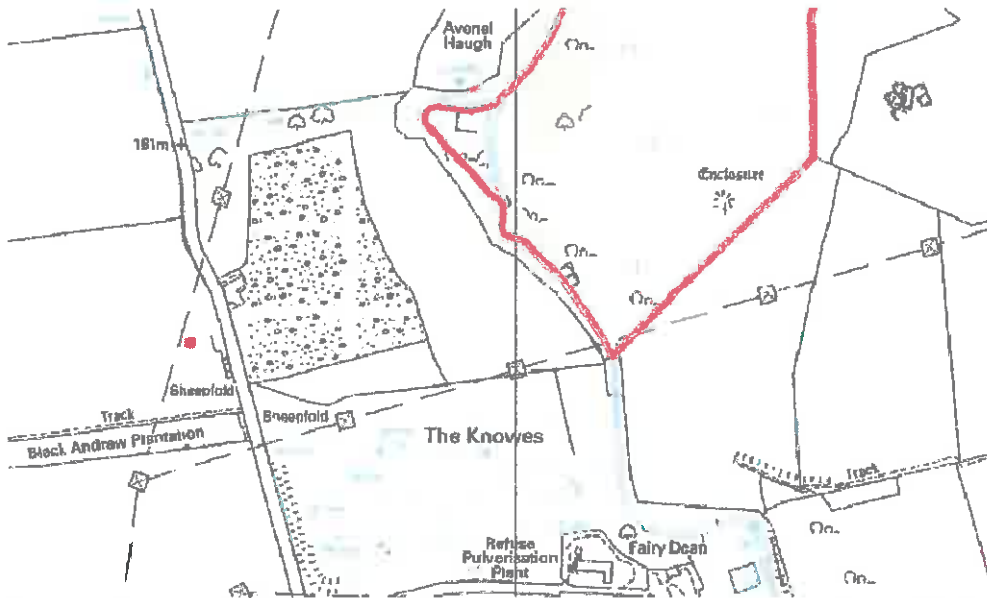


Figure 11: The Avenel SSSI boundary and the Allan Water to the west beyond the landfill site

There are two physical constraints to development, these being the 132kv overhead power line and the Newhouses to Calhill gas main mentioned above (shown on figure 2 above). The site is relatively level. There are no trees or hedges within the body of the site. There are no watercourses. The site has good access to the public road network. It is located on a two carriageway road with acceptable visibility which can be improved if required. The Langshaw Road joins the B6374 about 1km to the south. The site is serviced with electricity, mains water supply and telecommunications. It has a good soak-away system already in place.

The relevant planning policies and considerations are listed in the appendices to this planning statement. Of these, the critical policies are going to be **Policy G8** – Development Outwith Development Boundaries, **Policy EP3** – Countryside Around Towns, and **Policy D1** – Business, Tourism and Leisure Development in the Countryside of the Consolidated Local Plan. Also **Policy PMD4** - Development Outwith Development Boundaries, **Policy ED7** - Business , Tourism and Leisure in the Countryside, and **Policy EP6** - Countryside Around Towns of the Proposed Local Development Plan. Also the **Supplementary Planning Guidance - Countryside Around Towns (SPG)**.

The Council has identified a core area of countryside from Galashiels to Newstead where it considered protection was needed. The justification was to protect the high



quality living environment from piecemeal developments that could detract from the area's outstanding biodiversity, landscape, historical and recreational context. It was also to prevent coalescence of towns and villages and to protect their individual identity.

The SPG advises that policy EP3 was derived from a study originally aimed at identifying and conserving areas of undeveloped land between settlements to prevent coalescence from occurring and promoting landscape enhancements. Its objectives were:

1. To identify additional areas in the Central Borders to be protected by Policy EP3;
2. To conserve and enhance the character, landscape and identity of settlements within the Galashiels - Melrose - St Boswells corridor;
3. To encourage opportunities for recreation, both formal and informal; and
4. To encourage the re-use of brown field sites.

The proposed development is located within this policy designation.



Figure 12: The countryside around designation in green (the site is marked by small red dot)

The first redeeming point is that the site is not a green undeveloped site. It contains a large building and it is an area of ground that has been used for various activities over the past 20 years or so. There are a further two large farm buildings to the west and various activities related to these. These may have been agriculture related uses, but they involved physical development and activities that have given the site the character of a developed site. The addition of the green storage units, once partly screened by a hedgerow of indigenous species, will have a very limited visual impact.

Secondly, there are other uses within the relative vicinity of the site that ensure that the ongoing and proposed use would not appear out of character with the location.

There is the Council's own recycling depot across the road to the south. There is the former landfill site directly opposite which also contains electricity power generation plant and site access. There are two large agricultural buildings immediately to the west of the site. There is a farm with ancillary business operations further to the north at Glendearg. There is also a golf driving range located slightly further to the north. Also there is the edge of the development boundary at just over 400 metres to the south including Easter Langlee Industrial Estate and housing developments.



Figure 13: Aerial photograph with the site in the central upper area of the image

Thirdly, the development can in no way be seen to contribute towards coalescence of settlements as there are no further settlements in this direction. It will have no impact upon the setting of the town or its identity.

Fourthly, the proposed development will have very little impact upon the landscape setting of the site. The containers are only 2.6 metres high. They have been chosen in a dark green to match the metal cladding on the existing and proposed sheds. It will also be screened by the proposed hedgerow. The topography of the site also ensures that it is not highly visible from any public roads (see below).

Finally, the site is not of recreational value to residents of Galashiels or the Borders in general, and it does not provide any open space value nor is it accessible land. There are no rights of way across the site, and the proposal will not hinder public access to the countryside.

Therefore whilst the development is located within this restrictive countryside policy area, the development proposed would not undermine any of the main principles upon which the policies and the SPG are based.

With regards to the use of the site, the use is for commercial storage. Wilson G Jamieson Ltd is predominantly a forestry service operator providing woodland clearance and forestry management services and various arboricultural work. It also provides a fence construction and maintenance service which is a related activity. The proposed storage operation was a means of diversifying the business and to make use of the extra land that the site has to offer. There was also a demand for this type and location of storage unit.

A lot of investment was put into the improvement of the site and to improve the drainage and surface of the land. There was in fact a requirement of the SEPA license that the improvements had to be justified by an enhanced use of the land, and this was seen to be a positive way of achieving this. The applicant has carried out the development in a very diligent manner and has made every effort to ensure that the site is well managed, carefully laid out and with respect to the environment and the appearance of the area. Once the hedge is planted and is allowed to mature the site will have a very positive impact upon the area.

The use has to be seen as a subsidiary use to the main use of the overall site for the forestry operations. It is not a use that generates a large amount of traffic and activity. Therefore whilst the use is not one that would be encourage in the countryside in its own right, it should be justified as a subsidiary operation of the main forestry business.

## **Topic Issues**

### **Landscape/Urban character**

The site has relatively low visibility as it is located in a significant dip. On approaching the site from the south the site only becomes visible once you have passed the site's south boundary. Heading south from Glendearg it becomes visible at a distance of around 320 metres. The site is not readily visible from the road to Langlee Mains.



**Figure 14: The site viewed from the north, at around 320 metres, heading towards Galashiels**



**Figure 15: The site viewed from a point level with the south boundary, heading towards Langshaw**

The use of a dark agricultural green colour for the storage containers will help to ensure that the site remains in keeping with the character with the area.

It is intended to plant a hedge of indigenous species along the edge of the yard (e.g. hawthorn/beechn/blackthorn). This will separate the storage area from the small field and will provide some further screening.

The creation of the small field will itself be a significant visual enhancement for the site and will put to good use a previously unusable area of ground. This is part of the separate planning application.

The development will respect the landscape character of the area and will have no significant adverse impacts. It therefore complies with the objectives of the current local plan and proposed development plan in this respect.

### **Cultural Heritage**

The site contains no items or sites of cultural or historical significance. There are no such designations nearby. The site is not expected to contain any archaeological remains. The Black Andrew Plantation to the south and west is listed on the Canmore website as a possible enclosure.

There are no conflicts with the existing or proposed plan policies in this respect.

### **Wildlife/biodiversity**

The site has no wildlife or biodiversity designation, nor does it share any boundary with such a site. The nearest such site is the Avenel Hill and Gorge SSSI to the east and the Allan Water which forms part of the River Tweed SAC.

The proposed use of the site will have no trans-boundary impacts. The site is within the catchment for the Allan Water, however there are no polluting activities proposed. It will not be permitted to store toxic or hazardous materials on site.

There have been no trees or hedges removed. There is no plan to remove any trees or hedgerows. Hedge planting is proposed which will utilise native tree species.

There will be no adverse impact upon any wildlife or biodiversity interests. The proposals comply with the relevant policies of the existing and proposed development plans.

### **Site drainage and flooding**

The main drainage issue is pluvial run-off from roofs and hardstanding.

All of the external hardstanding on site will be a porous hardcore base.

Rainwater will be allowed to soak into the ground in a manner no different to that which existed prior to the siting of the containers. They are not on an impervious base. They site clear of the ground which is a permeable hardcore base.

There will be no adverse impact upon flood risk or site water run-off, and the proposal does not conflict with with policy Inf6 and IS9 of the respective development plans.

### **Residential Amenity/Noise**

The nearest residential property is 430 metres from the site boundary to the south. It is obscured by topography and there will be no impact. The nearest property with line of site is at Langlee Mains at a distance of around 665 metres (wall to wall). The movement of vehicles and movement of items within the storage containers will not create any disturbance over this distance.

There will be no adverse impact upon residential amenity.

### **Design and Landscaping**

Typical storage containers are often brightly coloured (orange, blue, white or red) and can have a very negative impact in a rural area. Storage containers are not altogether an alien form in the countryside and are often used by farmers for agricultural storage. What is different in this instance is the large number of units. To reduce this impact, the proposals are laid out in a very simple manner and have been chosen in a uniform dark green factory finished colour. Therefore whilst the containers are of a fairly alien form to a rural setting they have been purposefully



designed to integrate as best as possible with the site. Once again, the proposed hedge planting will greatly help in softening any impacts.

All fencing will be of a form suitable to a rural location with timber post and wire fencing and galvanised metal gates.

As part of the earlier main application, it is proposed to reinstate the triangular area of ground to the roadside as a paddock. This will be a significant mitigation to the visual impact.

The applicant has taken care in ensuring that the proposed use does not lead to the site being out of keeping with the area.

### **Access and parking**

The access from the public road is an existing one which serves the two sites. It is shared with the farm buildings and cow sheds located adjacent and to the west. The storage operation will share its access with the forestry business.

The site has good access from the public road network. The Langshaw Road is a two carriageway adopted road which provides perfectly adequate access for large vehicles. This road has to provide access to the Council's refuse sites. The visibility at the entrance to the site is partially restricted and would have to be improved through vegetation removal and subsequent maintenance. This can be successfully resolved.

The site will be managed by the Wilson G Jamieson Ltd and so there is no need for additional parking for staff. There will be adequate space for staff and visitor car parking either in the shared area to the north of the site or within the yard itself.

There will be adequate manoeuvring space to the front of each container (10 metres) where vehicles can rest whilst loading or unloading.

This will fully comply with policies Inf4 and 11 of the current plan and policy IS7 of the proposed plan.

## National Planning Policy and Advice

The National Planning Framework (NPF3) seeks a future vision for Scotland where it will be a successful, sustainable place; a low carbon place; a natural, resilient place; and a connected place. The proposed development does not undermine any of these four objectives.

The development allows for the growth of a successful local business that will create and support employment and local investment. The location of a storage facility at Farknowes will be as sustainable a location as a location within the urban boundaries because it is for commercial use and not domestic. It is a facility most suitable for rural businesses to use, for example small businesses carrying out landscaping, forestry, agricultural services, equestrian and other countryside related business.

The impact on the local environment will be negligible and will even lead to some positive benefits such as the drainage improvements and the landscaping, as well as securing a financial future for the site.

The NPF recognises that Galashiels will continue to be a focus for economic investment and services. At section 2.26 the NPF3 advises that *"We do not wish to see development in our rural areas unnecessarily constrained..... we expect more people to live and work in Scotland's rural areas as digital links and opportunities for remote working and new enterprises continue to grow."* Whilst the NPF recognises that careful planning is required to manage demand in our most accessible countryside around towns it is clear that there should be positive consideration of business development opportunities. Development must however be controlled in a sustainable manner. The current proposal, as a subsidiary operation to the forestry business can achieve this.

The Scottish Planning Policy (SPP) states that the Scottish Government's central purpose is to create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

The SPP introduces a presumption in favour of development that contributes to sustainable development. At section 29 it lists thirteen guiding principles for decision making for new development. The proposed development does not undermine any of these principles.

Under the chapter "Promoting Rural Development" it is stated that in rural areas the planning system should promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces, and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. The development and use of the site for the commercial storage use will be in keeping with the character of the area and will support local rural business opportunities and will allow the main forestry business to prosper and expand.



From paragraph 78 onwards, the SPP advises that in the areas of intermediate accessibility and pressure for development, plans should set out a strategy that promotes economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and aquaculture, nature conservation, and renewable energy developments, while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced. Whilst it is appreciated that it might be difficult to control the exact nature of the end user, the site provides a very excellent opportunity to establish and assist in the enhancement of rural business opportunities. Furthermore it is proposed in a manner which protects heritage assets and does not threaten the extraction or access to natural resources.

In **PAN 73** the Scottish Executive defines rural Scotland as the countryside, and settlements of 3,000 people or less. Under this core definition, rural Scotland accounts for 98% of the Scottish landmass and 19% of the population (approximately 1 million people). The main focus of this PAN is on those areas that fall within this core definition, but this definition of rural Scotland should not be applied too strictly. Many settlements with a population greater than 3,000 people experience aspects of 'rurality'. Urban fringes can have an intensely rural character, and the economic activities of urban and rural areas are strongly connected.

The PAN defines rural diversification as "*the establishment of new enterprises in rural locations*".

A particularly relevant point is made in section 15, under "recognising individual circumstances". It is advised that a flexible approach is often required to help businesses realise their opportunities. It is important to take into account the particular needs or special circumstances of a business and be realistic about the resources available to them. It is also recognised that environmental sensitivities also need to be considered and there can be difficult issues about the design quality of new build or the re-use of old buildings. The current proposal raises none of these concerns.

Planners should be sensitive to the fact that land ownership, financial considerations, and site availability can also constrain business location. New premises modest expansion can be of great significance to the operation of a company, and proposals sometimes bring significant benefits to communities with only minor environmental implications. Council planners should be realistic about the opportunities available to a new or expanding business and be aware of the real constraints that they sometimes face. The facility being provided here by Wilson G Jamieson gives far greater opportunities for rural business to become established by providing a location for their business plant/machinery/equipment etc to be securely stored.

Section 53 of the PAN also recognises the need for proximity to source and again this is a very important criteria for the intended customers. In all these instances the

rural location of the storage facility provides an excellent location with good accessibility to rural businesses as well as those who carry out work within an urban realm.

#### **4. Conclusions**

Having assessed the pertinent planning issues above, the critical determining issues will be those relating to the justification of the proposed use within a 'rural' location and more specifically to the location within the area designated as "countryside around towns".

With regards to the use, taking into account the applicant's main intention for this to be a facility for businesses of a similar nature to his own, the use is one that is best suited to an accessible rural location. The proposed use and development of the site will not undermine any of the guiding principles of the local plan and proposed development plan policies. It is appreciated that it may be difficult to legally control who leases storage space on the site however the proposal provides an excellent opportunity for rural businesses to establish or expand.

The design layout and appearance of the site has been carried out in a manner intended to respect the rural location. It is considered that this does not undermine the principles of policies G1, G8, EP3 and D1 of the current local plan and policies PMD1, PMD4, ED7 and EP6 of the proposed development plan. The introduction of the hedge planting will lead to some noticeable visible enhancements.

It is also clear from national planning policy and advice that there is a support for development in rural areas subject to it being carried out in an appropriate and sustainable manner.

Therefore the proposal, whilst appearing to strongly conflict with certain development plan policies, actually provides a very positive opportunity to rural businesses in an accessible location where the visual impacts respect the character of the area and have no negative environmental impacts.

There is therefore significant evidence that justify the granting of planning permission for the proposed use in the context of the present and proposed planning policy regime.

## **5. Appendices**

### **A - List of all relevant Policies of the Scottish Borders Consolidated Local Plan 2011**

#### **Policy G1 – Quality Standards for New Development**

This expects developments to integrate well with the landscape surroundings; respects the surrounding area; is of appropriate scale and materials; retains important physical and natural features; it contains appropriate planting or screening with appropriate boundary treatments; it maximises efficient use of energy and resources; it has good links to urban areas; and appropriate sustainable drainage systems are incorporated into the design.

#### **Policy G8 – Development Outwith Development Boundaries**

Planning permission will not normally be granted for development outwith allocated sites unless it can be justified economically for job creation reasons under policy D1 or D2. It will also be expected that the site forms a natural extension to the settlement and that it has no significant adverse impact on landscape setting or natural heritage of the surrounding area.

#### **Policy EP3 – Countryside Around Towns**

Proposals will only be considered favourably if: there is a need for a rural location and the use is appropriate to the setting; and it enhances the landscape character of the area.

#### **Policy Inf4 – Parking Provisions and Standards**

Development proposals should provide car and cycle parking in line with the Council's parking standards. .

#### **Policy Inf6 – Sustainable Urban Drainage**

Surface water management should comply with SUDS best practice.

#### **Policy Inf11 – Developments that Generate Travel Demand**

The Council is committed to guiding developments to areas accessible to public transport and where opportunities for walking and cycling are maximised.

#### **Policy D1 – Business, Tourism and Leisure Development in the Countryside**

Proposals for business developments in the countryside will be approved and rural diversification opportunities encouraged provided that: the development is to be used directly for agricultural, horticultural or forestry operations; or it is to be used for other employment generating subject to there being an economic or operational need for a rural location and that it could not be reasonably located within the development boundary. In all cases the development must respect the amenity and character of the area; have no adverse impact on nearby uses; that no existing building or brownfield site is presently available; the use and scale of the development are appropriate to the area; and it takes account of accessibility criteria under policy Inf11.

#### **Policy D3 – Advertisements In the Countryside**

Roadside advertisements in the countryside will only be acceptable where it does not detract from the amenity of the area, it is not a threat to road safety, it is principally directional and not advertising, and the premises cannot otherwise be reasonably identified.

**B - List of all relevant policies of the Scottish Borders Proposed Local Development Plan 2013.**

**Policy PMD1 Sustainability** - The Council will have regard to the following sustainability principles which developers will be expected to incorporate into their developments:

- a) The long term sustainable use and management of land
- b) The preservation of air and water quality
- c) The protection of natural resources, landscapes, habitats, and species
- d) The protection of built and cultural resources
- e) The efficient use of energy and resources, particularly non-renewable resources
- f) The minimisation of waste, including waste water and encouragement to its sustainable management
- g) The encouragement of walking, cycling, and public transport in preference to the private car
- h) The minimisation of light pollution
- i) The protection of public health and safety
- j) The support to community services and facilities
- k) The provision of new jobs and support to the local economy
- l) The involvement of the local community in the design, management and improvement of their environment.

**Policy PMD4: Development Outwith Development Boundaries** - Development should be contained within defined Development Boundaries and proposals for new development outwith this, and not on allocated sites identified on the proposals maps, will normally be refused. Exceptional approvals may be granted provided strong reasons can be given that:

- a) it is a job-generating development in the countryside that has an economic justification under Policy ED7 or HD2, OR
- b) it is an affordable housing development that can be justified under in terms of Policy HD1, OR
- c) there is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply, OR
- d) it is a development that it is considered would offer significant community benefits that outweigh the need to protect the Development Boundary.

AND the development of the site:

- a) represents a logical extension of the built-up area, and
- b) is of an appropriate scale in relation to the size of the settlement, and
- c) does not prejudice the character, visual cohesion or natural built up edge of the settlement, and
- d) does not cause a significant adverse effect on the landscape setting of the settlement or the natural heritage of the surrounding area.

The decision on whether to grant exceptional approvals will take account of:

- a) any indicators regarding restrictions on, or encouragement of, development in the longer term that may be set out in the settlement profile;
- b) the cumulative effect of any other developments outwith the Development Boundary within the current Local Plan period;
- c) the infrastructure and service capacity of the settlement.

**Policy ED7: Business , Tourism and Leisure in the Countryside** - Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and is in accordance with the Scottish Borders Tourism Strategy and Action Plan
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
  - b) the development must have no significant adverse impact on nearby uses, particularly housing,
  - c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
  - d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
  - e) the development meets all other siting, and design criteria in accordance with Policy PM D2, and
  - f) the development must take account of accessibility considerations in accordance with Policy IS4.
- Where a proposal comes forward for the creation of a new business, a business case that supports the proposal will be required to be submitted as part of the application process.

**Policy EP6: Countryside Around Towns** - In this area proposals will only be considered for approval if they meet the following considerations:

- a) there is an essential requirement for a rural location and the use is appropriate to a countryside setting, or
- b) it involves the rehabilitation, conversion, limited extension or an appropriate change of use of an existing traditional building of character, or
- c) in the case of new build housing it must be located within the confines of an existing building group as opposed to extending outwith it and it must be shown the high quality environment will be maintained, or
- d) it enhances the existing landscape, trees, woodland, natural & man-made heritage, access and recreational facilities, or
- e) subject to satisfactory design and setting, it has a proven national or strategic need and no alternative is suitable.

**Policy EP13: Trees, Woodlands and Hedgerows** - The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value. Any development that may impact on the woodland resource should:

- a) aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability; and
- b) ensure appropriate replacement planting, where there is an unavoidable loss of the woodland resource; and
- c) adhere to any planning agreement sought to enhance the woodland resource.

**Policy IS3: Developer Contributions Related to the Borders Railway** - The Council will seek developer contributions towards the cost of providing the Borders railway from any developments that may be considered to benefit from, or be enhanced by, the re-instatement of the rail link.

**Policy IS7: Parking Provision and Standards** - Development proposals should provide for car and cycle parking in accordance with approved standards.

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

**Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage** - The Council's preferred method of dealing with waste water associated with new development will be, in order of priority:

- a. direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b. negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:



c. agreement with Scottish Water and SEPA where required to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:

d. for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage treatment may be acceptable, providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

Development will be refused if:

a. it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,

b. it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

#### **Sustainable Urban Drainage**

Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on Sustainable Urban Drainage Systems to the satisfaction of the Council, Scottish Environment Protection Agency, Scottish Natural Heritage and other interested parties where required. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

**Policy IS16: Advertisements** - Applications for advertisements will be assessed against the Council's published supplementary guidance. All proposals will be assessed against the following criteria:

- a) advertisements/signs must not represent a threat to road safety or other hazard to the public;
- b) advertisements/signs must be related to the location at which they are displayed and must be in keeping with the character of the building to which they are attached and/or the area in which they are located in terms of positioning, scale, design or materials;
- c) excessive or badly arranged advertisements/signs which cause unsightly clutter will not be permitted;

In addition to the above criteria and outwith settlements, roadside advertisements in the countryside will only be permitted if:

- d) a statutory road sign has been considered as a first option,
- e) the sign is primarily directional, and does not advertise particular products or facilities,
- f) the premises to be signed are not clearly visible from a major road and cannot already be reasonably identified by means of an existing directional sign advising of the place name of the locality within which it is located, and
- g) not more than one sign is proposed at the nearest junction of the public road and the access road to the premises. In the case of two or more neighbouring premises, a series of individual signs will not be permitted, and composite signs will be encouraged as an alternative, where appropriate.

**C - Other referenced policies and documents**

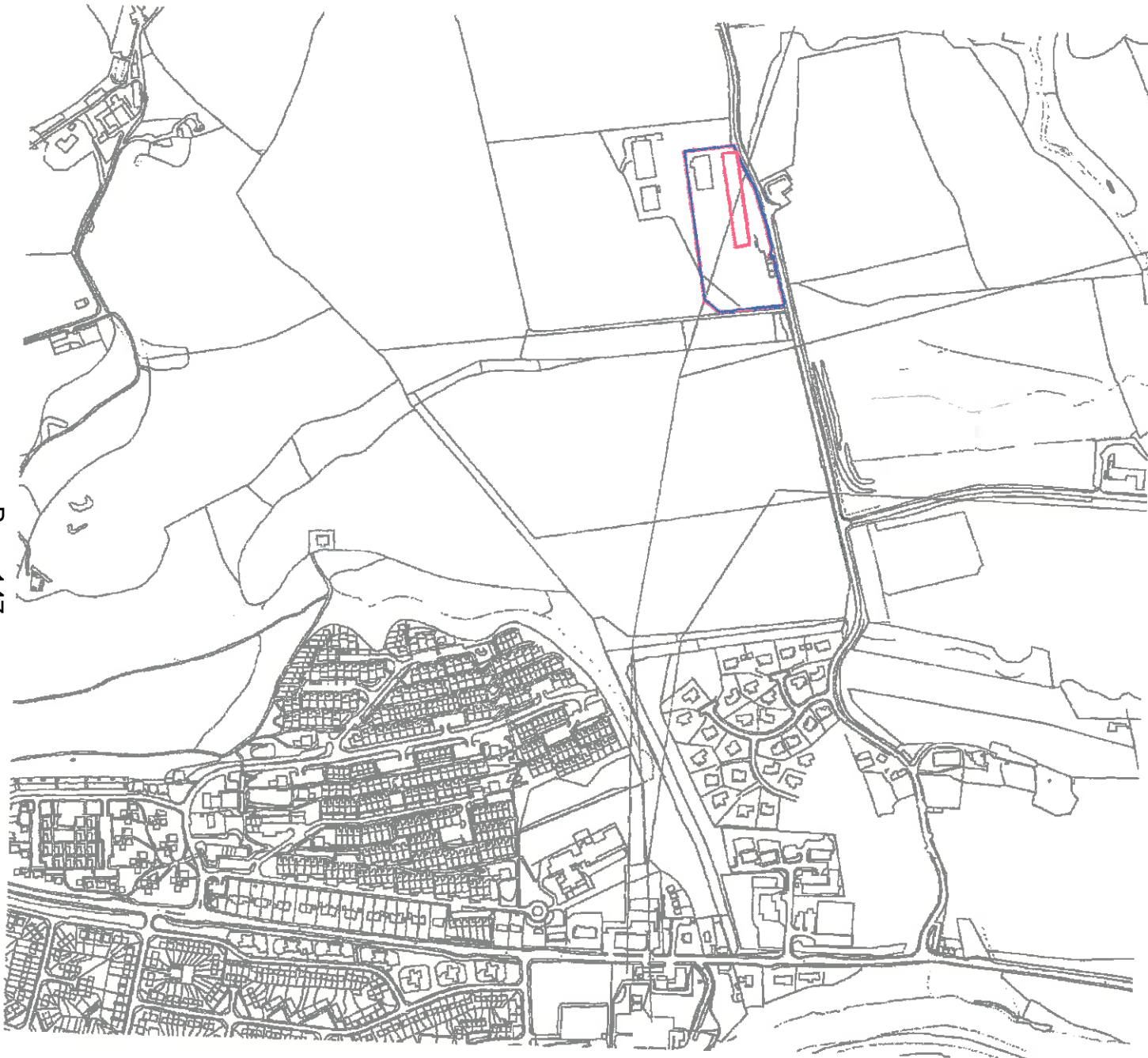
SBC Supplementary Planning Guidance on Countryside Around Towns [January 2011]

Scottish Planning Policy [June 2014]

PAN 73 - Rural Diversification [February 2005]

A Guide to Farm Diversification and Planning Permission in Scotland [April 2003]

Our Rural Future - The Scottish Government's response to the Speak Up for Rural Scotland consultation [March 2011]



REV. | DETAILS | BY | DATE |

Change of use to Commercial Storage  
at Farknovea, Langlee, Galashiels for  
Wilson G Jamieson Ltd

Location plan.

SCALE: NTS

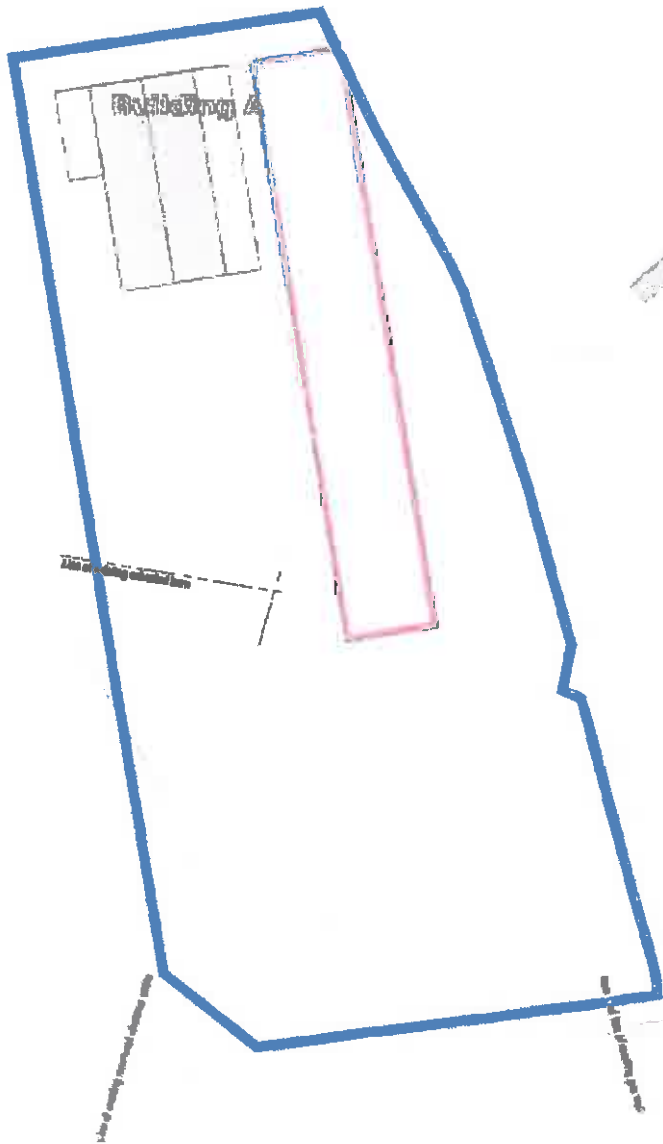
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DATE  
March 2016

DRAWING No.

REVISION

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[REV.] [DETAILS] [BY] [DATE]

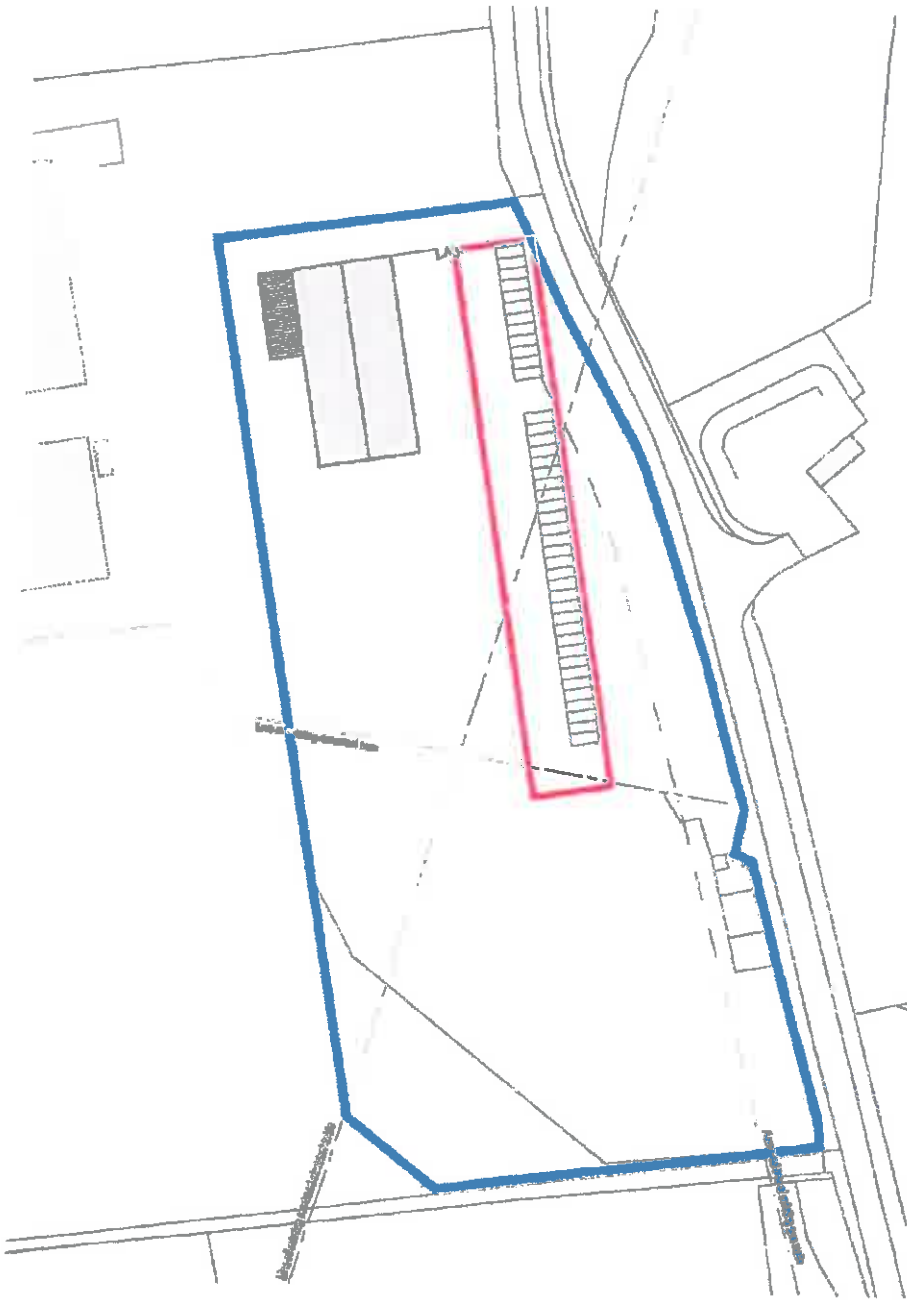
**Change of use to Commercial Storage  
at Farknora, Langlee, Galashiels for  
Wilson G Jamieson Ltd.**

**Proposed site plan.**

SCALE 1:1000

DRAWN BY: [ ] DATE: March 2016

DRAWING NO:



|REV. |DETAILS \_\_\_\_\_ |BY. |DATE|

Change of use to Commercial Storage  
at Farknowa, Langlee, Galashiels  
for Wilson G Jamieson Ltd.

Proposed site plan.

SCALE 1:1000

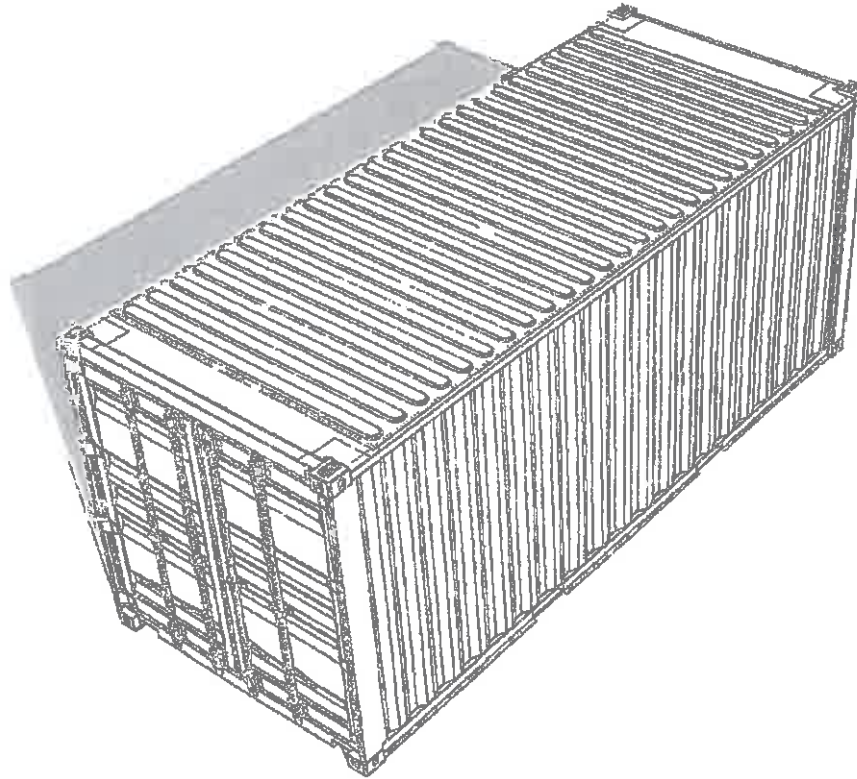
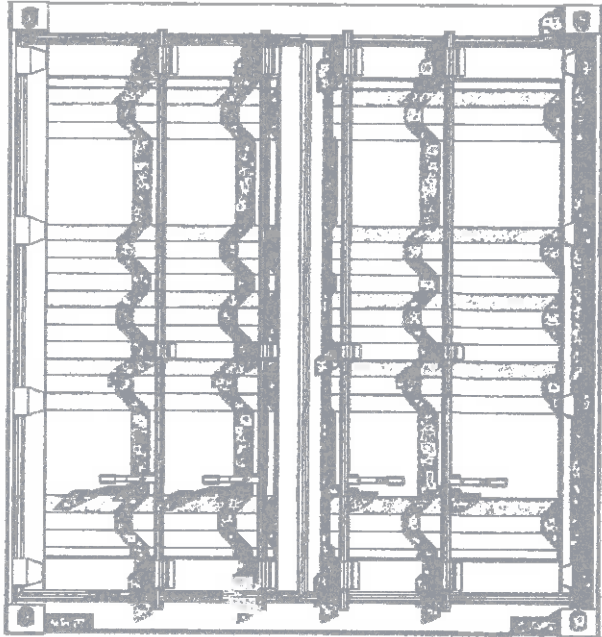
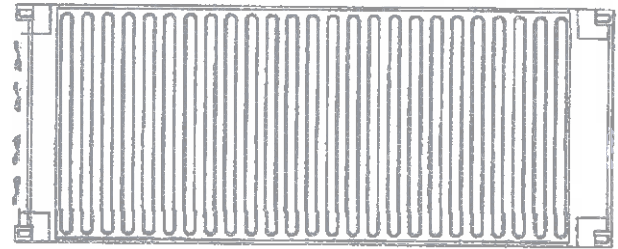
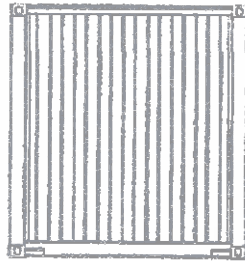
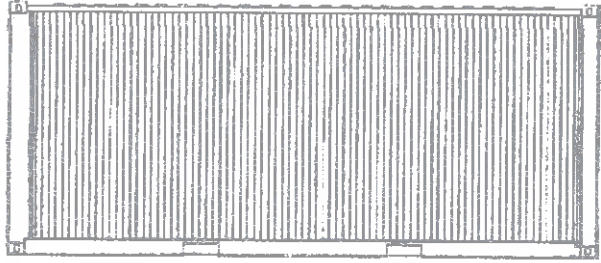
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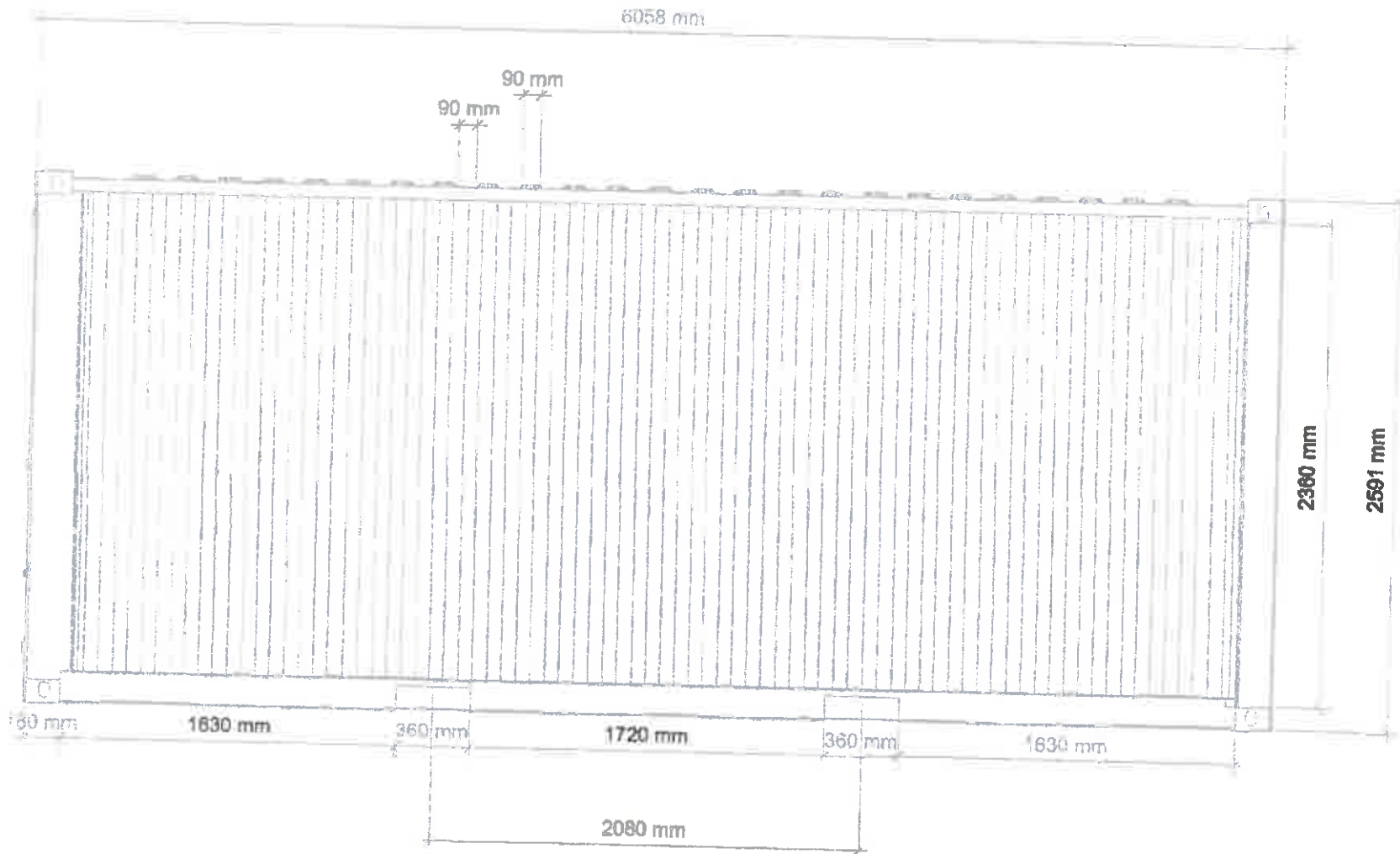


# TYPE 1A 20 ' GP DIMENSIONS

TECHNICAL DRAWING SERIES 2011

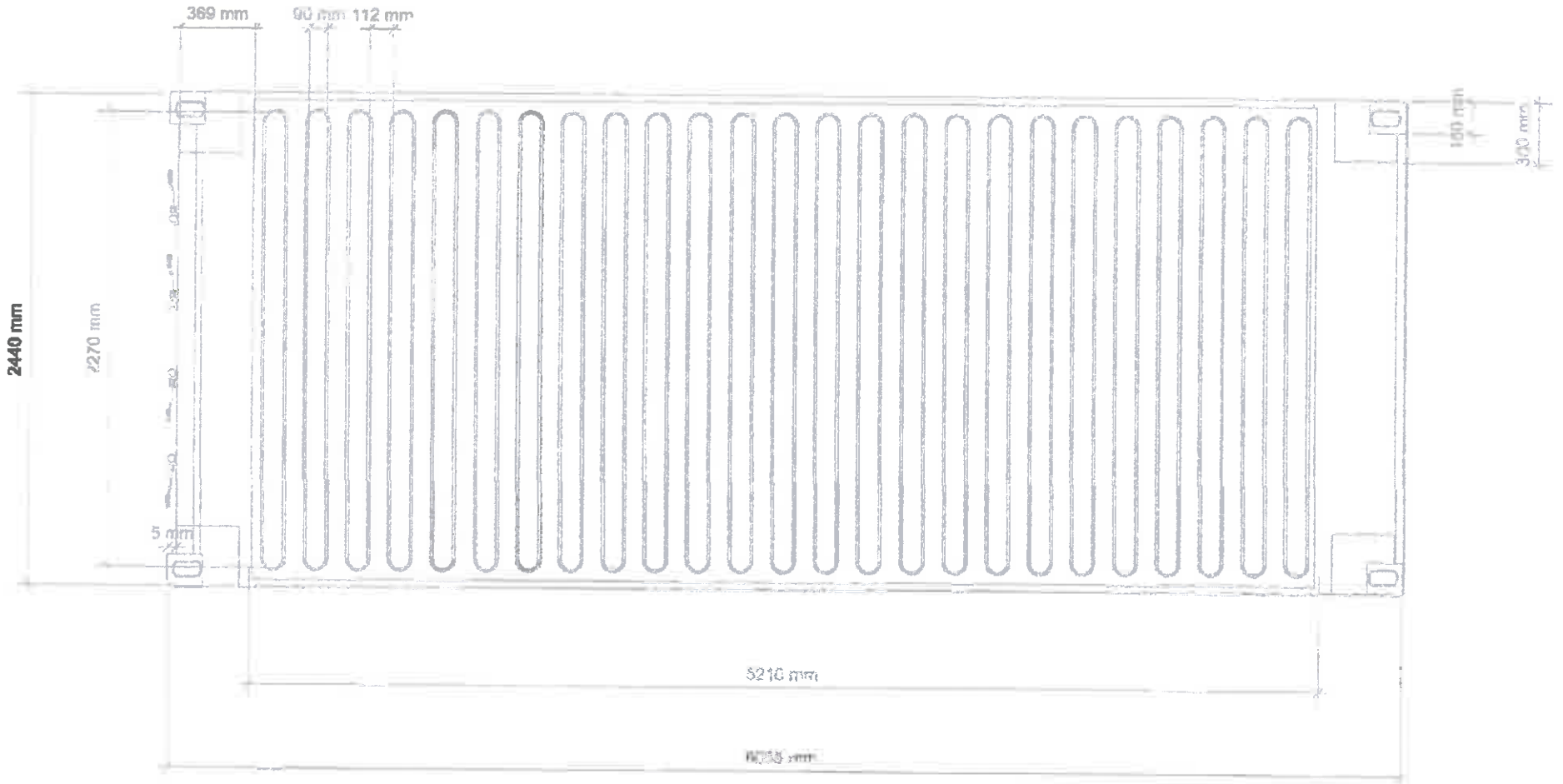
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**NOT FOR CONSTRUCTION**

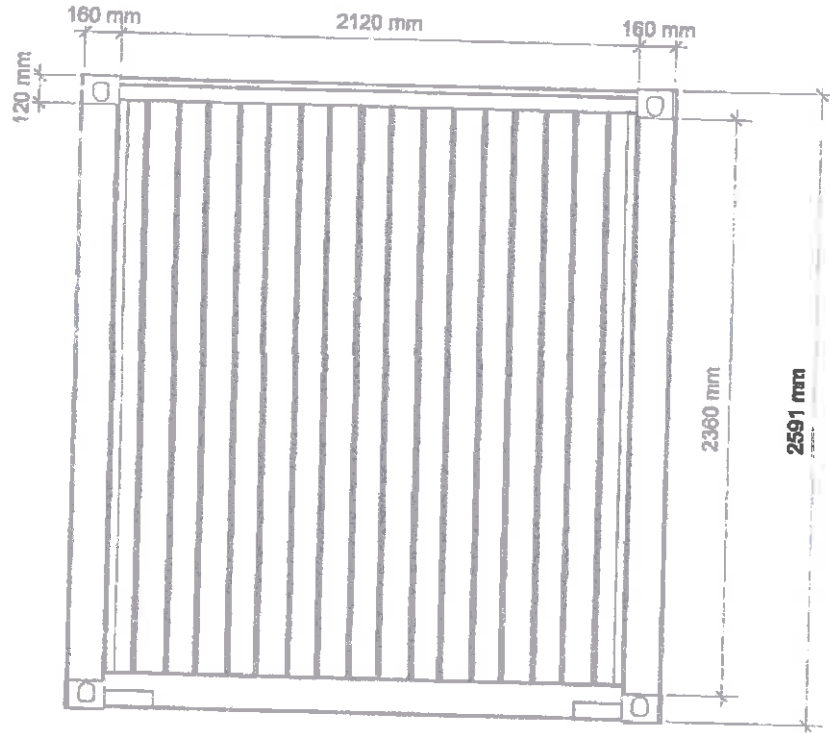


**TYPE 1A 20' GP SIDEWALL**

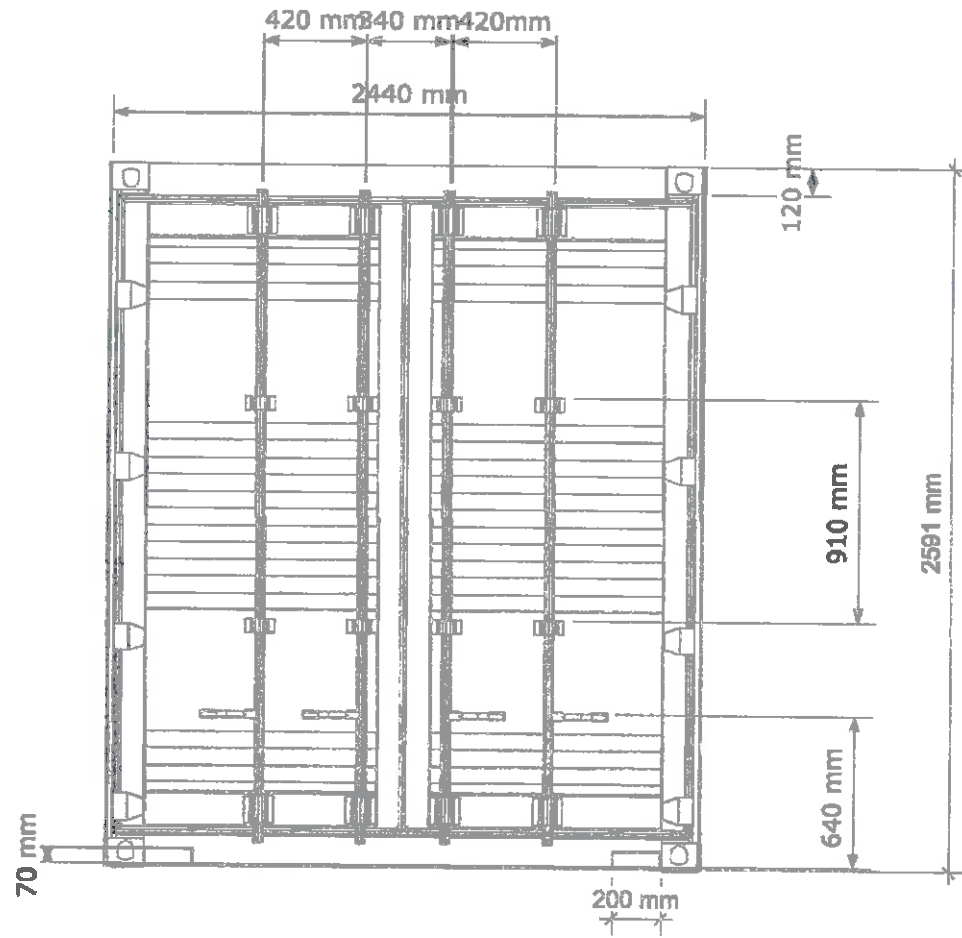




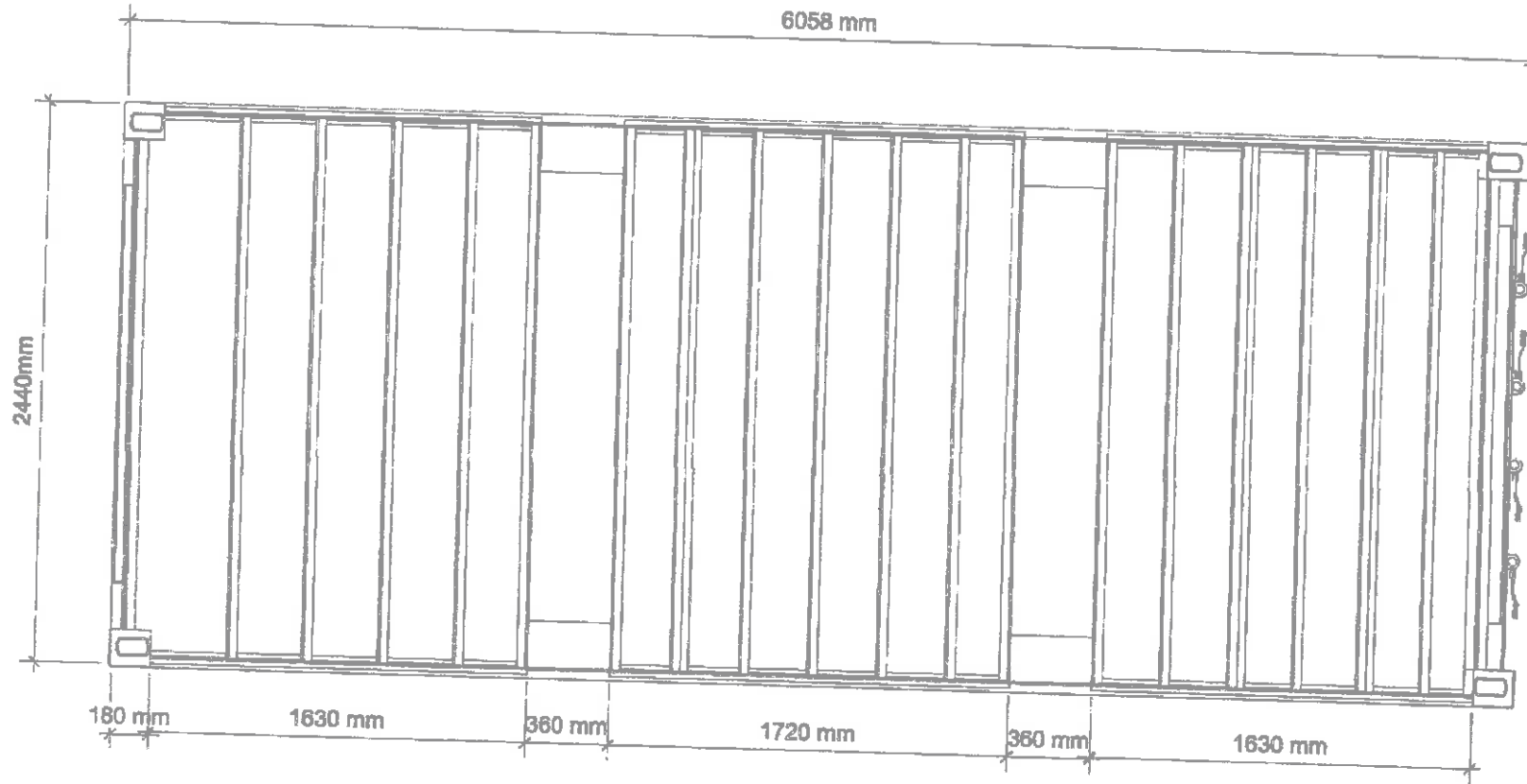
TYPE 1A 20 ' GP ROOF



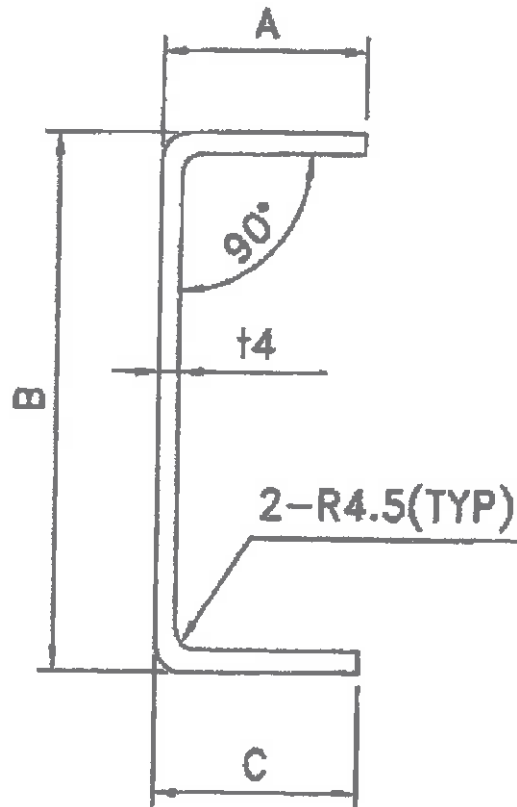
TYPE 1A 20 ' GP END WALL



TYPE 1A 20' GP DOOR END



TYPE 1A 20' GP UNDERFLOOR

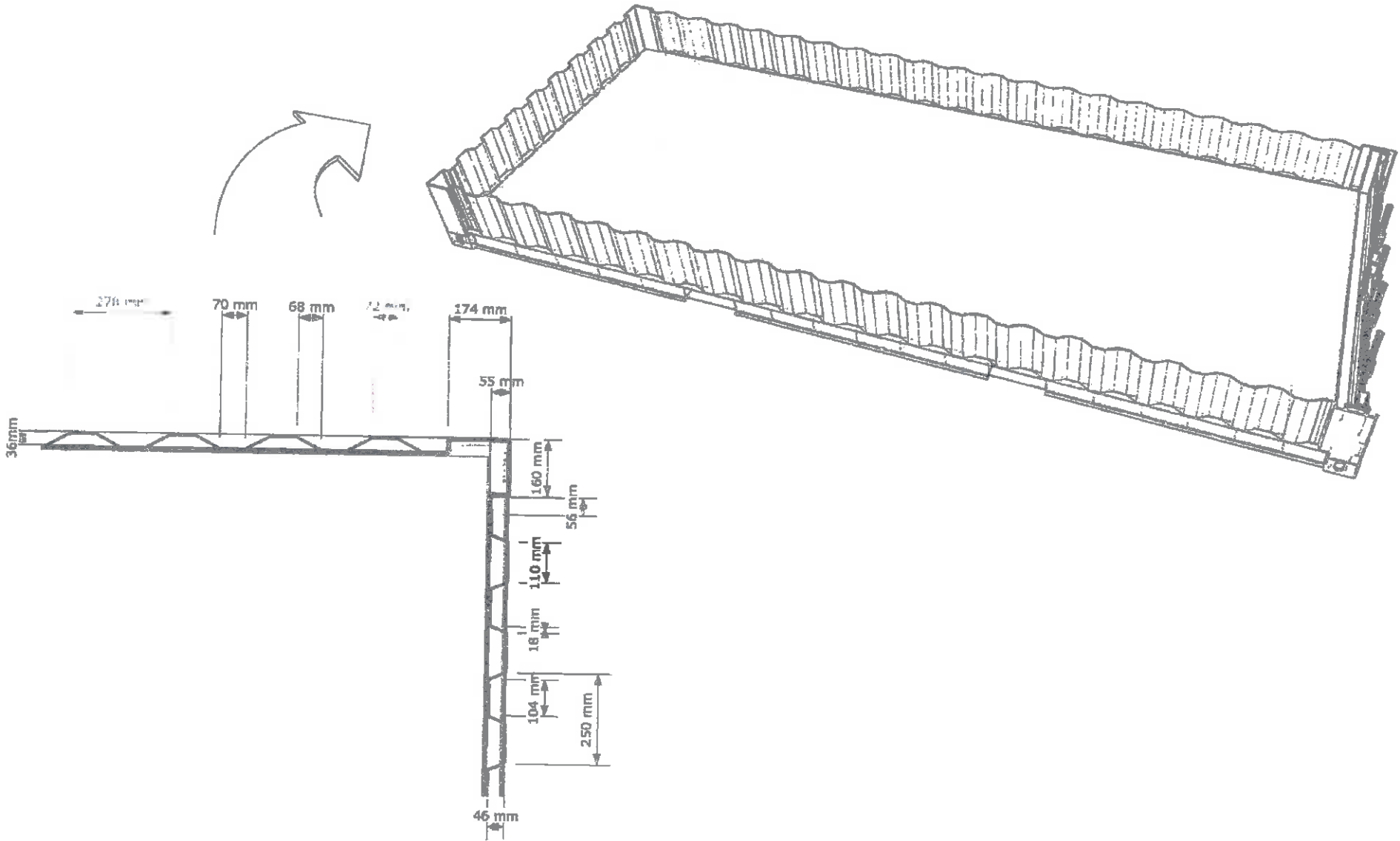


## Bottom Side Rail

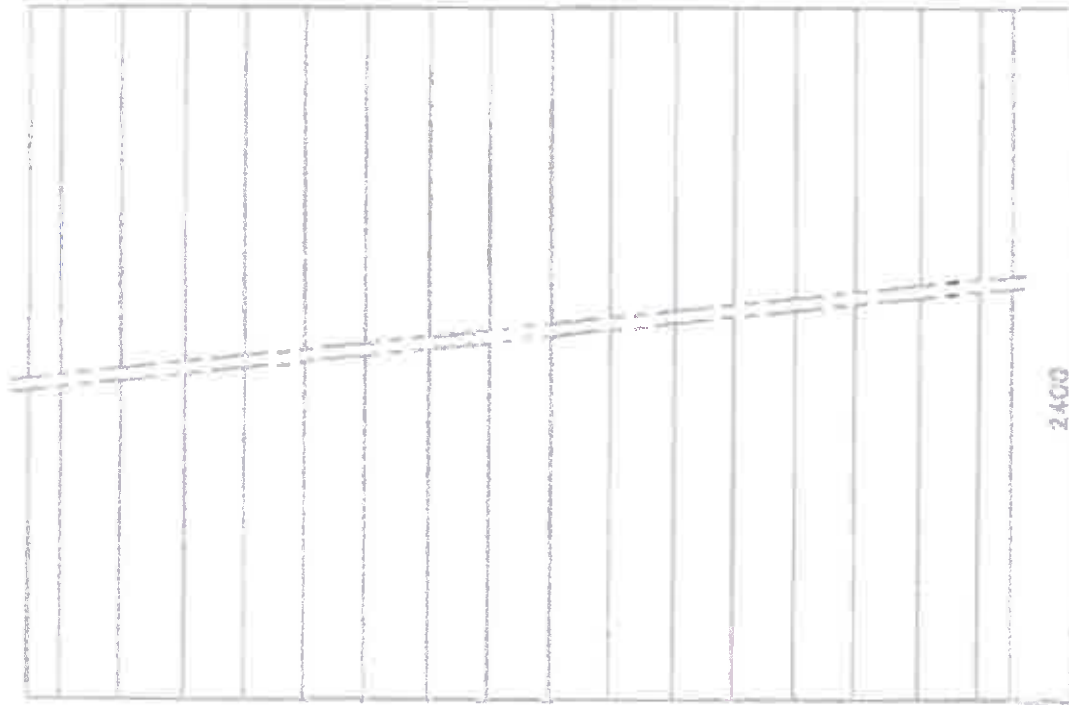
Each bottom side rail runs the full length of the container and is manufactured from one piece of 4.5 mm pressed steel.

The bottom flanges of the side rails face outwards so as to be easily repaired if they get damaged and making it harder for them to corrode.

**TYPE 1A BOTTOM SIDE RAIL**

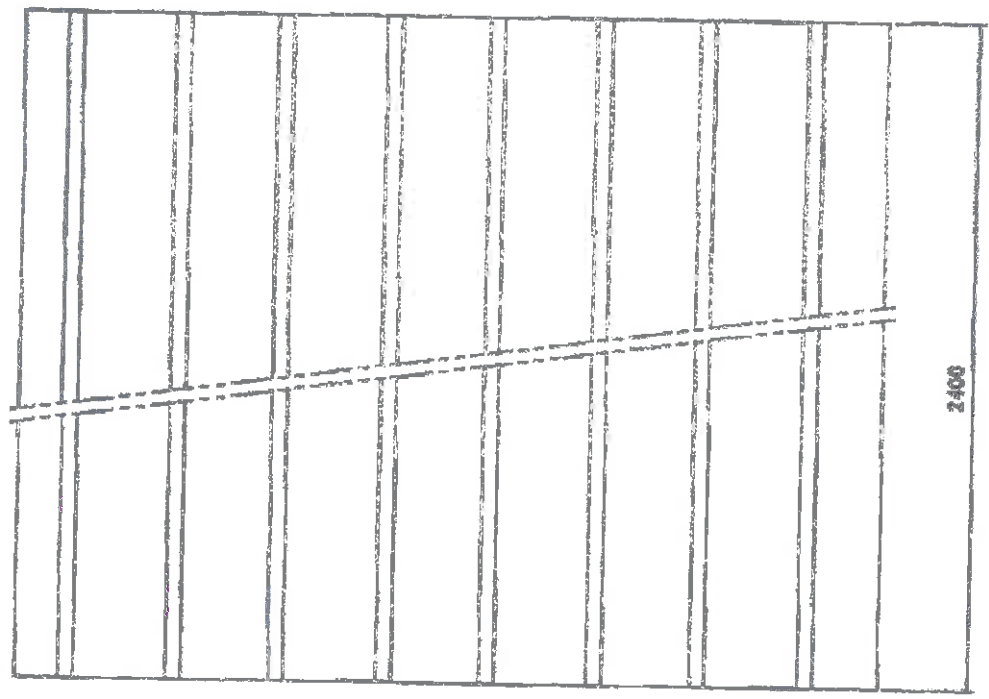
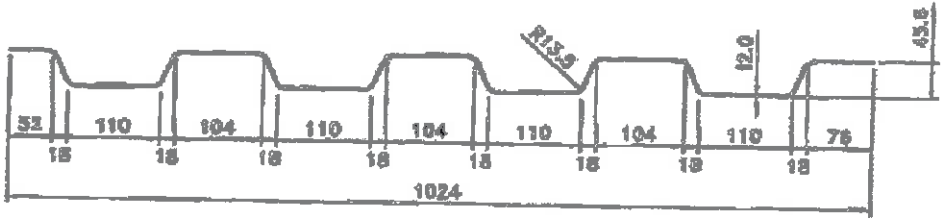


TYPE 1A 20' GP WALL SECTION



TYPE 1A SIDE WALL PANELS





TYPE 1A REAR END WALL

# Container Floors

## Plywood Sheets

**Size: 1220 x 2440 x 28 mm**

**Number of Plies: Minimum 19 plies**

**Plywood material: Apitong / Hardwood**

**Screws: M8 x 45 x  $\Phi$ 16 electro zinc plated**

**CONTAINER FLOOR SHEETS**



SU 31960  
22G1

PSSU 319704 4  
22G1

MAX. GR. 30,488 KG  
67,200 LBS  
TARE 2,015 KG  
NET 4,440 LBS  
28,465 KG  
62,760 LBS

CU. CAP. 33.2 CU.M  
1,170 CU.FT.

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**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 16/00397/FUL

**APPLICANT :** Wilson G Jamieson Ltd

**AGENT :** Peter Macleod

**DEVELOPMENT :** Change of use of land to commercial storage and siting of 42 No storage containers (retrospective)

**LOCATION:** Land East Of Langlee Mains Farmhouse  
Galashiels  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
001	Location Plan	Refused
101	Site Plan	Refused
102	Site Plan	Refused
GP DIMENSIONS	Elevations	Refused
GP ROOF	Roof Plan	Refused
GP DOOR END	Elevations	Refused
GP END WALL	Elevations	Refused
GP SIDE WALL	Elevations	Refused
BOTTOM SIDE RAIL	Other	Refused
SIDE WALL PANELS	Elevations	Refused
CONTAINER FLOOR SHEETS		Other Refused
	Photos	Refused
REAR END WALL	Elevations	Refused
GP WALL SECTION	Sections	Refused
GP UNDERFLOOR	Elevations	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

No representations.

Roads Planning Section: No objections. This proposal would create some additional traffic onto the C77 Langshaw public road. However, the increase is anticipated to be relatively low, and these vehicles would be generally spread out evenly throughout the working day. This would have little adverse effect on the current usage and free flow of traffic on the C77. It is noted that this is a retrospective application, and to date, Roads is unaware of any issues arising with the traffic generated with this development.

Environmental Health (Contaminated Land): no comments.

Environmental Health (Amenity and Pollution): There is potential for annoyance if exterior lighting is used. An informative is recommended to advise the Applicant with respect to potential light nuisance considerations.

Economic Development: would generally support facilities that support rural businesses and this form of rented storage would appear to provide this facility. It assumes that the Applicant must have determined that there was a market for renting these containers prior to incurring such high expense. Whilst container storage sometimes is contained within industrial estates, they are a poor use of serviced employment land, which is extremely expensive to create and does not generate many jobs in proportion to the expenditure incurred. Economic Development therefore supports this use, on what appears to be marginal land, which generally may be sterilised for other uses, due to the location of the gas main and overhead electricity cables. It considers that this use does not need public utility services. While the Applicant has tried to ensure that the containers blend in, they are generally quite urban in nature and would benefit from some form of screening. It is not clear exactly where the intended screen hedge is to be located, but as the containers are 2.6m high it would be some time before the hedge would have the desired effect. Planting adjacent to the public road verge may achieve screening much sooner than to the rear of the containers. In addition some woodland planting that would also screen the rest of the site may help, but its location would be restricted by services. It is suggested that the Council's landscape architect would be consulted for its views in this regard. However, it would not support the site being granted for Class 4, 5 & 6 uses, as this is perhaps not an ideal location for other types of businesses and that perhaps a section 75 agreement should be considered to restrict the site to only be used for rural business uses.

Forward Planning Section: This application must be assessed against Policy ED7 - Business, Tourism and Leisure in the Countryside of the Scottish Borders Local Development Plan 2016. Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process. Particular attention needs to be given in the consideration of this application to criteria C in respect of the economic and/or operational need for the containers to be at this particular location. Due consideration needs to be given to the visual appearance of the proposed storage containers and whether appropriate landscaping could be considered.

Scottish Gas Networks: notes that there are high pressure pipelines in the area of the proposed works. It has sent correspondence to its local engineer to assess but in the meantime, formally objects to this planning application until such time as a detailed consultation has taken place.

HSE: Does not advise against.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Council Local Development Plan 2016:

Policy PMD1: Sustainability  
Policy PMD2: Quality Standards  
Policy ED7: Business, Tourism and Leisure Development in the Countryside  
Policy HD3: Residential Amenity  
Policy EP6: Countryside Around Towns  
Policy IS7: Parking Provision and Standards  
Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage  
Policy IS12: Development Within Exclusion Zones

Other Planning Considerations:

National Planning Framework 3  
Scottish Planning Policy (2014)  
PAN 73 - Rural Diversification (2005)

SBC Supplementary Planning Guidance: Countryside Around Towns (approved January 2011)



**Recommendation by** - Stuart Herkes (Planning Officer) on 31st May 2016

## SITE DESCRIPTION AND PROPOSED DEVELOPMENT

This application seeks retrospective approval for a change of use of land within the farmyard at Langlee Mains, around half a kilometre to the north of Galashiels, to accommodate the siting and operation of 42 shipping containers as a commercial storage facility.

The Applicant, 'Wilson G Jamieson Ltd Fencing and Forestry', is a fencing and forestry contractor, which is currently also seeking retrospective approval (Planning Application 16/00356/FUL) for the relocation of its forestry and fencing contractor business services and timber processing activities to the same site but also a wider area of adjacent land. This wider site (16/00356/FUL) includes an existing agricultural building to the immediate west.

In planning policy terms, the site lies out with the Development Boundary, and within the designated Countryside Around Towns Area.

The proposed commercial storage facility is explicitly identified within the Applicant's supporting statement as being a side-line to the forestry and fencing contractor business, to diversify that business' activities. The supporting statement advises that its customers are anticipated to be rural businesses or businesses serving rural customers.

The eastern extremity of the site is traversed by a gas main (Newhouses to Calfhill pipeline). The Applicant advises that due to the need not to develop land around the pipeline, this area would be converted back to use as a paddock. A new hedge of native species is proposed along the eastern side of the yard, to soften views of the site from the public road.

The site access, which is essentially that for the wider farmyard, is not included within the site boundary. It lies to the immediate northeast. The public road lies downslope, to the immediate east. Otherwise, adjacent land is all within the farmyard at Langlee Mains. This includes two existing and operational agricultural buildings to the immediate west of the site.

With respect to the site's wider environs, the land to the east, on the opposite side of the public road, was formerly a municipal landfill. This is no longer in service for refuse disposal, and has now been landscaped. It does however accommodate an operational landfill gas electricity generating station. This lies within approximately 25m of the site. Land to the south of the landfill site, accommodates an operational recycling facility. This lies at a distance of approximately 500m from the site. Further north and east of the application site, is a golf driving range, which lies at a distance of more than 1.5km.

## PLANNING HISTORY

The site is land within the farmyard at Langlee Mains, an established agricultural holding.

The existing building to the west of the site was originally consented as a cattle shed (Planning Consent 02/01163/FUL). Following its construction, Forth Meat Supplies Ltd obtained a further consent (05/02107/FUL) for a part change of use of the same building to accommodate a meat processing facility. The latter would have been a Class 5 industrial use, but there is no evidence that this use of the site was ever actually implemented. The Applicant does not challenge this understanding. It does allege that besides agricultural uses, Forth Meat Supplies Ltd also used the site for storing refrigerator lorries. However, it has provided no documentary evidence to substantiate the operation of any commercial storage use at the site. It also does not provide any details about the extent to which this was ever a main use of the site (or any part thereof); and no details about the length of time that any such commercial vehicle storage use was in operation. The Planning Authority has no record of the site ever having been used for any non-agricultural uses by Forth Meat Supplies Ltd. Accordingly, it is not accepted that Forth Meat Supplies Ltd's operations established any commercial use at the site. There is in short, neither express nor deemed planning approval for any Class 5 general industrial and/or Class 6 storage use(s) at the site.

Planning Consent 10/00249/FUL gave a temporary permission for the siting of four storage containers, seven office units, one security office and a heras boundary fence at the site in connection with a specific

and short-term temporary proposal. This related to service works then being carried out there by a gas pipeline operator. This permission was subject to a condition that all approved structures and fencing should be removed from the site at the end of the temporary period of consent. This expired at 31 December 2010.

The Applicant acquired the site in 2012. At the end of last year, the Applicant, of its own accord, made a planning application (15/01451/FUL) seeking approval for new commercial storage buildings at the farmyard, and without making any proposal to change the use of the site. The application did not include the 42 shipping containers, but these were observed to be in situ on the occasion of the Planning Officer's site visit.

Planning Application 15/01451/FUL was refused on the basis that the Applicant had not demonstrated any need for any general storage facility to be accommodated in this rural location, and additionally, also on the basis that the industrial character of development (appearance and operation) would be unsympathetic to the rural character of the site and surrounding area. An informative attached to the Decision Notice advised that the Applicant was operating unlawfully at the site, and that this situation required to be resolved in order to prevent enforcement action. This advice and follow-up discussions have directly prompted Planning Application 16/00356/FUL and Planning Application 16/00397/FUL.

## PLANNING POLICY

The site is agricultural land out with the Development Boundary. It is not allocated for employment or any other uses. The Applicant has not substantiated its advice that part of the site is already within a commercial, non-agricultural use. Accordingly all the evidence is that the established use of the entire site is only reasonably considered to be agriculture.

The proposed commercial storage business use based on the leasing of the 42 shipping containers, also falls within Use Class 6 (storage or warehousing).

Scottish Borders Council Local Development Plan Policies ED7 and EP6 serve to test the acceptability or otherwise of the principle of the proposals in this case.

Specifically Policy ED7's item c. requires that a business or employment generating use in the countryside should be supported where the Council is satisfied, firstly, that there is an economic and/or operational need for the particular identified countryside location, and secondly, that this use cannot reasonably be accommodated within the Development Boundary of a settlement.

In its specific application to land that is within the identified Countryside Around Towns Area, Policy EP6's item a. also requires the Council to be satisfied that there is an essential requirement for a proposal's rural location and that the use would be appropriate to a countryside setting. Policy EP6's items b., c. and e., are not reasonably applied in principle to the assessment of the current proposals. It is conceivable that the proposals, or an aspect of them, might satisfy Policy EP6's item d's requirement for a landscape/trees/woodland/natural heritage/cultural heritage/access and/or recreational enhancement. However, were this to be the case, this would not negate the need for the principle of the proposals to be assessed against Policy ED7 (which does not include any equivalent provision to Policy EP6's item d).

Ultimately then, support for the principle of the proposal, comes down to whether or not the Council is satisfied that there is, firstly, a need for it to be accommodated at this particular countryside location; and secondly, that it cannot more reasonably be accommodated within the Development Boundary, rather than within the countryside more generally, or within the Countryside Around Towns Area more specifically.

## PLANNING PRINCIPLE

The Applicant has provided a supporting statement which presents the proposed commercial storage use, and retrospective siting of 42 shipping containers, as a side-line or offshoot business from the fencing and forestry contractor business, which it is advised, needed to diversify its business activities. There is however no inherent link between the two operations. Nor are there any details of the business' concern or efforts to secure premises that would have been more acceptable in planning terms to accommodate this part of its business operations. No site selection process is in fact detailed at all beyond the considerations which informed the Applicant's original need and decision to relocate its forestry and fencing contractor operations to the site in 2012.



I have reviewed that the supporting statement but do not consider that it demonstrates that there is an economic and/or operational need for the proposed commercial storage use to be accommodated at this particular countryside location, nor that it has demonstrated that the proposal cannot more reasonably be accommodated within the Development Boundary of a settlement. On the contrary, I would observe that this proposal is of a decidedly general industrial character which would in fact more reasonably be anticipated to be sited within an industrial estate within the Development Boundary, where its appearance and operation would be more sympathetically accommodated. It is, I consider, only reasonably concluded that this proposal is contrary in principle to both Policy ED7 and Policy EP6 item a.

In its supporting case however, the Applicant explicitly appeals to mitigating or "redeeming" circumstances which it considers justify the proposal being made the subject of an exceptional approval. In addition to this, the Council's own Economic Development Section has identified other considerations which it advises, justify the proposal being made the subject of an exceptional approval. The material considerations identified by the Applicant and Economic Development principally relate to economic, land use and landscape considerations. I consider these in turn, below:

### ECONOMIC CONSIDERATIONS

In its supporting case, the Applicant advises that there is "a demand for this type and location of storage unit". However, this assertion is non-specific, and is not substantiated or justified by any documentary evidence; and critically, not in any terms which explain or justify operation from this or any other countryside location.

Economic Development is satisfied on the basis of the Applicant's considerable investment in this business venture to date that such demand must reasonably be understood to exist. However, this is somewhat axiomatic and is ultimately not a planning consideration when the need for the particular site and countryside location cannot be justified in planning terms. At least in planning terms, it is reasonable to ask whether the demand could not more appropriately be met at a site within the Development Boundary. Within land use planning, a wider consideration of the proposal's impacts upon the environment and amenity of the site and surrounding area requires to be balanced with economic considerations. Such a balance is substantially enshrined within the considerations required by Policy ED7, with which, as noted above, the proposal does not comply. There is no basis for setting aside the need for this wider consideration with respect to this or any other planning proposal that may be able to deliver an economic benefit. The proposal is unexceptional in this respect.

Further details (specifically with respect to who it is that is generating this demand, and why it cannot be met within the Development Boundary, including within existing storage facilities) might have been helpful to the Applicant's case. However, I would anticipate, firstly, that the Applicant would be unable to demonstrate that its proposed facility actually fulfils any requirements or needs which in planning terms, are not more reasonably and appropriately met at a storage facility within the Development Boundary. Secondly, I would anticipate that the advised demand for the facility is liable to be less of a direct response to the site's countryside location (specific or general) than a direct response to an economic advantage that the Applicant can hand on to its customers from having secured a larger area of land in the countryside more cheaply than it would have done within the Development Boundary. Since the Applicant has proceeded to this position without first having secured planning approval, its advantage over potential competitors in the provision of commercial storage in the area, appears to have been wrought directly through a planning breach. The case that there is a demand for the facility appears to rest somewhat precariously upon the Applicant operating, and being allowed to continue operating, in circumstances that are contrary to planning policy. Were this allowed, this circumstance in itself, would serve to protect the Applicant's advantage from rival operators of commercial storage facilities, who are required to base their operations within the Development Boundary.

The Applicant advises that its concern is to limit the lease of its containers to rural-based businesses or businesses that service rural customers. However, there is no inherent need for any business whose storage needs can be met off-site in a shipping container to have to have that shipping container accommodated at a location in the countryside. This becomes even more untenable when it is considered that the site in question is not within any particularly remote rural area, at distance from a main settlement. On the contrary, it lies in close proximity to Galashiels, where there is employment land, and business premises, which are both actually and potentially available for this purpose, and within only a relatively short

distance. It is therefore unclear how the facility is in any locational sense, meeting any need or demand that cannot be met within the Development Boundary. The latter is liable to offer a more accessible and sustainable base for such an operation without having any unacceptable impacts upon the rural environment and amenity of the site and surrounding area. The Applicant's concern to vet or screen the facility's users is in any event unworkable in theirs or the Planning Authority's terms. Ultimately this is of no substantial consequence or relevance to the decision before the Planning Authority. Leasing in this situation would, and could, only practically be left to the Applicant's own discretion.

The Council has through its Forward Planning processes, and in consultation with statutory consultees and the public, carefully assessed the optimum locations for employment land, and where this can be accommodated most effectively and sustainably. Planning Application 16/00397/FUL effectively seeks to circumvent this process, proposing what is effectively a new industrial estate without the planning need for this facility, let alone the need for it to be in this location, first having been appropriately demonstrated. It would be a very ad hoc way for general employment land, including commercial storage space, to be delivered, were this proposal to be supported in the absence of any planning justification at all. It is a unilateral initiative whose success appears heavily, if not directly, dependent upon the operation being allowed to continue in circumstances that are directly contrary to planning policy. The latter would thereafter be liable to serve to protect its 'advantage' from its potential competitors - although, if the application were supported contrary to the requirements of planning policy, it might also be liable to encourage other similar proposals to accommodate general employment uses on farm land. Support for the current application would be liable to be perceived by others, as setting a precedent for exceptional approvals of general industrial and storage proposals on agricultural land in the countryside.

#### LAND USE CONSIDERATIONS

The Applicant cites the fact that the surrounding area already accommodates a number of land uses which are not so much countryside uses in their character, but peripheral, municipal, edge-of-settlement uses. Principally, it notes the former landfill (which still powers a generator) and recycling plant to the east and south. These however are confined to the opposite side of the road from the site, and there is no logical or reasonable requirement for a land use that would more readily be accommodated within the Development Boundary, to now be permitted to spread this municipal, quasi-industrial character of development any further north and west; at least not without it first having been demonstrated that the need could not be more reasonably met within the Development Boundary. (No regard can or should be had to the proposal that was the subject of a recent Screening Opinion Request which relates to land to the north and west of the site. A Screening Opinion Request is not a planning application, let alone a planning approval, and therefore that proposal, which has not been subject to the full scrutiny of the planning application process, does not reasonably inform the context in which the current proposals must be assessed).

The Council's own Economic Development Section supports the shipping container installation on the grounds that this is a use of a site that might not otherwise be put to productive economic use. However, the land is agricultural land (or if Planning Application 16/00356/FUL is approved, a fencing and forestry contractor business premises). It does not reasonably fall to be acceptably characterised as marginal or unproductive land in need of any new land use in the terms that Economic Development appears to anticipate. At least, I do not consider that the site's circumstances are particularly notable or exceptional. It is a farmyard and not an area of waste ground. A great deal of farm land throughout the region lies within the vicinity of settlements, pipelines, and other utilities, and any view that such a setting might render land unproductive for agriculture or other uses, risks encouraging the view that consideration should be given to other non-agricultural proposals for other areas of land still within agriculture, notwithstanding that the latter is a productive economic use of land in its own right. Again, the admission of any such consideration, without the need for the specific facility in this specific rural location first having been properly established in planning terms, is at risk of promoting a view, or sense, of an ad hoc, evolving approach to land use planning, which contradicts the careful and reasoned considerations that have informed the formulation of the plans and policies of the statutory development plan. Ultimately, I do not consider that there is reasonably any compulsion to accept any view that the Applicant is somehow making use of, and recovering, land that is in any way lost, or at risk of being lost, to farming and the wider rural economy.

Economic Development's support for a long-established and successful local business is entirely understandable, but the identification and achievement of the most productive economic use of any isolated piece of land is not an overarching planning consideration. Land use planning exists to ensure that all land uses are appropriately accommodated within the context of wider local, strategic and national level planning

aims, and are appropriate to their specific site and surroundings. This requires that appropriate consideration should be given in the public interest more widely, to amenity and environmental considerations, as well as to the accommodation of economic requirements.

## LANDSCAPE CONSIDERATIONS

The shipping containers would appear alien to a farmyard, and more generally to a rural and agricultural context. Shipping containers, particularly in such numbers, have an unequivocally industrial character. The appearance is incongruous and completely unlike anything that might be expected to result as a consequence of normal farming and/or rural land management operations. Indeed in its character, the facility is more reminiscent of a dockland or haulage yard than a Borders farm. I consider that this appearance and character of development, unmitigated as it is, is in itself objectionable, and contrary both to Policy ED7 and Policy PMD2 of the Local Development Plan.

While some modest new landscaping proposals are identified by the Applicant by way of mitigation, these would not be sufficient to address, or counteract the currently unmitigated view of rows of shipping containers which are within full view of the public road. The site is not visually well-contained within the surrounding landscape, and the proposal therefore does not reasonably benefit from characterisation as being discreet or unobtrusive in the terms the Applicant anticipates should apply. On the contrary it is highly visible, and particularly in views from the adjacent public road. There is, I consider, an unacceptable landscape and visual impact, which would be further exaggerated by the appearance of business vehicles and cars which would only consolidate the appearance of an industrial estate, undermining any sense of an agricultural context. There is then nothing within the character of the operations, or the screening of the site, which actually mitigates the appearance of the proposed operation in the way the Applicant considers applies.

The commercial storage facility does not comply with any of the exceptions allowed by Policy EP6, including that policy's 'item d.' The latter allows for the principle of a development to be supported where it otherwise delivers an enhancement at the site, including in terms of landscape and ecology, however the land that the Applicant proposes to 'restore' to a field or paddock is already agricultural land and therefore is not dependent upon the approval of this, or any other proposal, for the deliverance of its 'restoration' to open field and agricultural use. This is not reasonably an enhancement in planning terms. Similarly a new agricultural hedge is similarly not reasonably an enhancement that requires 'enabling development', and is a particularly modest and underwhelming response in landscaping terms to the starkly industrial appearance of the shipping containers.

## OTHER MATERIAL CONSIDERATIONS

I note the Applicant's appeal to national level planning policy and guidance including National Planning Framework 3, SPP and PAN 73. However, while these documents are supportive of rural economic growth, including redevelopment of brownfield land, and opportunities for business in rural areas, this support is generic, and does not outweigh the need to assess the potential impacts upon the environment and amenity of the specific site and surrounding area as a consequence of the specific proposals.

All in all, the Applicant's supporting case does not provide any advice, or demonstrate any case that might reasonably be seen to override the need to determine this application in accordance with the requirements of planning policy. The proposal is unexceptional and I consider, is only appropriately refused in the circumstances.

## ACCESS AND ROAD SAFETY

The Roads Planning Section has noted with specific reference to the operation of the shipping containers that there is potential for some additional traffic onto the C77 Langshaw public road. It does not however anticipate any unacceptable impacts, and takes some comfort from the facility already being in place and operational.

Ultimately, I would not challenge Roads' consideration of these matters, but I am unaware from the Applicant's supporting details of what the existing level of operation of these containers actually is. They appear to have been installed relatively recently. I am not reassured that the absence of concerns raised to date with respect to traffic impacts is a fair reflection of the level of operation that the facility might be



capable of generating, particularly if the numbers of containers were to be increased within the site boundary.

Moreover, I would note that the site access would be shared between the farm and the Applicant's businesses. There would be potential for conflicts between farm traffic, forestry contractor business traffic and any and all users of the proposed commercial storage facility (potentially business vehicles, vans and vehicles of members of the public). While it may not be objectionable, I would still note that there is clearly potential for farm and forestry contractor business traffic to conflict with more general vehicles liable to be generated by the shipping containers' operation in and around the road junction and shared access road.

Going forward, I would also be concerned that the Applicant does not appear to own or control the site access it shares with the farm. The access would be liable to be maintained by its owners at a level sufficient to accommodate farm traffic (which would also be liable to serve the needs of the forestry and fencing contractor vehicles). However, this does not factor in what would be required in the long-term to serve commercial and private vehicles requiring to access the shipping containers.

The Applicant, concerned to demonstrate sustainability, considers that regular bus services accessible at Melrose Gait, 900m from the site, gives the opportunity to travel by bus and walk to the site. However, the links between the site and the wider public transport network are patently poor and do not recommend the site as a location to which the public in particular, should be appropriately encouraged or directed. This is all the more so when the mix of traffic operating at and within the near vicinity of the site is considered.

Ultimately I accept Roads Planning's assessment, and would not consider any of the above concerns in themselves, to be objectionable.

#### OTHER CONCERNS

Environmental Health notes the potential for lighting to be installed in relation to the yard and storage container use. No lighting is proposed. In the event of approval, an informative might be included to advise that any future proposals for lighting (even in relation to the yard operations of the forestry and fencing contractor business) should be discussed with the Planning Authority to establish the planning requirements in advance.

The Applicant advises, and it is accepted, that its operations have, or would have, no unacceptable impacts upon the qualifying interests of any natural heritage or cultural heritage designations within the surrounding area.

In the event that the storage facility proposal were supported, it would be reasonable to require by condition that the proposed new hedge at least - if not actually a new woodland or tree belt - should be established on the Applicant's land to the east of the site; that is, on the 'paddock' the Applicant proposes to restore between the yard and the public road.

Scottish Gas Networks has issued a conditional objection which is to stand until such time as it has assessed the impacts upon the pipeline. In the event of approval, an informative would be appropriately attached to advise that the pipeline operator may have concerns with respect to the operation of the shipping containers. Notwithstanding that this is nominally an objection, SGN's advice does not reasonably justify refusal of the proposal as being contrary to Policy IS12 since the proposal could still be found to be acceptable further to SGN's assessment. Moreover, this consultee has not provided any further advice to this point to update its provisional advice.

In the event that the shipping containers application is refused, an informative should be attached to the Decision Notice issued in that case, to advise that these containers should now be removed from the site at the Applicant's earliest opportunity. In this case however, the advice requires to allow that the Applicant might wish to exercise its right to appeal, and accordingly the timetable needs to allow for this.

The Applicant has provided a lot of drawings with respect to the appearance of the shipping containers but these are already in situ, and the application is first and foremost for the use of the land to site and operate the shipping containers as a commercial storage facility. Were the proposal supported, it would be appropriate to rationalise these details on the decision notice to the minimum and most salient descriptions, omitting details of "bottom side rail" and "container floor sheets" etc.

## CONCLUSION

The proposed commercial storage use does not comply in principle with Adopted Local Plan Policy ED7 in that the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location, and the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular countryside location. Nor does it satisfy any of the five exceptions allowed by Policy EP6. The proposals are contrary in principle to both of these policies. There are no material considerations which are so significant in isolation, or indeed in culmination, as to justify any contrary decision.

Further, and taking account of the agricultural character of the site, its still predominantly rural setting, and exposure to public view, the proposal does not comply with Adopted Local Plan Policies ED7 and PMD2 in that the operation of the business, including the siting and operation of the proposed shipping containers, would be highly unsympathetic to the rural character of the site and surrounding area, and would have an unacceptably detrimental landscape and visual impact upon the appearance of the site and its environs.

## REASON FOR DECISION :

The proposal does not comply with Scottish Borders Council Local Development Plan Policies ED7, EP6 and PMD2 in that there is no overriding economic and/or operational need for the proposal to be sited in this particular countryside location; the proposal would more reasonably be accommodated within the Development Boundary; and the siting and operation of a commercial storage facility would be highly unsympathetic to the rural character and amenity of this site and the surrounding area, principally through the landscape and visual impacts that would result from such an industrial type and scale of operation being accommodated at this highly visible countryside location.

### **Recommendation:** Refused with informatives

- 1 The proposal does not comply with Scottish Borders Council Local Development Plan Policies ED7, EP6 and PMD2 in that there is no overriding economic and/or operational need for the proposal to be sited in this particular countryside location; the proposal would more reasonably be accommodated within the Development Boundary; and the siting and operation of a commercial storage facility would be highly unsympathetic to the rural character and amenity of this site and the surrounding area, principally through the landscape and visual impacts that would result from such an industrial type and scale of operation being accommodated at this highly visible countryside location.

### **Informatives**

It should be noted that:

- 1 **INFORMATIVE NOTE 1:**

All shipping containers require to be removed from the site at the Applicant's earliest opportunity. While it is reasonable to allow sufficient time for the Applicant to make alternative arrangements for the removal and disposal of all shipping containers, the Planning Authority reserves its right to inspect the site subsequent to this planning decision to ensure that the site is being operated in accordance with planning regulations, and if necessary, to pursue enforcement action against any observed breaches of these regulations if the containers, or any part thereof, are found to be still in situ.

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





**APPLICATION REFERENCE : 16/00356/FUL**

**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
001	Location Plan	Approved
101	Existing Layout	Approved
102	Site Plan	Approved
301	Elevations	Approved
201	Floor Plans	Approved
202	Elevations	Approved

**REASON FOR DECISION**

The proposals do not comply with Scottish Borders Council Local Development Plan Policies ED7 and EP6, but material considerations relating to the type of operations and the type of vehicles, plant, materials and equipment that would be operated and stored on the site, are found to be sufficiently overriding in this case, to allow the application to be supported subject to compliance with the identified schedule of conditions. This is because the operational appearance of the forestry and fencing contractor business premises would not be substantially different from what might reasonably occur at a farm or other rural land holding, either in direct relationship to the management of such holding and/or in relationship to the operation of a farm or estate-based diversification business enterprise.

Subject to compliance with the identified schedule of conditions, the proposals will accord with Scottish Borders Council Local Development Plan Policies PMD1, PMD2, HD3, IS7, IS9 and IS12.

**SCHEDULE OF CONDITIONS**

- Notwithstanding the details submitted in support of the planning application, the curtilage of the forestry and fencing contractor business premises hereby approved, shall be (and shall at all future times be held to be) in perpetuity: only that area of the site that corresponds to the area shaded in red on Approved Site Plan Drawing 102 (and including both 'Building A' and 'Building B'). The remainder of the land within the site boundary (specifically the area that is shaded in orange on the aforementioned drawing) shall be held to be agricultural land, and shall at no time be incorporated into the forestry and fencing contractor business premises hereby approved, nor shall it otherwise be used to accommodate any of the forestry and fencing contractor business's Class 5 (general industrial) and/or Class 6 (storage) operations unless a planning application in that behalf has first been submitted to, and approved in writing by the Planning Authority.

Reason: To retain effective control over the development and approved operations, and in the interests of conserving the environment and amenity (including visual amenity) of the site and surrounding area by ensuring that the forestry and fencing contractor business operations are appropriately contained within the perimeter of the existing yard. The Planning Authority considers that the area of land within the site boundary that lies between the existing yard perimeter and the public road, provides an appropriate physical separation between the business operations and the public road, and setting for the site, and that this space should be conserved in perpetuity entirely out with the curtilage of the business premises and the site of the business' operations.



- 2 Notwithstanding the details submitted in support of the planning application, the area of the site that corresponds to the area shaded in red on Approved Site Plan Drawing 102 (including the existing and new buildings contained within this same area) shall be, and shall at all future times be held to be, in perpetuity in a mixed use forestry and fencing contractor business use, encompassing only the following uses and operations:
- (a) the processing of timber, including the sawing, splitting and chipping of timber;
  - (b) the storage of timber for processing on-site and for distribution subsequent to its processing on-site; and
  - (c) the storage of vehicles, machinery, plant, materials and equipment used off-site in the provision of the forestry and fencing contractor business' forestry, fencing, tree works, ground works and/or landscaping services; with no permitted change(s) of use of the site, or any part thereof, to any other use(s) - including all and any uses within Classes 4, 5 and/or 6 of the Town and Country Planning (Use Classes) (Scotland) Amendment Order 1997 (as amended) - unless an application for planning permission to change the use of the premises contrary to the directions noted above, has first been submitted to, and approved in writing by, the Planning Authority.
- Reason: To retain effective control over the use of the premises in the interests of ensuring that the operation of the site is, and remains, appropriate to this countryside location, and does not have any unacceptable impacts upon the amenity and environment of the surrounding area, and including upon the amenity of neighbouring residential properties and businesses.
- 3 Noise levels emitted by any equipment, plant and/or machinery used on the premises in connection with the operations of the forestry and fencing contractor business use hereby consented, shall not exceed Noise Rating Curve NR20 between the hours of 2300 and 0700, and NR30 at all other times, when measured within the nearest noise sensitive dwelling (even when windows at the noise sensitive dwelling are open for ventilation). Further, the noise emanating from any equipment, plant and/or machinery used on the premises in connection with the forestry and fencing contractor business use, shall not contain any discernible tonal component. (Tonality for the purposes of monitoring and assessment being determined with reference to BS 7445-2).
- Reason: To prevent noise generated by any equipment, plant and/or machinery used on the premises in connection with the forestry and fencing contractor business use, from causing noise nuisance to the occupiers of any neighbouring premises.
- 4 Notwithstanding the details submitted in support of the planning application, no development shall commence on the extension to the East Elevation of the existing shed ('Building A') hereby consented, until:
- (a) revised versions of Approved Drawings 201 and 301, which takes full account of the requirements of Informative Note 4; and
  - (b) details of the finished colour of the roller shutters and doors, which takes full account of the requirements of Informative Note 5, have all first been submitted to, and approved in writing by, the Planning Authority. Thereafter the development shall only be implemented and operated in accordance with the approved details.

Reason: To retain effective control over the development; to ensure agreement between the Applicant's written advice and drawn descriptions of the layout of the extension; and in the interests of conserving the visual amenities of the site and surrounding area.

With respect to the latter, specifically the design of the extension - and principally the appearance of its East Elevation - requires to be revised, and its finished appearance regulated, in order to ensure that this highly visible structure does not have the character of a row of industrial units, which is an appearance that is not substantiated by the operational requirements of the proposal, and which would not be sympathetic to the countryside and farmyard setting of the site.

- 5 Excepting only the finished appearance of the roller shutters and doors (regulated by Planning Condition No 4 above), and unless otherwise agreed in writing by the Planning Authority and in advance of the commencement of development, the finished appearance (materials and finishes) of the external surfaces of the extension to the East Elevation of the existing shed building ('Building A') hereby approved, shall match precisely the appearance (materials and finishes) of the external surfaces of the existing building ('Building A').

Reason: To ensure a satisfactory finished appearance for the new extension in the interests of conserving the visual amenities of the site and surrounding area.

- 6 The profiled sheeting to be used on the roof and walls of the log store building ('Building B') hereby approved, and the orientation of the same building, shall match details (including details of the proposed material and proposed finished external colour) that shall first have been submitted to, and approved in writing by, the Planning Authority.

Reason: To retain effective control over aspects of the development that were inadequately described within the supporting details and to ensure a satisfactory finished appearance for the new building in the interests of conserving the visual amenities of the site and surrounding area.

- 7 Within no more than 2 months from the date of issue of this planning consent, a scheme of details describing the planting of a new hedge within the area shaded in orange on Approved Site Plan Drawing 102, shall be submitted to the Planning Authority for its prior written approval. These details shall include the following:

- (i) a site plan showing the proposed form and layout of the new hedge;
- (ii) a planting schedule detailing the types and numbers of species to be used; and
- (iii) a maintenance schedule covering the first two years following the original planting.

Following the Planning Authority's written approval of these details, the landscaping proposals shall then be carried out in full accordance with the approved details. Unless otherwise agreed in writing and in advance by the Planning Authority, the new hedge shall have been planted in full, by no later than the end of the first full planting season following the date of the Planning Authority's written approval. It shall thereafter be maintained in full accordance with the approved details.

Reason: To retain effective control over the form and delivery of the landscaping treatment described in the supporting details to ensure that an appropriate and effective boundary treatment is created to mitigate both the appearance of the perimeter fence and the appearance of forestry and fencing yard operations within views from the public road which lies to the east of the site.

- 8 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no new security or perimeter fencing shall be erected at, within or around the site, until full details of the position, height, design and finished appearance of that same fencing have first been submitted to, and approved in writing by the Planning Authority. Thereafter this fencing shall only be erected and maintained in accordance with the approved details.
- Reason: To retain effective control of this aspect of the development which is insufficiently described within the supporting details in the interests of conserving the visual amenities of the site and surrounding area.

#### FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 Notwithstanding the Applicant's explicit advice that part of the premises is being let to another forestry business, no details have been presented to the Planning Authority to substantiate whether or not that business (or any other business that might be letting units from Wilson G Jamieson at the site) is in fact operating, or is capable of operating, within the mixed forestry and fencing contractor business use hereby consented. Ultimately however, it is the responsibility of all occupiers of the site to operate in full accordance with this planning consent, including all of the requirements of the planning conditions attached to this same planning consent. This includes any and all parties who let units, or any other part of the premises.
  - 2 All structures and uses within the site that are not directly related to the forestry and fencing contractor business operation's timber processing operations and/or its forestry, fencing, tree works, ground works and/or landscaping services, require to be removed from the site at the Applicant's earliest opportunity. This includes the stored caravans which the Applicant has identified for removal.
- While it is reasonable to allow sufficient time for the Applicant to make alternative arrangements for the removal and disposal of all structures and uses that are not in accordance with this planning approval, the Planning Authority reserves its right to inspect the site subsequent to this planning approval to ensure that the site is being operated in full accordance with the requirements of this planning approval, and if necessary, to pursue enforcement action against any observed breaches of this same planning consent.
- 3 The Applicant, Owner and Operator(s) of the site should liaise with the utilities operators responsible for the electricity powerlines and gas pipeline which traverse the site for the purpose of ensuring that the developments and operations hereby consented, do not raise any concerns for these utilities operators with respect to the maintenance of their infrastructures.
  - 4 The East Elevation of the extension to the existing shed building ('Building A') has the appearance and character of a row of industrial units within the descriptions of both Drawings 301 and 201. This is primarily manifest within the number and even spacing of the seven roller shutter doors which are featured within these same descriptions.

While it is accepted that the Applicant has a reasonable requirement for roller shutter doors in this elevation to facilitate the operation of its fencing and forestry services' storage needs, the specific need for seven roller shutter doors has not been substantiated. This is particularly so, given the Applicant's explicit written advice that it has no intention of installing partitions internally within the same structure. Accordingly there appears to be a reasonable opportunity for the Applicant to minimise the number of roller shutter doors needed to serve the single unit that would be accommodated within the extension. And for that matter, there is also an opportunity to reduce the number of associated pedestrian doors.

Accordingly the revised versions of Drawings 201 and 301 required by Planning Condition No 4 should feature a reduced number of roller shutters and doors, specifically the minimum number of doors actually required to facilitate the premises' operation in support of the mixed use hereby consented.

The revised version of Drawing 201 is also required to describe the omission of all the internal partitions (to accord with the written advice of the Applicant's own "Addendum to Planning Statement") and should agree with the description of the revised version of Drawing 301 with respect to the numbers and positions of the roller shutters and doors featured.

Please note that it is not considered that the forestry and fencing operation would require more than three or four doors to service access to the extension on the East Elevation as a single unit. Accordingly if a greater number of roller shutters is required, the Applicant should expect to justify this with further details about the specific operational need for this number of accesses.

- 5 Regardless of the revision required to the design of the East Elevation of the extension to the existing shed building ('Building A'), the roller shutters and doors should be coloured, or finished, to be as visually non-intrusive as possible. The details provided to address the information requirements of Planning Condition No 4, item (b) should therefore describe a matt dark and/or matt organic colour, which is visually recessive.

While other options can be considered, a dark blue or dark green colour as might feature on a farm building, would be liable to be acceptable, albeit that the precise details would still need to be supplied to address the information requirements of item b. The critical concern with respect to the finished appearance of the roller shutters is that any appearance of shiny, metallic and/or brightly coloured roller shutters as might be liable to feature on an industrial estate, should be avoided.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

#### **Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

### **Notice of Completion of Development**

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD  
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU  
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND  
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA  
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL  
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH  
THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD  
Susiephone System – 0800 800 333

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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

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



**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 16/00356/FUL

**APPLICANT :** Wilson G Jamieson Ltd

**AGENT :** Peter MacLeod

**DEVELOPMENT :** Extension to existing agricultural building (retrospective), change of use of agricultural building and extension to form forestry contractor business premises and erection of timber storage building

**LOCATION:** Land East Of Langlee Mains Farmhouse Galashiels  
Galashiels  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
001	Location Plan	Approved
101	Existing Layout	Approved
102	Site Plan	Approved
301	Elevations	Approved
201	Floor Plans	Approved
202	Elevations	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

No representations have been received.

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

Environmental Health (Amenity and Pollution): Equipment used in the operation of a forestry and fencing business can cause noise. While the application is supported in principle, a planning condition is recommended to require that any noise emitted by plant and machinery used on the premises should not exceed identified noise limits. This is to protect the residential amenity of nearby properties. It is further sought that plant and machinery should be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Environmental Health (Contaminated Land): has advised that it has no comments to make.

Flood Prevention: As this site is not anticipated to be at risk of flooding at a 1 in 200 year flood event, no objections on the grounds of flood risk.



Economic Development: advises that it could support this specific use in this specific location. Its assessment, largely positive with respect to the principle, details some concerns behind what is ultimately an expression of conditional support. On the one hand, it is content that this company is a well-established specialist forestry contractors which offers a comprehensive range of services and consultancy to national utility clients, local authorities and others; and is supportive of its expansion. Further, it finds it reasonable that a business employed in mainly forestry and fencing work would be best placed in a rural location rather than on an industrial estate. It adds that while the proposal is not for a sawmill, sawmills tend to be found in locations such as farms, and considers that the operations carried out by this company fall within the same general operation of working with timber. However, while it is supportive of the principle, it also raises a few points of concern. Firstly, and notwithstanding the agent's advice to the contrary, it considers that the proposed extensions appear designed for sub-letting due to the large number of loading doors. It remains particularly concerned that if the doors are only intended to allow ease of access and egress for large machines then there would be no need for the incorporation of the additional adjacent personnel doors. It is recommended that these should be deleted. Secondly, given that the site is an existing agricultural farm operation and the proposal is for a business use, it has concerns about the establishment of any general Class 4, 5, or 6, uses of the site. Thirdly, it notes that the premises were constructed for use as a farm shed, and in its current form may not comply with Regulations for a normal business use.

SEPA: has no objection on flood risk grounds.

Scottish Gas Networks (SGN): initially objected (as a holding position) but has since advised that it has an interest in the development due to the presence and proximity of a High Pressure Gas Transmission Pipeline. It seeks a meeting to safeguard the pipeline.

HSE: Does not advise against.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Council Local Development Plan 2016:

Policy PMD1: Sustainability  
Policy PMD2: Quality Standards  
Policy ED7: Business, Tourism and Leisure Development in the Countryside  
Policy HD3: Residential Amenity  
Policy EP6: Countryside Around Towns  
Policy IS7: Parking Provision and Standards  
Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage  
Policy IS12: Development Within Exclusion Zones

Other Planning Considerations:

National Planning Framework 3  
Scottish Planning Policy (2014)  
PAN 73 - Rural Diversification (2005)

SBC Supplementary Planning Guidance: Countryside Around Towns (approved January 2011)

**Recommendation by** - Stuart Herkes (Planning Officer) on 31st May 2016

#### **SITE DESCRIPTION**

The site is part of the farmyard at Langlee Mains, around half a kilometre to the north of Galashiels. In planning policy terms, it lies out with the Development Boundary, and within the designated Countryside Around Towns Area.

Within the northern part of the site is an existing large building ('Building A'). This was originally erected as a cattle shed, but has since been significantly altered and extended into its present form. This includes works for which there is no planning record.

The remainder of the site is open land (an agricultural stackyard), some of which is currently, and unlawfully, in use for non-agricultural storage purposes, principally the accommodation of 42 dark green-coloured shipping containers, as well as some caravans. The eastern extremity is traversed by a gas main (Newhouses to Calphill pipeline).

The site access, which is essentially that for the wider farmyard, is not included within the site boundary. It lies to the immediate northeast. The public road lies downslope, to the immediate east. Otherwise adjacent land is all within the farmyard at Langlee Mains. This includes two existing and operational agricultural buildings to the immediate west of the site.

With respect to the site's wider environs, the land to the east, on the opposite side of the public road, was formerly a municipal landfill. This is no longer in service for refuse disposal, and has now been landscaped. It does however accommodate an operational landfill gas electricity generating station. This lies within approximately 25m of the site. Land to the south of the landfill site, accommodates an operational recycling facility. This lies at a distance of approximately 500m from the site. Further north and east of the application site, is a golf driving range, which lies at a distance of more than 1.5km.

## PLANNING PROPOSALS

The Applicant, 'Wilson G Jamieson Ltd Fencing and Forestry', is an established fencing and forestry contractor, which seeks retrospective planning approval to operate the site as its main depot and centre of operations, principally for: (i) the storage of the vehicles, plant, equipment and materials, which it uses off-site in the provision of its forestry and fencing services (and which it also leases to local farms and estates); and (ii) for the processing of timber recovered from the Applicant's off-site forestry and tree work operations. Timber processing operations are advised to include the splitting of large pieces of timber; the cutting of logs; and wood chipping.

Retrospective planning consent is sought for an extension to the west elevation of the existing farm building, which accommodates two storage units.

Planning consent is further sought for two new structures: firstly, for a new second offshoot to accommodate seven more storage units, this time on the east elevation of the farm building; and secondly, for a new free-standing log store building.

Both the proposed structures, and the existing offshoot, are sought to accommodate the fencing and forestry contractor business operation.

## SUPPORTING CASE

In 2012 the Applicant required to relocate their base of operations from its previous premises at Botany Mill, Roxburgh Street, Galashiels. Based on its own understanding that its operations were forestry, it did not identify that it had any requirement to secure planning approval to change the use of the site to accommodate its operations.

With respect to the selection of the site as its new base of operations, the Applicant considers/considered the following to be salient: (1) the business required to be located in the Galashiels area, its established base of operations; (2) there was an existing building on-site for secure storage; (3) the business' on-site operations and the particular types and sizes of vehicles and plant operated, are considered not to be appropriately accommodated within an industrial estate or settlement; (4) the site has good road access and services (power and water supply); (5) it is a well-drained site due to an efficient soak-away system; and (6) the existing building was understood to be already in a commercial use.

The Applicant currently has 10 full time employees. Its vehicles, plant and machinery include tractors, wood chippers, lifting equipment, trailers, land rovers, tree-cutting and handling machinery, amongst others as well as spare parts and maintenance for the same. Its depot currently operates from 0700 to 1800 Monday to Friday, and until 1300 on Saturdays.

The 42 storage containers were introduced as a side-line to the forestry and fencing contractor business, to diversify the business' activities, and are the subject of a separate planning application seeking retrospective

planning consent (16/00397/FUL) for their operation in the service of a proposed commercial storage business use.

With respect to the caravans on the site, it is advised that these are to be removed over the next few months. Their retention does not form part of the current proposals.

It is advised that a third party business is currently sub-letting one of the existing units within the converted farm building. The Applicant advises that this is another forestry business.

## PLANNING HISTORY

The site is land within the farmyard at Langlee Mains, an established agricultural holding.

The existing building on the site was originally consented as a cattle shed (Planning Consent 02/01163/FUL). Following its construction, Forth Meat Supplies Ltd obtained a further consent (05/02107/FUL) for a part change of use of the same building to accommodate a meat processing facility. The latter would have been a Class 5 industrial use, but there is no evidence that this use of the site was ever implemented. The Applicant does not challenge this understanding. It does allege that besides agricultural uses, Forth Meat Supplies Ltd also used the site for storing refrigerator lorries, but has provided no documentary evidence to substantiate this; nor any details about the extent to which this was ever a main use of the site (or any part thereof); nor the length of time that any such commercial vehicle storage use was in operation. The Planning Authority has no record of the site ever having been used for any non-agricultural uses by Forth Meat Supplies Ltd. Accordingly, and contrary to the Applicant's own advice and understanding, it is not accepted that Forth Meat Supplies Ltd's operations established any commercial use at the site. There is neither express nor deemed planning approval for Class 5 general industrial and/or Class 6 storage use(s).

Planning Consent 10/00249/FUL gave a temporary permission for the siting of four storage containers, seven office units, one security office and a heras boundary fence at the site in connection with a specific and short-term temporary proposal. This related to service works then being carried out there by a gas pipeline operator. This permission was subject to a condition that all approved structures and fencing should be removed from the site at the end of the temporary period of consent. This expired at 31 December 2010.

The Applicant acquired the site in 2012. At some point in the period post-dating June 2011 (the time of Google Streetview's most recent recorded images of the site) alterations were made to the structure of the farm building. These works include the unlawful construction of an offshoot to the west elevation, which now accommodates two workshop units. According to information from Scottish Assessors (dated to August and November 2015), both of these units are now operating as business premises. One ('Unit 3') is identified as the premises of Gareth Cook; another ('Unit 4') as that of Dick Brothers Ltd. The latter is identified on its own website as a 'Timber Harvesting Contractors' business. No planning applications have been received in relation to the operation of either of these recently installed businesses.

At the end of last year, the Applicant, of its own accord, made a planning application (15/01451/FUL) seeking approval, not for any change of use of the site, but for broadly the same developments as are now being proposed by current Planning Application 16/00356/FUL; specifically the existing and proposed extensions to the farm building, and the erection of the proposed new wood storage building. However, unlike the current application, both the existing and proposed extensions, were explicitly identified as general storage units, to be capable of being let as commercial storage space. The application was refused on the basis that the Applicant had not demonstrated any need for any general storage facility to be accommodated in this rural location, and additionally also on the basis that the industrial character of development (appearance and operation) would be unsympathetic to the rural character of the site and surrounding area.

An informative attached to the Decision Notice for Planning Application 15/01451/FUL advised that the Applicant was operating unlawfully at the site and that this situation required to be resolved in order to prevent enforcement action. This advice and follow-up discussions have directly prompted the current planning applications.

## PLANNING POLICY

The site is agricultural land out with the Development Boundary. It is not allocated for employment or any other uses. The Applicant has not substantiated its advice that part of the site is already within a commercial, non-agricultural use. Accordingly all the evidence is that the established use of the entire site is only reasonably considered to be agriculture.

The Applicant's forestry and fencing contractor business is well-established, with credible long-term prospects of operating and sustaining the business operation described.

The on-site operations of the forestry and fencing contractor business fall within Use Class 5 (general industrial) and Use Class 6 (storage or warehousing), and therefore within a mixed use.

Notwithstanding the Applicant's provision of forestry services off-site, its operations on-site do not include the growing and management of any forest or woodland. These are therefore not reasonably characterised as 'forestry' in land use planning terms.

Scottish Borders Council Local Development Plan Policies ED7 and EP6 serve to test the acceptability or otherwise of the principle of the proposals. However, no specific aspect of the proposals should otherwise have any unacceptable impacts upon the amenity or environment of the site and surrounding area.

## PLANNING PRINCIPLE

Policy ED7's item c. specifically requires that a business or employment generating use in the countryside should be supported where the Council is satisfied, firstly, that there is an economic and/or operational need for the particular identified countryside location, and secondly, that this use cannot reasonably be accommodated within the Development Boundary of a settlement.

In its specific application to the regulation of land that is within the identified Countryside Around Towns Area, Policy EP6's item a., also requires the Council to be satisfied that there is an essential requirement for a proposal's rural location and that the use should be appropriate to a countryside setting. Policy EP6's items b., c. and e., are not reasonably applied in principle to the assessment of the current proposals. It is conceivable that the proposals, or an aspect of them, might in principle satisfy Policy EP6's item d's requirement for a landscape/trees/woodland/natural heritage/cultural heritage/access and/or recreational enhancement. However, even if this were considered to be the case, this would not negate the need for the principle of the proposals to be assessed against Policy ED7.

Ultimately then, support for the principle of the proposals, comes down to whether or not the Council is satisfied that there is, firstly, a need for them to be accommodated at this particular countryside location; and secondly, that it is accepted that they cannot more reasonably be accommodated within the Development Boundary; as opposed to in the countryside more generally; or within the Countryside Around Towns Area more specifically.

With respect to the first point, and given the extensive geographical (even regional) sphere of the Applicant's off-site operations, there is no operational need for the business to be located at this specific countryside location. The need for a central location, with good access to the local road network, would if anything, appear to indicate a site within the Development Boundary at Galashiels.

With respect to the second point, the Applicant essentially asks that it is accepted that the nature of its storage and industrial operations is such as to make its operation incompatible with a site within the Development Boundary. It is appreciable that some of the types of vehicles, plant and machinery used (or now used) by the business might not be readily accommodated in their size, movement and/or operation on a site within the Development Boundary. These would also be liable to impact neighbouring businesses and properties adversely, principally through noise nuisance and disruption to traffic flow. However, since the Applicant was formerly accommodated at premises in Roxburgh Street Galashiels up until 2012, it is unclear whether or not there is any inherent reason why the forestry and fencing contractor business could not (or could not now) be accommodated within the Development Boundary.

The Applicant gives some details with respect to its site selection considerations but these are very generic, and do not attest any specific or actual effort to be re-accommodated on an existing Class 5 or Class 6 business premises, whether within or outwith the Development Boundary. There is ultimately something of a 'grey area' as to whether or not all operations (particularly the timber processing operations) were

previously accommodated in Roxburgh Street, or whether the Applicant has been able to use the opportunity of the new site to centralise and/or expand its timber processing activities. While it may be reasonable to accept that the timber processing operations could only (now) be accommodated in the countryside, it does not reasonably follow that the Applicant's main business' storage depot should follow this offshoot business enterprise into the countryside as well. The Applicant might reasonably have considered operating the uses from two or more sites. At least the supporting statement does not show that this option has been appropriately considered and discarded.

I have assessed the Applicant's supporting case and conclude that the Applicant has not demonstrated that there is an economic and/or operational need for the forestry and fencing contractor business to be based in this particular countryside location. More details with respect to the Applicant's site selection considerations may have helped address some of the above noted concerns, but I am ultimately not persuaded that the forestry and fencing contractor business' operations could not, substantially at least, have been accommodated within the Development Boundary as they were before. Accordingly I am unable to conclude that the proposal does comply with the strict requirements of item 'c)' of Policy ED7.

Notwithstanding this, I consider that account can reasonably be taken of the character of the site (an existing farmyard); the nature of the vehicles and plants liable to be operated by this specific business (which are the same or similar to those liable to be operating at an agricultural holding); and the extent to which its business activities either resemble farmyard and estate management operations (e.g. agricultural vehicle storage) or farm/rural estate business diversification activities (e.g. fencing, timber processing, landscaping and ground works business enterprises). Factoring in all of these considerations, I am content that the principle of the accommodation of the proposed forestry and fencing contractor business uses at this site can reasonably be supported, albeit contrary to the strict requirements of both Policy ED7 and item a. of Policy EP6. There are however a number of factors to be considered with respect to how the use of the site would be regulated in practice.

#### LAND USE AND OPERATION

Economic Development observes that there would be potential for any unqualified approval of a Class 5 and/or Class 6 use of the site to then make the site generally available for uptake by any business and commercial use thereafter. It therefore seeks the imposition of planning conditions to require that the land should not go into general business use without express planning consent first having been sought and secured. However, the proposed forestry and fencing contractor business use is, I consider, more appropriately and reasonably identified as being a mixed use, comprising both Class 5 and Class 6 operations. On a practical level, this allows for the site, including the yard and the existing and proposed buildings, to be used interchangeably for industrial and storage uses, as the Applicant's operation requires. I consider that this is justifiable in both environmental and amenity terms, given the set back of the site from surrounding residential properties (albeit that there is a need to consider specific amenity concerns in more detail below).

Theoretically at least, the explicit identification of the proposed forestry and fencing contractor business use of the site as a mixed use, and therefore a sui generis land use, would mean that there would not be any requirement to impose planning conditions to prohibit any permitted change of use of land at the site to general Class 4, Class 5 and/or Class 6 use(s). In practice however, this would require to be reconciled with certain 'facts on the ground' with respect to what is proposed here, and what is occurring on the site at present. Firstly, there is known to be at least one third party business already operating from part of the site, about whose operations the Applicant has not provided any details at all beyond its advice that this other business is a 'forestry' operation. The Applicant appears to include explicitly this sub-let within the proposed forestry and fencing operation. Secondly, the Applicant has previously been concerned to lease the proposed new units to be attached to the farm building to third party business operators (Planning Application 15/01451/FUL). Thirdly, the Applicant is now currently seeking retrospective planning approval (Planning Application 16/00397/FUL) to operate a commercial storage facility based on the 42 shipping containers already in situ on a site that is entirely contained within the boundary of the current application site.

The proposal that is the subject of Planning Application 16/00397/FUL can be considered on its own planning merits, but the existing use of the land for commercial storage and general leasing cannot be ignored either. The Applicant has a concern (reasonably understood to be still current) to operate at least a part of the premises as general commercial storage land. A clear distinction therefore needs to be made

between the operations that are the subject of the current proposal and any other uses within Class 4, Class 5 and Class 6 which are not, but which might be liable to benefit from any more general and unqualified approval of Class 5 and Class 6 uses at the site in connection with the operation of the mixed forestry and fencing contractor business use of the land. It would therefore be appropriate to seek to restrict the Class 5 and Class 6 operations to those activities which are explicitly described within the details presented in support of this application (specifically the proposed timber processing operations, related storage, and the proposed storage of the vehicles, equipment, materials and plant of the forestry and fencing services business). In this way, it would be possible to ensure that the site, or any part of it, might not be used for general Class 4, Class 5 and/or Class 6 uses ostensibly within the approved mixed forestry and fencing contractor business use.

With respect to the accommodation of the third party business(es) already operating from the site which are advised by the Applicant to be forestry operations, the position is more ambivalent. The Applicant has not provided any details about this other operation/these other operations it sub-lets premises to. Therefore it is not actually clear whether or not these third party businesses would be capable of operating in accordance with any planning approval, including conditions, issued to regulate the proposal described by Planning Application 16/00356/FUL. However, there is reasonably no concern in principle if the business(es) concerned were indeed other forestry and/or fencing contractor businesses. They would in this circumstance, be reasonably capable of operation in full compliance with the overall mixed forestry and fencing business contractor use of the site. The wording of any conditions might reasonably allow for this possibility, but an informative should also be attached to advise that all business(es) accommodated at the site will be required to comply in full with the planning approval and all planning conditions attached to it.

Subject to the imposition of conditions and informatives to address the above highlighted matters, I am content that the proposed forestry and fencing business' operations would have no unacceptable impacts in principle upon the amenity or environment of the site; or upon those of the surrounding area; and allow these proposals to be made the subject of an approval that is exceptional to the strict requirements of planning policy.

## DESIGN

The proposed appearance of the proposed new forestry contractor business' storage accommodation raises no concerns in principle. Some regard would however reasonably be had to the finished colour of the profiled metal sheeting on the proposed new log store shed building, and to the need to ascertain this same building's precise orientation.

A drawing of the North Elevation of the existing unlawfully established extension has been omitted from the Proposal Drawings, but since the structure is existing, it was inspected on site. I am content that no new elevation drawing is required. Similarly, the orientation of the elevations of the proposed new extension to the same building is not denoted on the drawings, but is reasonably understood based on the main building.

The proposed new offshoot to the East Elevation of the existing shed would reasonably be required by condition to match the appearance of the existing building. There is however a concern - raised by, and shared with, Economic Development - with respect to the industrial character of the proposed East Elevation of the proposed new eastern extension. This principally relates to the number of roller shutter doors featured, which are evenly spaced along the length of this elevation, giving it the appearance of a row of industrial units. The appearance is in fact the same as that proposed at the time of Planning Application 15/01451/FUL, when the proposal was that this eastern extension should be, or be capable of, accommodating separate industrial units for general commercial leasing. The Council's Economic Development Section notes its concern that the units within the proposed new extension to the East Elevation of the farm building would be readily capable of independent operation if designed and laid out as fully separate units, as is described on the Proposal Drawings. The Applicant has provided some somewhat unusual and confusing advice within an addendum document with respect to these same proposed new units. This advises that contrary to what is described on the drawings, there would in fact be no internal partitions within the extension. However, it is still concerned to retain all of the proposed external doors for ease of access to the building.

While the business' need for separate roller shutter doors along the length of the offshoot to allow easy access to vehicles, equipment and plant is appreciable, I would concur with Economic Development's assessment that it is not clear precisely why this number and configuration of roller shutters is necessary for

the business' operations (particularly in fact, if there were no internal partitions) or why each of these roller shutters would in turn, also have to be served by its own separate pedestrian door. Economic Development considers that the potential to omit all unnecessary doors should be required by planning condition. This would help counteract the appearance of what would otherwise be liable to look like a row of separate industrial units, clearly visible within views from the public road. Such an appearance would detract from any sense of the business premises inhabiting a farmyard and converted farm buildings.

At one level, it is reasonable that no issues should be taken where the Applicant has specifically advised that its forestry and fencing services' business has an operational requirement for this number and configuration of roller shutters. However, at another, its advice with respect to the omission of internal partitions would indicate that some potential must exist to rationalise the number of roller shutters and pedestrian doors required since all doors lead to the same space. On balance, I do not consider that the Applicant has substantiated its requirement for this number of doors and that it would reasonably be required to reduce the number of these to, at most, three or four.

The appearance of the same elevation would also be greatly improved if the roller shutters, even in reduced numbers, could be made as visually recessive as possible, principally by being matt dark and/or organic coloured. Dark green or dark blue are often seen in the countryside in association with modern farm buildings and, I consider, might also be appropriately used here.

The Applicant's maintenance of a site layout drawing describing internal partitions within the eastern extension is also something of a loose-end in that internal partitions, if featured, would in themselves justify separate accesses to separate units or garages of the business premises. However, since the Applicant has explicitly advised that it does not have any requirement for internal partitions, it follows that a revised floor plan drawing is also required to agree with the revised external appearance once a reduced number of roller shutters is allowed for.

Notwithstanding the Applicant's earlier interest (Planning Application 15/01451/FUL) in operating the eastern extension as commercial storage premises, the use of the extension is reasonably controlled by planning conditions along the lines already noted above, to exclude their use for any other purposes (including general commercial storage).

## LAYOUT

Excepting the identification of the two proposed new-build elements which are identified as being for storage use, the Applicant does not otherwise provide any explicit advice with respect to where the timber processing operations would be accommodated. However, I am not inclined to consider that there is ultimately any particular environmental or amenity concerns with respect to where and how specifically the Class 5 operations would be accommodated within the existing farmyard area. As noted above, I consider it reasonable to identify the forestry and fencing contractor business use as a mixed use without the need to identify particular areas of the site for particular operations. This should give the Applicant full provision to organise and configure its on-site activities as it requires.

The Applicant has included within the site boundary an area of land (a small field), which is shaded orange on the site plan, and which lies beyond the existing farmyard area to the immediate east. It is not shown to accommodate any of the business' operations and otherwise has no requirement to be within the area of operations of the forestry and fencing contractor business. The Applicant may have included it specifically to accommodate its landscaping proposals (which are considered in their own right below). However, although no Class 5 and/or Class 6 operations are indicated to occur within the field, any unqualified approval of the current proposal with this area within the site boundary, would be liable to apply just as readily to it, making it capable of subsequent occupation and use by the forestry and fencing business operations at the Applicant's own discretion. Accordingly, and given that there is a landscape benefit to retaining a degree of separation of the business' yard from the public road, it would be reasonable to explicitly exclude by planning condition, the use of this field as the site of any forestry or fencing business operations.

## OTHER CONCERNS

The site access to the public road is excluded from the site. The Roads Planning Section has not responded on this particular proposal, but given that it is served by an existing farm access, I would reason

that no useful or meaningful distinction is to be made between equivalent types and sizes of vehicles and plant as liable to be in use for forestry as for farming. I therefore accept that there would be no unacceptable impacts upon the junction or local road network as a consequence of the operation of the proposed forestry and fencing contractor business use.

Due to the distance of set back from surrounding residential properties, the Applicant is content that its on-site operations (it specifically notes wood chipping) would have any unacceptable impacts upon residential amenity. The Environmental Health Section has reviewed the proposals and seeks conditions to regulate noise impacts. Subject to the imposition of such noise conditions, the proposed forestry contractor business' industrial operations would have no unacceptable noise impacts. However, there is no need to impose Environmental Health's proposed condition to require maintenance of noise-making equipment and machinery in accordance with manufacturers' instructions. The operators should reasonably be doing this in any case, and the misuse of equipment etc. is not reasonably assumed or allowed for within the planning conditions.

The Applicant advises, and it is accepted, that its operations have, or would have, no unacceptable impacts upon the qualifying interests of any natural heritage or cultural heritage designations within the surrounding area.

The Applicant's proposed new hedge boundary between the site and the road would make a positive contribution to the appearance of the site, and would therefore be appropriately regulated by planning condition. A hedge would soften (if not necessarily screen) views of a yard area and buildings including the industrial character of the proposed eastern extension to the existing farm building.

Mention is made within the supporting statement with respect to boundary fencing and gates being of an agricultural type. No specific proposed new boundary fencing is indicated within the Proposal Drawings, but the matter is in any event reasonably regulated by a condition, worded to prevent fencing being installed until appropriate details have first been agreed by the Planning Authority. There is a non-agricultural security fence in place already. This is a relatively transparent structure and in association with the operation of the forestry and fencing business at least, is not, I consider, objectionable in this context. The proposed hedge would also help mitigate (soften) the current appearance.

An informative would be appropriately attached to advise that the pipeline operator may have concerns with respect to the proposed operations.

An informative should be attached to advise that the caravans now require to be removed at the earliest opportunity since these are not the subject of either of the applications. The resolution of the position with respect to the shipping containers is appropriately addressed through the determination of Planning Application 16/00397/FUL.

## CONCLUSION

Subject to the imposition of planning conditions and informatives to address the above highlighted concerns, Planning Application 16/00356/FUL for the accommodation of the forestry and fencing contractor business at the site, within the existing and proposed building and extensions, is considered permissible, albeit as the subject of an exceptional approval, specifically as an exception to the requirements of both Policy ED7 and Policy EP6.

## REASON FOR DECISION :

The proposals do not comply with Scottish Borders Council Local Development Plan Policies ED7 and EP6, but material considerations relating to the type of operations and the type of vehicles, plant, materials and equipment that would be operated and stored on the site, are found to be sufficiently overriding in this case, to allow the application to be supported subject to compliance with the identified schedule of conditions. This is because the operational appearance of the forestry and fencing contractor business premises would not be substantially different from what might reasonably occur at a farm or other rural land holding, either in direct relationship to the management of such holding and/or in relationship to the operation of a farm or estate-based diversification business enterprise.



Subject to compliance with the identified schedule of conditions, the proposals will accord with Scottish Borders Council Local Development Plan Policies PMD1, PMD2, HD3, IS7, IS9 and IS12.

**Recommendation:** Approved - conditions & informatives

- 1 Notwithstanding the details submitted in support of the planning application, the curtilage of the forestry and fencing contractor business premises hereby approved, shall be (and shall at all future times be held to be) in perpetuity: only that area of the site that corresponds to the area shaded in red on Approved Site Plan Drawing 102 (and including both 'Building A' and 'Building B'). The remainder of the land within the site boundary (specifically the area that is shaded in orange on the aforementioned drawing) shall be held to be agricultural land, and shall at no time be incorporated into the forestry and fencing contractor business premises hereby approved, nor shall it otherwise be used to accommodate any of the forestry and fencing contractor business's Class 5 (general industrial) and/or Class 6 (storage) operations unless a planning application in that behalf has first been submitted to, and approved in writing by the Planning Authority.  
Reason: To retain effective control over the development and approved operations, and in the interests of conserving the environment and amenity (including visual amenity) of the site and surrounding area by ensuring that the forestry and fencing contractor business operations are appropriately contained within the perimeter of the existing yard. The Planning Authority considers that the area of land within the site boundary that lies between the existing yard perimeter and the public road, provides an appropriate physical separation between the business operations and the public road, and setting for the site, and that this space should be conserved in perpetuity entirely out with the curtilage of the business premises and the site of the business' operations.
- 2 Notwithstanding the details submitted in support of the planning application, the area of the site that corresponds to the area shaded in red on Approved Site Plan Drawing 102 (including the existing and new buildings contained within this same area) shall be, and shall at all future times be held to be, in perpetuity in a mixed use forestry and fencing contractor business use, encompassing only the following uses and operations:  
(a) the processing of timber, including the sawing, splitting and chipping of timber;  
(b) the storage of timber for processing on-site and for distribution subsequent to its processing on-site; and  
(c) the storage of vehicles, machinery, plant, materials and equipment used off-site in the provision of the forestry and fencing contractor business' forestry, fencing, tree works, ground works and/or landscaping services; with no permitted change(s) of use of the site, or any part thereof, to any other use(s) - including all and any uses within Classes 4, 5 and/or 6 of the Town and Country Planning (Use Classes) (Scotland) Amendment Order 1997 (as amended) - unless an application for planning permission to change the use of the premises contrary to the directions noted above, has first been submitted to, and approved in writing by, the Planning Authority.  
Reason: To retain effective control over the use of the premises in the interests of ensuring that the operation of the site is, and remains, appropriate to this countryside location, and does not have any unacceptable impacts upon the amenity and environment of the surrounding area, and including upon the amenity of neighbouring residential properties and businesses.
- 3 Noise levels emitted by any equipment, plant and/or machinery used on the premises in connection with the operations of the forestry and fencing contractor business use hereby consented, shall not exceed Noise Rating Curve NR20 between the hours of 2300 and 0700, and NR30 at all other times, when measured within the nearest noise sensitive dwelling (even when windows at the noise sensitive dwelling are open for ventilation). Further, the noise emanating from any equipment, plant and/or machinery used on the premises in connection with the forestry and fencing contractor business use, shall not contain any discernible tonal component. (Tonality for the purposes of monitoring and assessment being determined with reference to BS 7445-2).  
Reason: To prevent noise generated by any equipment, plant and/or machinery used on the premises in connection with the forestry and fencing contractor business use, from causing noise nuisance to the occupiers of any neighbouring premises.

- 4 Notwithstanding the details submitted in support of the planning application, no development shall commence on the extension to the East Elevation of the existing shed ('Building A') hereby consented, until:
- (a) revised versions of Approved Drawings 201 and 301, which takes full account of the requirements of Informative Note 4; and
  - (b) details of the finished colour of the roller shutters and doors, which takes full account of the requirements of Informative Note 5,
- have all first been submitted to, and approved in writing by, the Planning Authority. Thereafter the development shall only be implemented and operated in accordance with the approved details.
- Reason: To retain effective control over the development; to ensure agreement between the Applicant's written advice and drawn descriptions of the layout of the extension; and in the interests of conserving the visual amenities of the site and surrounding area. With respect to the latter, specifically the design of the extension - and principally the appearance of its East Elevation - requires to be revised, and its finished appearance regulated, in order to ensure that this highly visible structure does not have the character of a row of industrial units, which is an appearance that is not substantiated by the operational requirements of the proposal, and which would not be sympathetic to the countryside and farmyard setting of the site.
- 5 Excepting only the finished appearance of the roller shutters and doors (regulated by Planning Condition No 4 above), and unless otherwise agreed in writing by the Planning Authority and in advance of the commencement of development, the finished appearance (materials and finishes) of the external surfaces of the extension to the East Elevation of the existing shed building ('Building A') hereby approved, shall match precisely the appearance (materials and finishes) of the external surfaces of the existing building ('Building A').
- Reason: To ensure a satisfactory finished appearance for the new extension in the interests of conserving the visual amenities of the site and surrounding area.
- 6 The profiled sheeting to be used on the roof and walls of the log store building ('Building B') hereby approved, and the orientation of the same building, shall match details (including details of the proposed material and proposed finished external colour) that shall first have been submitted to, and approved in writing by, the Planning Authority.
- Reason: To retain effective control over aspects of the development that were inadequately described within the supporting details and to ensure a satisfactory finished appearance for the new building in the interests of conserving the visual amenities of the site and surrounding area.
- 7 Within no more than 2 months from the date of issue of this planning consent, a scheme of details describing the planting of a new hedge within the area shaded in orange on Approved Site Plan Drawing 102, shall be submitted to the Planning Authority for its prior written approval. These details shall include the following:
- (i) a site plan showing the proposed form and layout of the new hedge;
  - (ii) a planting schedule detailing the types and numbers of species to be used; and
  - (iii) a maintenance schedule covering the first two years following the original planting.
- Following the Planning Authority's written approval of these details, the landscaping proposals shall then be carried out in full accordance with the approved details. Unless otherwise agreed in writing and in advance by the Planning Authority, the new hedge shall have been planted in full, by no later than the end of the first full planting season following the date of the Planning Authority's written approval. It shall thereafter be maintained in full accordance with the approved details.
- Reason: To retain effective control over the form and delivery of the landscaping treatment described in the supporting details to ensure that an appropriate and effective boundary treatment is created to mitigate both the appearance of the perimeter fence and the appearance of forestry and fencing yard operations within views from the public road which lies to the east of the site.
- 8 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no new security or perimeter fencing shall be erected at, within or around the site, until full details of the position, height, design and finished appearance of that same fencing have first been submitted to, and approved in writing by the Planning Authority. Thereafter this fencing shall only be erected and maintained in accordance with the approved details.

Reason: To retain effective control of this aspect of the development which is insufficiently described within the supporting details in the interests of conserving the visual amenities of the site and surrounding area.

### Informatives

It should be noted that:

**1**      **INFORMATIVE NOTE 1:**

Notwithstanding the Applicant's explicit advice that part of the premises is being let to another forestry business, no details have been presented to the Planning Authority to substantiate whether or not that business (or any other business that might be letting units from Wilson G Jamieson at the site) is in fact operating, or is capable of operating, within the mixed forestry and fencing contractor business use hereby consented. Ultimately however, it is the responsibility of all occupiers of the site to operate in full accordance with this planning consent, including all of the requirements of the planning conditions attached to this same planning consent. This includes any and all parties who let units, or any other part of the premises.

**2**      **INFORMATIVE NOTE 2:**

All structures and uses within the site that are not directly related to the forestry and fencing contractor business operation's timber processing operations and/or its forestry, fencing, tree works, ground works and/or landscaping services, require to be removed from the site at the Applicant's earliest opportunity. This includes the stored caravans which the Applicant has identified for removal.

While it is reasonable to allow sufficient time for the Applicant to make alternative arrangements for the removal and disposal of all structures and uses that are not in accordance with this planning approval, the Planning Authority reserves its right to inspect the site subsequent to this planning approval to ensure that the site is being operated in full accordance with the requirements of this planning approval, and if necessary, to pursue enforcement action against any observed breaches of this same planning consent.

**3**      **INFORMATIVE NOTE 3:**

The Applicant, Owner and Operator(s) of the site should liaise with the utilities operators responsible for the electricity powerlines and gas pipeline which traverse the site for the purpose of ensuring that the developments and operations hereby consented, do not raise any concerns for these utilities operators with respect to the maintenance of their infrastructures.

**4**      **INFORMATIVE NOTE 4:**

The East Elevation of the extension to the existing shed building ('Building A') has the appearance and character of a row of industrial units within the descriptions of both Drawings 301 and 201. This is primarily manifest within the number and even spacing of the seven roller shutter doors which are featured within these same descriptions.

While it is accepted that the Applicant has a reasonable requirement for roller shutter doors in this elevation to facilitate the operation of its fencing and forestry services' storage needs, the specific need for seven roller shutter doors has not been substantiated. This is particularly so, given the Applicant's explicit written advice that it has no intention of installing partitions internally within the same structure. Accordingly there appears to be a reasonable opportunity for the Applicant to minimise the number of roller shutter doors needed to serve the single unit that would be accommodated within the extension. And for that matter, there is also an opportunity to reduce the number of associated pedestrian doors.

Accordingly the revised versions of Drawings 201 and 301 required by Planning Condition No 4 should feature a reduced number of roller shutters and doors, specifically the minimum number of doors actually required to facilitate the premises' operation in support of the mixed use hereby consented.

The revised version of Drawing 201 is also required to describe the omission of all the internal partitions (to accord with the written advice of the Applicant's own "Addendum to Planning Statement") and should agree with the description of the revised version of Drawing 301 with respect to the numbers and positions of the roller shutters and doors featured.

Please note that it is not considered that the forestry and fencing operation would require more than three or four doors to service access to the extension on the East Elevation as a single unit. Accordingly if a greater number of roller shutters is required, the Applicant should expect to justify this with further details about the specific operational need for this number of accesses.

#### 5 INFORMATIVE NOTE 5:

Regardless of the revision required to the design of the East Elevation of the extension to the existing shed building ('Building A'), the roller shutters and doors should be coloured, or finished, to be as visually non-intrusive as possible. The details provided to address the information requirements of Planning Condition No 4, item (b) should therefore describe a matt dark and/or matt organic colour, which is visually recessive.

While other options can be considered, a dark blue or dark green colour as might feature on a farm building, would be liable to be acceptable, albeit that the precise details would still need to be supplied to address the information requirements of item b. The critical concern with respect to the finished appearance of the roller shutters is that any appearance of shiny, metallic and/or brightly coloured roller shutters as might be liable to feature on an industrial estate, should be avoided.

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



**OFFICER'S REPORT**

**PART III**

**Reference Number:** 05/02107/FUL

**Site:** Agricultural Implement Shed, Field 4560, Easter Langlee, Galashiels

**Proposal:** Part Change of Use and Alterations to form meat processing facility and Erection of Welfare and Office Accommodation

**Applicant:** Forth Meat Supplies Ltd

**Agent:** Camerons Ltd

**Officer:** Hamish Bell

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**Observations by Development Control Officer**

There are a number of large "agricultural style" buildings at this location. It is proposed to change the use of roughly one half of one of these buildings to create a meat processing facility. As part of the proposal, it is intended to reassemble portacabin units that are also currently stored within part of the building to provide staff accommodation i.e. offices.

There have been no objections from any of the consultees. In terms of relevant policies, there is no policy position that prevents the setting up of such an activity in a rural location such as this. However, as the portacabins units currently on-site are a "maroon" colour, it would be appropriate to condition the consent notice to require agreement on a more appropriate external colour finish.

## **Recommendation**

It is recommended that this application is approved subject to the following condition:

1. The external colours of the proposed welfare and office accommodation to be submitted to and agreed within 3 months of the date of this consent notice and the agreed colours to be applied within 3 months of the erection of the welfare and office accommodation units.

**Reason:** To safeguard the amenity of the area.

**Alistair Lorimer**

**Development Control Officer**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008**

**Application for Planning Permission**

**Reference : 10/00249/FUL**

**To : Scotland Gas Networks per A B Rhead Per Alastair Phillips 1 Merchants Place River  
Street Bolton BL2 1BX**

With reference to your application validated on 24th March 2010 for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Change of use of land to form temporary construction base, siting of 4 No storage containers, 7 No office units and 1 no security office, and erection of temporary heras boundary fencing**

**at : Land East Of Langlee Mains Farmhouse Galashiels Scottish Borders**

The Scottish Borders Council hereby grant planning permission in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 29th April 2010  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**

  
.....  
**Head of Planning & Building Standards**



**APPLICATION REFERENCE : 10/00249/FUL**

**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
L16/8071 Rev A	Planning Layout	Approved
BR0019 Rev C	Specifications	Approved
BR0026 Rev A	Specifications	Approved
PSN 5/427	Specifications	Approved
Heras Fencing	Photos	Approved

**REASON FOR DECISION**

Due to its temporary nature, the development is considered compliant with development plan policies relating to development in the countryside, principally Policy D1 of the Scottish Borders Local Plan 2010

**SCHEDULE OF CONDITIONS**

- 1 Consent is granted until December 31st 2010. The compound and all related works, including containers, offices, fencing and stored plant, machinery and materials, shall be removed from the site at the expiry of this period unless a planning application has been submitted to and approved by the Planning Authority which permits an extension to this period  
Reason: Due to its nature and location a temporary consent is appropriate
- 2 Prior to the development commencing, a survey of the existing public road network between the site's access and the access from the public road into the pipeline installation works at Calfhill (as identified in planning consent 10/00248/FUL) shall be carried out and repeated following removal of the compound. The surveys shall each identify the condition of the public road and its verges and the second survey shall include measures to remedy any damage that has occurred in the interim period and a timescale for implementation. Within one month of the removal of the compound the surveys and remedial measures shall be submitted for the approval of the Planning Authority, in consultation with the Roads Authority and, once approved, the remedial measures shall be carried out in accordance with the approved timescales.  
Reason: In the interests of the safety of users of the public road
- 3 Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR 30 between the hours of 0700-2200 and NR Curve 20 at all other times, when measured within the nearest noise sensitive dwelling. The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component  
Reason: To minimise any risk of nuisance to sensitive properties

**FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

With respect to Condition 2 it is recommended that the applicants carry out the initial survey with Mr David Brown, SBC Technical Services Department and liaise directly with his department on the requirements of this condition.

The applicant should ensure that the means of water supply, foul drainage and surface water drainage comply with relevant regulations and licensing requirements outwith the scope of this planning consent.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

#### **Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

#### **Notice of Completion of Development**

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD  
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU  
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND  
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA  
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL  
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH  
THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD  
Susiephone System – 0800 800 333

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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

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

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING  
AND BUILDING STANDARDS**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 10/00249/FUL

**APPLICANT :** Scotland Gas Networks

**AGENT :** A B Rhead

**DEVELOPMENT :** Change of use of land to form temporary construction base, siting of 4 No storage containers, 7 No office units and 1 no security office, and erection of temporary heras boundary fencing

**LOCATION:** Land East Of Langlee Mains Farmhouse  
Galashiels  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
L16/8071 REVA	Planning Layout	Approved
BR0019 REVC	Specifications	Approved
BR0026 REVA	Specifications	Approved
PSN 5/427	Specifications	Approved
HERAS FENCING	Photos	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

**Consultations:**

**SEPA:** Refer to standing advice as this is a small scale development not within a cumulative drainage impact area

**Director of Technical Services (Roads):** The existing access is well constructed and visibility splays meet current standards. The fencing will be outwith the splays and the siting of the containers cause no concerns.

However, traffic will undoubtedly create some potential road issues on the public road, namely possible damage to the road or verges. Recommend a condition requiring that a survey be carried out before works commence between the compound and the site access and a further survey when work completed. Any defects found will need assessed and agreement reached on their reinstatement.

**Director of Technical Services (Environmental Health):** Recommend a condition limiting the noise level

**Community Council:** No reply

**Health and Safety Executive:** Does not advise on safety grounds against the development

## **PLANNING CONSIDERATIONS AND POLICIES:**

Policies N20, I11, I14

Adopted Local Plan 2008

Policies G1, H2, INF4, INF5, INF6, INF9, INF11, D1

Finalised Local Plan Amendment 2009

H2, EP3

**Recommendation by** - Carlos Clarke (Principal Planning Officer) on 29th April 2010

This application seeks consent for a temporary construction compound, which includes containers, offices and storage areas enclosed with heras fencing, required to serve work by the gas pipeline operator to install a reinforcement pipeline alongside the Soutra to Selkirk pipeline (work starts about a mile away to the north of the proposed compound). The site comprises part of a farm steading, including a building which has been consented for use as a meat processing facility though that use appears at present to have ceased. Access would be from the existing access onto the C77 public road to the east. No ground levels are proposed to be altered. The compound is required until the end of the year.

The site is within the countryside and within the area covered by the CAT policy. However, the compound relates to a strategic pipeline upgrade and, as few sites appear suitable between this and the pipeline starting point itself, and this is a brownfield site which is nearby other works such as the landfill site opposite and nearby recycling facilities, it seems to me to be a suitable location which does not (on the basis the works are temporary, as reinforced by condition) conflict with normal rural restraint policies.

Visually, it will not be attractive and it will be heavily exposed on passing the site. That said, the site is not currently particularly attractive and the compound will make the most of existing flat areas and excavated areas (though the relationship to the topography is unclear it would appear that no ground level changes are proposed). The compound will not be visible otherwise than from this passing view due to the wider topographical containment it benefits from.

There are no nearby residential properties though applying EH's recommended condition seems wise. The DTS is content with the access and parking issues, though suggests a 'before and after' style survey for the public road to cover any damage that may occur as a result of vehicles travelling between the compound and the pipeline works themselves. This is, on the one hand, understandable but, on the other, a concern because quite how it can be ascertained that any damage can be directly attributed to the pipeline vehicles. That said, the applicants have advised that HGVs will operate, so there is a risk of damage, and have accepted the condition. Close liaison with the DTS on the scope of the surveys should assist in ensuring a fair assessment of remedial works required.

The HSE have (as one would expect) not raised any concerns via their PADHI+ system with respect to the proximity of the works to the pipeline as they are being carried out by the operator. As regards services, waste water will be via portable septic tank, water from the mains or tank and surface water drainage to soakaway or to existing drainage. While SEPA refer to standing advice, this doesn't help with respect to this type of compound, particularly with regards to surface water disposal. Given that none of the three methods of services appear to generate any planning issues in principle, then they are sufficiently governed by other regulations/licensing requirements for them to be referred to in an informative.

## **REASON FOR DECISION :**

Due to its temporary nature, the development is considered compliant with development plan policies relating to development in the countryside, principally Policy D1 of the Scottish Borders Local Plan 2010

**Recommendation:** Approved - conditions & informatives

- 1 Consent is granted until December 31st 2010. The compound and all related works, including containers, offices, fencing and stored plant, machinery and materials, shall be removed from the site at the expiry of this period unless a planning application has been submitted to and approved by the Planning Authority which permits an extension to this period  
Reason: Due to its nature and location a temporary consent is appropriate
- 2 Prior to the development commencing, a survey of the existing public road network between the site's access and the access from the public road into the pipeline installation works at Calfhill (as identified in planning consent 10/00248/FUL) shall be carried out and repeated following removal of the compound. The surveys shall each identify the condition of the public road and its verges and the second survey shall include measures to remedy any damage that has occurred in the interim period and a timescale for implementation. Within one month of the removal of the compound the surveys and remedial measures shall be submitted for the approval of the Planning Authority, in consultation with the Roads Authority and, once approved, the remedial measures shall be carried out in accordance with the approved timescales.  
Reason: In the interests of the safety of users of the public road
- 3 Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR 30 between the hours of 0700-2200 and NR Curve 20 at all other times, when measured within the nearest noise sensitive dwelling. The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component  
Reason: To minimise any risk of nuisance to sensitive properties

**Informatives**

It should be noted that:

- 1 With respect to Condition 2 it is recommended that the applicants carry out the initial survey with Mr David Brown, SBC Technical Services Department and liaise directly with his department on the requirements of this condition.
- 2 The applicant should ensure that the means of water supply, foul drainage and surface water drainage comply with relevant regulations and licensing requirements outwith the scope of this planning consent.

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



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

**Reference: 15/01451/FUL**

**To: Wilson G Jamieson Ltd Old Parish Manse Barr Road Galashiels Scottish Borders**

With reference to your application validated on **1st December 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal: Extensions to form 2 No storage units (retrospective) and 7 No storage units and erection of wood storage building**

**At: Land East Of Langlee Mains Farmhouse Galashiels Galashiels Scottish Borders**

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

**Dated 28th January 2016  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



.....  
**Chief Planning Officer**



**APPLICATION REFERENCE: 15/01451/FUL**

**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
001	Location Plan	Refused
101	Site Plan	Refused
201	Floor Plans	Refused
202	Elevations	Refused
301	Elevations	Refused

**REASON FOR REFUSAL**

- 1 The proposal does not comply in principle with Adopted Local Plan Policy D1 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location.
- 2 Taking account of the rural and agricultural nature of the site and the lack of existing screening available within the surrounding area, the proposal does not comply with Adopted Local Plan Policies D1 and G1 in that the operation of the business, including the operation of general vehicles at the site, would be unsympathetic to the rural character of the site and surrounding area, and would have an unacceptably detrimental landscape and visual impact upon the appearance of the site and its environs.

**FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

- 1 The Planning Authority has assessed the Applicant's existing uses at the site. These are within Use Class 6 (Industrial) and Use Class 6 (storage or distribution). There is no permitted change of use of agricultural land to industrial or storage or distribution uses, and accordingly these uses are operating unlawfully. This position requires to be resolved at the earliest opportunity.

It is the Applicant's right to submit a planning application to change the use of the site from agriculture to these employment uses if they wish to do so. However, on the basis of what is currently known, it is not anticipated that these general employment uses would be supported in this rural location. Therefore in the event of a planning application being subsequently made, it is anticipated that these proposals would be liable to be considered contrary in principle to the Council's Business, Tourism and Leisure Development in the Countryside Policy and refused.

While the outcome of any future planning application cannot be pre-judged, the Applicant is strongly encouraged to remove the storage containers from the site and all other industrial and storage uses currently being accommodated there immediately and to seek more appropriate and established industrial premises as the centre of operations for their business activities. The Planning Department is able to provide advice with respect to the suitability or otherwise of any alternative sites that the Applicant may wish to consider.

In the event that the position is not appropriately resolved in the short-term (either through a planning approval or through the removal of all unlawful uses and the restoration of the site to agricultural use), the Council will pursue enforcement action against all uses and operations deemed to be unlawful.

- 2 **Scottish Gas Networks has confirmed the presence of a High Pressure Gas Transmission Pipeline in the vicinity of the site and advises that this interest would be affected by the proposals.**

**Given that one of the structures has already been built, it is advised that the Applicant contact Scottish Gas Networks immediately to establish whether or not the Pipeline Operator has any specific concerns with respect to this particular structure and the operation of the storage facilities. This is in case there are any site safety concerns. You should also make them aware of the operation of the workshop from 'Building A'.**

**However, and regardless of whether or not there are any health and safety issues associated with either the building works or the operations of the timber processing workshop and storage facilities, there will still be a need to resolve the planning position with respect to all of these works and operations (please see Informative Note 1 above).**

- 3 **The Roads Planning Section has raised concerns with respect to roadside vegetation impacting the sightlines onto the public road from the existing site access.**

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

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



**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 15/01451/FUL

**APPLICANT :** Wilson G Jamieson Ltd

**AGENT :**

**DEVELOPMENT :** Extensions to form 2 No storage units (retrospective) and 7 No storage units and erection of wood storage building

**LOCATION:** Land East Of Langlee Mains Farmhouse Galashiels  
Galashiels  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
001	Location Plan	Refused
101	Site Plan	Refused
201	Floor Plans	Refused
202	Elevations	Refused
301	Elevations	Refused

**NUMBER OF REPRESENTATIONS: 1**

**SUMMARY OF REPRESENTATIONS:**

One representation identifies concerns with respect to increased traffic and poor design and asks why this is a retrospective planning application.

Roads Planning Section: considers that the public road (B6374) serving the site has a few constraints along its length but ultimately concludes that there would be no roads safety concerns to the traffic impacts liable to be generated. This conclusion takes account of the proposed operation and other considerations within the surrounding area. It is considered that the sightlines at the access are restricted, and would require to be improved through vegetation removals and thereafter maintained, but anticipated that this matter would be appropriately addressed by planning condition.

Environmental Health: no comments.

Economic Development: describes the Applicant as "well established specialist forestry contractors" and appears satisfied that the business "is best placed in a rural location" because "it may not be appropriate within an industrial estate". While the business' expansion is supported however, concern is expressed that the units appear to be designed for letting in the future, and appear to lack basic facilities as befitting a workplace. Concerns are expressed with any proposals that the buildings be used to accommodate Class 4, 5 and 6 uses "unless this has been established".

Scottish Gas Networks: confirms the presence of a High Pressure Gas Transmission Pipeline in the vicinity and advises that this interest would be affected by the proposals. Extensive guidance is given on the relevant considerations.

Health and Safety Executive: Does Not Advice Against.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Consolidated Scottish Borders Local Plan 2011

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

Policy G1 - Quality Standards For New Development

Policy H2 - Protection of Residential Amenity

Policy Inf4 - Parking Provisions and Standards

Policy Inf11 - Developments that Generate Travel Demand

**Recommendation by** - Stuart Herkes (Planning Officer) on 28th January 2016

## **BACKGROUND**

The site is land at, or adjacent to, the farmyard at Langlee Mains to the northeast of Galashiels and includes an existing large shed within the farmyard itself. The Planning Officer's site inspection has established that the farmyard and adjacent areas are currently being used in substantial part to accommodate a Class 6 storage use. A sign at the site access advises that the site is the premises of "Farknowes Storage". The eastern farmyard and the areas to the east and south which are also included within the application site boundary currently accommodate long rows of storage containers, some caravans and mobile homes, and other assorted materials.

The large shed on the site is understood to have been built in its original form for agriculture. According to Google Streetview's images of both March 2009 and June 2011, the southern three-fifths of this building, were at those points in time, open-sided; with only the northern two-fifths being enclosed for secure storage. However, the building has at some point between June 2011 and the present, been subject to alterations, including the infilling of the previously open sides of the southern part of the building. The building has also been extended to the west at some point in the interim period. Retrospective consent for the latter, is one of the proposals that is the subject of the current application.

Historically, the shed was the subject of a Planning Consent (05/02107/FUL), which on 12 July 2007 approved a part-change of use of half of it to a meat processing facility. However, this 2007 consent is understood to have expired unimplemented. This has been confirmed by the Scottish Assessors, which has a no record of a meat processing facility, or indeed any other business, ever having been operated from the building (or indeed from the wider application site) until August 2015 when it registered, firstly, a "yard" (2311/30090) at a new business address: "Farknowes Storage, Easter Langlee"; and, secondly, a "workshop" (2311/30080) also at a new business address, which is given as: "Unit 3, Farknowes Storage, Easter Langlee". Notwithstanding the Assessors' recognition of these business premises at August 2015, there is no planning record of either business premises up until the current planning application. Planning consent would certainly have been required for a change of use of the existing agricultural shed and yard to accommodate the operation of a Class 6 (storage or distribution) use. However, no such application has been made, and this is not part of the current proposal.

With respect to the land to the east, and particularly south within the application site boundary, the aforementioned Google Streetview images from 2009 and 2011 indicate that the character of this area has also undergone notable changes between then and the present. On Streetview there are indications that the areas closest to the farmyard were in use to accommodate some uses and operations ancillary to the farmyard, e.g. stackyard operations. While this stackyard area does not appear to be particularly clearly or formally defined in these 2009 and 2011 images, it is nonetheless a finite area, tapering off to the south. The current "storage yard" area far exceeds any boundaries that this stackyard area formerly occupied. This change of use has occurred at some point between 2011 and the present. Again, the use of both the farmyard and the other areas of agricultural land adjacent to it for the accommodation of a Class 6 storage

use would also have required to have been made the subject of a planning application for change of use from agriculture.

Notwithstanding the apparent operation of a Class 6 storage use from the site (both existing building and land), there has been no planning approval for any change of use of this land. Moreover, there is no evidence of any Class 6 storage use, or indeed of any other non-agricultural use of the site, in the period prior to August 2015. Therefore none of the non-agricultural operations currently accommodated at the site, benefit from any deemed planning approvals.

The current application - which seeks both retrospective approval for the extension of the existing shed to accommodate storage units and a proposed new-build storage facilities - is the first application that the Applicant has made with respect to the site.

It is regrettable that the Applicant has not seen fit to seek planning approval in advance of undertaking works at the site or in advance of establishing a business premises and operation at the site. However, they have done so entirely at their own risk and no account can reasonably be had to how far the business has sought to progress its operations at the site to this point and before seeking planning approval.

It is further understood from the Assessors that at least one other business is already sub-letting accommodation from Farknowes. This is the recorded workshop that the Assessors identify as "Unit 3" noted above. However, again, and notwithstanding the circumstances on site, the current proposal is only appropriately assessed on its own planning merits.

## PROPOSED DEVELOPMENT

The current application seeks (i) retrospective approval for the western extension to the existing shed, which it identifies as "Building A"; (b) approval of a new extension to "Building A", this time on its eastern elevation, which would also accommodate individual storage units; and (c) a separate new-build building ("Building B") to the south, which it is advised would be a wood storage building.

Other than their email of 23 December responding to the Planning Officer's enquiry, the Applicant has not provided any supporting statement, let alone any Planning Statement in support of their proposal.

The application does not propose any change of use to the existing farm building, farmyard or adjacent agricultural land despite the fact that planning permission is required in order for them to operate their Class 5 and Class 6 uses at the site.

## PLANNING HISTORY

The site is an agricultural operation.

Planning Consent 05/02107/FUL approved a part change of use of an existing farm shed (that nearest the public road) and alterations to the same to form a meat processing facility including the erection of welfare and office accommodation. This was a Class 5 use, however, as noted above, there is no evidence that this was ever actually implemented.

Planning Consent 10/00249/FUL gave a temporary permission for change of use of some land at the farmyard to accommodate four storage containers, seven office units, one security office and a heras boundary fence. This was however in connection with a specific and finite temporary proposal (structures required to service works then being carried out by a gas pipeline operator installing a reinforcement pipeline in the area). This permission expired on 31 December 2010 and was subject to an explicit requirement by planning condition that all approved structures and fencing should be removed from the site at the end of the temporary period of consent (31 December 2010). The gas pipeline operator's use of the site is recorded on the 2009 images on Google Streetview.

This history is noted for completeness, but the former approval was assessed within a planning policy context which was very different to that which now prevails. The latter was for a temporary use. Both have now expired. They do not explain or justify in planning terms, the Applicant's presence and operation from the site or provide any support for the current proposal. They are therefore of no relevance to the assessment of the current proposal.

## INADEQUATE SUPPORTING INFORMATION

The Applicant's current application is ambiguous in its description in a number of respects:

Firstly, the application site is decidedly over-large relative to what is actually being proposed. The site not only includes both the existing shed and the land that is to accommodate the proposed new-build building, but also includes a much more extensive area of land to the south, which effectively serves as the storage business' yard. Given that the application does not seek any change of use of this larger area of agricultural land to storage use, and does not indicate how it relates to the current proposals, this area is not meaningfully included as the subject of the current application. However, the area in question is clearly being used for Class 6 storage at present. Accordingly, even if the current application were supported, this would remain a loose-end requiring resolution.

Secondly, the description of the proposals relating to the extensions to the existing building ("Building A") is ambiguous, if not incomplete. Only three elevations are described, the north elevation having been omitted entirely. The floor plan describes the two existing units ("Unit 8" and "Unit 9") on the west elevation for which retrospective planning approval is sought. It also describes the footprint of seven proposed new units ("Unit 1" to "Unit 7") to be added to the east elevation. However, one wall relating to the existing building has been omitted, giving the proposed extended building an L-shaped plan. No information is given with respect to the use of the main areas of the existing building beyond its description within the planning application form in which it is identified as a "forestry workshop". The proposed storage units would all be independently accessible from roller shutter doors facing the east, and public road.

Thirdly, the proposed new-build building, "Building B" is variously described as a "log store" and "wood shed" without any context being given with respect to the specific need for it, either in itself, or as a secondary or ancillary structure. It is likely that the Applicant intends this to assist the operation of the timber processing workshop it advises is accommodated in "Building A" but this is not directly confirmed.

Fourthly, the Applicant was asked to clarify the context of their proposal, and responded in an email of 23 December to advise that all the new buildings are for Wilson G Jamieson Ltd for the storage of equipment, timber and materials. To this however, it is added that this company has plans, albeit not immediate plans, to lease space in the future to other users.

It is not particularly clear from the Applicant's advice how or what the Applicant would actually propose to operate at the site. Wilson G Jamieson Ltd is understood to be specialist arboricultural contractors and landscaping firm rather than a forestry operation. Economic Development is satisfied that the company has forestry interests (indeed the firm's web-site gives the company name as 'Wilson G Jamieson Fencing & Forestry Ltd') but in planning terms, forestry operations are reasonably all that is required to fell and prepare timber from commercial plantations for transportation from its place of origin, and any operations that are reasonably ancillary to these operations. Workshops for the secondary processing of timber and manufacture of timber products are rarely, if ever, required in direct association with normal on-site forestry operations. A workshop for the processing of timber off-site, is therefore only reasonably characterised as a Class 5 industrial use (even if it were being operated by a forestry concern) and is not reasonably a forestry operation in itself. The Applicant's current operations at the site do not reasonably benefit from any permitted change of use from agriculture to forestry and a planning application would have been required for the establishment of this Class 5 use of the site. The workshop's establishment and operation from the site is therefore unlawful and requires to be resolved.

Regardless of the Applicant's immediate plans, the ten proposed units would in any case be capable of independent operation. Indeed, the Applicant appears to anticipate leasing these to all and any interested parties with a requirement for a storage unit. It is the Assessors' understanding that there is already one such party accommodated on-site, in a workshop which is identified as "Unit 3". The latter is liable to be one or other of the existing units that are proposed for retrospective planning approval: so is liable to be "Unit 8" or "Unit 9" within the current proposal. (It might be added that a 'workshop' in planning terms, is not a storage unit. The third party concerned would be liable to require planning approval if they were concerned to operate a Class 5 industrial use from the premises. This would be the case, regardless of whether or not a Class 6 use of the same unit were now approved, since there is no permitted change of use from Class 6 to Class 5).

The Applicant would more reasonably have applied to change the use of the site from agriculture to Class 5 and Class 6 use rather than confining their proposal only to the erection of new structures to accommodate a Class 6 use. The Applicant's inability to address the first matter undermines the context of what it is they are actually proposing. Such an application for change of use would at least, have allowed them to account directly for their existing and proposed uses of the site. In the event of approval or refusal, it should be drawn to the Applicant's attention that they require to resolve the position fully with respect to their existing uses of the site.

However, the planning proposal that is before the Planning Authority is not the Applicant's existing use of the site, but whether or not the construction and operation of ten Class 6 storage units should be supported within a farmyard in the countryside.

## PLANNING PRINCIPLE

The site is agricultural land, out with the Development Boundary, which is not allocated for industrial use, or indeed for any other use.

The key policy in terms of the assessment of this proposal is Adopted Local Plan Policy D1 - Business, Tourism and Leisure Development in the Countryside. As such, there is a requirement that the Council be satisfied that there is an economic and/or operational need for this particular countryside location; that the business cannot reasonably be accommodated within the Development Boundary; and that its operation would not have any unacceptable impacts upon the amenity and/or environment of the surrounding area.

Storage units in Class 6 use have no inherent requirement to be sited and operated in the countryside. Further, the Applicant has not advised, or otherwise provided any evidence of, any operational need for this specific business to be sited and operated from the site. Accordingly, it is considered that the proposal is clearly contrary to Adopted Local Plan Policy D1 and should be refused unless material considerations dictate otherwise.

Since the Applicant has not provided a supporting statement, it has not supplied any information that might reasonably be considered to constitute a material consideration. They appear to assume that they are in whole, or in part, a forestry business with no requirement to apply for planning consent, let alone to justify their requirement to operate from this specific site. Economic Development also appears satisfied that the company is essentially a forestry business with a need for a rural base of operations. Notwithstanding Economic Development's apparent support for the principle of the Applicant operating from the site as a "forestry" business however, it is not considered that this reasonably characterises the nature of what is actually being proposed within the current planning application. This relates not to forestry operations but to a proposed Class 6 general storage use. Regardless of whatever view is ultimately taken of the nature of the Applicant's current operations at the site, there is no inherent operational need even for any forestry operation to offer new purpose-built general storage units for leasing to the wider public.

The proposed new-build "log store" or "wood shed" building appears in name at least, more consistent with the operation of a timber processing workshop, but given that the planning need for such a workshop to be located at this particular countryside location has not been established, there is no justification for supporting the siting and operation of a "log store" in isolation. The latter would reasonably be expected to be a secondary or ancillary building, with the main use accommodated elsewhere, presumably within the main building of "Building A". Had the timber processing operations accommodated therein, had planning permission, then this would have appropriately established the log store's justification in planning terms. This however is not the case, and the Applicant's (and for that matter Economic Development's) concern to relate these proposals to a "forestry" context is disputed.

A timber processing workshop is more reasonably characterised as a Class 5 industrial use where it does not progress or facilitate the felling or removal of timber from its source. Given that the site is isolated from any commercial plantation, there is no obvious reason why a forestry operation would or should seek to operate from this particular farmyard location. A timber processing workshop in this context, is only appropriately characterised as a Class 5 industrial use. Its operation from the site does need justification in its own terms. It is moreover, unclear from the Applicant's own advice whether or not they would propose, in time, to lease or partially lease any of this new building as part of the facilities they seek to offer for general storage.



Due to the lack of detail presented in support of the planning application, reinforced by the lack of any evidence noted on site, it is not accepted that the Applicant is reasonably characterised as a forestry operator in planning terms. However, even if this were ultimately demonstrated to be the case, this would still not justify their concern to provide the proposed storage units for general use.

This type of general use is only acceptably accommodated on industrial estates where the road network is sufficient to accommodate the potential types and mixes of traffic that might be liable to be operating in relation to these units. The Applicants have not provided any justification for the need for the type of storage accommodation they wish to offer, let alone any justification for that need to be met at this specific countryside location.

The Applicants have not established any planning need for their proposal. They are currently operating Class 5 and Class 6 uses from the site without planning approval, and now wish to develop this further through the construction of new units without first having resolved the original breach of planning regulations.

#### **OTHER CONCERNS**

It is reasonable that the appearance and dominance of the industrial-scale rows of existing shipping containers is far more detrimental to the environment and amenity of the site than the proposed buildings which might more reasonably pass for agricultural structures. However, their operation would result in the movement and parking of vehicles, including business vans and lorries, more reasonably associated with industrial sites than farmyards. As such it is considered that the site's operation would have an unacceptably detrimental impact upon the character of the site and surrounding area; an impact that would go unmitigated by any intervening screen planting in views from the public road.

Due to the site's remoteness, it would not reasonably be accessible other than by private vehicle, as might be the case were the premises within the Development Boundary. This would therefore be a proposal that would have an inherent (and likely total) reliance on private vehicular transport for access. Given the remoteness of the site, operation from this location would be liable to generate trips of substantially longer duration than operation from a site within the Development Boundary. Roads does not object to the siting and operation of the proposed storage facilities (subject to its concern with respect to sightlines from the junction being appropriately addressed). Notwithstanding this, it is nonetheless considered that the sight of vehicles, potentially including larger vehicles and business vehicles more reasonably associated with industrial sites operating at the site, would be inappropriate in this rural and agricultural location. These impacts would contribute to unacceptable impacts upon the environment and amenity of the site and surrounding area.

The site is not immediately adjacent to any residential properties and Environmental Health has not identified any concerns. However, the latter is strictly responding to the storage proposals, and no account has reasonably been taken of any associated timber processing operations. These would be liable to raise noise concerns that should be referred to Environmental Health, were such a proposal to be made the subject of a new planning application.

Scottish Gas Networks' advice with respect to the potential impacts of the development upon a High Pressure Gas Transmission Pipeline would also be appropriately drawn to the Applicant's attention within an informative.

#### **CONCLUSION**

The proposal lacks any justification in planning terms and is contrary to Policy D1 in principle. It is further, contrary to both Policy D1 and Policy G1 in being a very unsympathetic industrial character of development of agricultural land and farm buildings in the countryside, the appearance and operation of which would have unacceptable landscape and visual impacts. The latter would moreover, be within full view of the public road.

#### **REASON FOR DECISION :**

The proposal is contrary in principle to the Council's business in the countryside policy and would have unacceptable impacts upon the environment and amenity of the site and surrounding area, including landscape and visual impacts. It is therefore considered that it is contrary to Adopted Local Plan Policies D1 and G1, and should be refused on this basis.

**Recommendation:** Refused with informatives

- 1 The proposal does not comply in principle with Adopted Local Plan Policy D1 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location.
- 2 Taking account of the rural and agricultural nature of the site and the lack of existing screening available within the surrounding area, the proposal does not comply with Adopted Local Plan Policies D1 and G1 in that the operation of the business, including the operation of general vehicles at the site, would be unsympathetic to the rural character of the site and surrounding area, and would have an unacceptably detrimental landscape and visual impact upon the appearance of the site and its environs.

**Informatives**

It should be noted that:

1 **INFORMATIVE NOTE 1:**

The Planning Authority has assessed the Applicant's existing uses at the site. These are within Use Class 5 (industrial) and Use Class 6 (storage or distribution). There is no permitted change of use of agricultural land to industrial or storage or distribution uses, and accordingly these uses are operating unlawfully. This position requires to be resolved at the earliest opportunity.

It is the Applicant's right to submit a planning application to change the use of the site from agriculture to these employment uses if they wish to do so. However, on the basis of what is currently known, it is not anticipated that these general employment uses would be supported in this rural location. Therefore in the event of a planning application being subsequently made, it is anticipated that these proposals would be liable to be considered contrary in principle to the Council's Business, Tourism and Leisure Development in the Countryside Policy and refused.

While the outcome of any future planning application cannot be pre-judged, the Applicant is strongly encouraged to remove the storage containers from the site and all other industrial and storage uses currently being accommodated there immediately and to seek more appropriate and established industrial premises as the centre of operations for their business activities. The Planning Department is able to provide advice with respect to the suitability or otherwise of any alternative sites that the Applicant may wish to consider.

In the event that the position is not appropriately resolved in the short-term (either through a planning approval or through the removal of all unlawful uses and the restoration of the site to agricultural use), the Council will pursue enforcement action against all uses and operations deemed to be unlawful.

2 **INFORMATIVE NOTE 2:**

Scottish Gas Networks has confirmed the presence of a High Pressure Gas Transmission Pipeline in the vicinity of the site and advises that this interest would be affected by the proposals.

Given that one of the structures has already been built, it is advised that the Applicant contact Scottish Gas Networks immediately to establish whether or not the Pipeline Operator has any

specific concerns with respect to this particular structure and the operation of the storage facilities. This is in case there are any site safety concerns. You should also make them aware of the operation of the workshop from 'Building A'.

However, and regardless of whether or not there are any health and safety issues associated with either the building works or the operations of the timber processing workshop and storage facilities, there will still be a need to resolve the planning position with respect to all of these works and operations (please see Informative Note 1 above).

3      **INFORMATIVE NOTE 3:**

The Roads Planning Section has raised concerns with respect to roadside vegetation impacting the sightlines onto the public road from the existing site access.

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

# REGULATORY SERVICES



To: **Development Management Service**  
**FAO S.HERKES**

Date: **16/05/16**

From: **Roads Planning Service**

Contact: **John Frater**

Ext: **5137**

Ref: **16/00397/FUL**

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**Subject: LAND FOR COMMERCIAL STORAGE**  
**SITING OF 42 STORAGE CONTAINERS (RETOSPECTIVE)**  
**LAND EAST OF LANGLEE MAINS FARMHOUSE – GALASHIELS**

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This proposal will create some additional traffic onto the C77 Langshaw public road. However, I am of a view that the increase will be relatively low, and that these vehicles will be generally spread out evenly throughout the working day. I also consider this will have little adverse effect on the current usage and free flow of traffic on the C77.

It should also be noted that this is a retrospective application, and to date, I have not been heard of any issues arising with the traffic generated with this development.

I have no roads objections to this application.

JAF

**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	<b>16/00397/FUL</b>
<b>Uniform Ref</b>	<b>16/00699/PLANCO</b>
<b>Proposal</b>	<b>Change of use of land to commercial storage and siting of 42 No storage containers (retrospective)</b>
<b>Address</b>	<b>Land East Of Langlee Mains Farmhouse Galashiels Scottish Borders</b>
<b>Date</b>	<b>25/4/16</b>
<b>Amenity and Pollution Officer</b>	<b>David A. Brown</b>
<b>Contaminated Land Officer</b>	<b>Reviewed – no comments</b>

**Amenity and Pollution**

**Assessment of Application**

***Nuisance***

This is a proposal to site storage containers for commercial use.  
There is potential for annoyance is exterior lighting is used.

**Recommendation**

Agree with application in principle subject to Informative.

**Informative**

Any lighting installation used on the premises should be designed in accordance with the guidance produced by The Institution of Lighting Engineers.

If necessary, suitable shuttering should be provided for each lamp to prevent unwanted light affecting the occupiers of properties off site.

## PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 7th April 2016

Contact: Stuart Herkes ☎ 01835 825039

Ref: 16/00397/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 28th April 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 28th April 2016, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Wilson G Jamieson Ltd

**Agent:** Peter Macleoad

**Nature of Proposal:** Change of use of land to commercial storage and siting of 42 No storage containers (retrospective)

**Site:** Land East Of Langlee Mains Farmhouse Galashiels Scottish Borders

---

### OBSERVATIONS OF: Economic Development Section

## CONSULTATION REPLY

The Economic Development section would comment as follows:

We would generally support facilities that support rural businesses and this form of rented storage would appear to provide this facility. We assume the applicant must have determined there was a market for renting these containers prior to incurring such high expense. Whilst container storage sometimes is contained within industrial estates, they are a poor use of serviced employment land, which is extremely expensive to create and does not generate many jobs in proportion to the expenditure incurred. We therefore support this use, on what appears marginal land, which generally may be sterilised for other uses, due to the location of the gas main and overhead electricity cables, and that this use does not need public utility services.

Whilst the applicant has tried to ensure the containers try to blend in, generally they are quite urban in nature and would benefit from some form of screening. It is not clear exactly where the intended screen hedge is to be located, but as the containers are 2.6m high it will be some time before the hedge will have the desired effect. Planting adjacent to the public road verge may achieve screening much sooner than to the rear of the containers. In addition some woodland planting that will also screen the rest of the site may help, but its location will be restricted by services. We suggest that the Council's landscape architect is consulted for his view in this regard.

We would not support the site being granted for Class 4, 5 & 6 uses, as this is perhaps not an ideal location for other types of businesses and that perhaps a section 75 agreement should be considered to restrict the site to only be used for rural business uses.

*Council Headquarters, Newtown St Boswells, MELROSE, Scottish Borders, TD6 0SA  
Customer Services: 0300 100 1800 [www.scotborders.gov.uk](http://www.scotborders.gov.uk)*

## PLANNING CONSULTATION

To: Forward Planning Section

From: Development Management

Date: 20th April 2016

Contact: Stuart Herkes ☎ 01835 825039

Ref: 16/00397/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 11th May 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 11th May 2016, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Wilson G Jamieson Ltd

**Agent:** Peter Macleoad

**Nature of Proposal:** Change of use of land to commercial storage and siting of 42 No storage containers (retrospective)

**Site:** Land East Of Langlee Mains Farmhouse Galashiels Scottish Borders

---

**OBSERVATIONS OF: Forward Planning Section**

## CONSULTATION REPLY

This application must be assessed against Policy ED7 – Business, Tourism and Leisure in the Countryside of the Scottish Borders Local Development Plan 2016, which states:

*Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:*

- a) *the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or*
- b) *the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;*
- c) *the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.*

*In addition the following criteria will also be considered:*

- a) *the development must respect the amenity and character of the surrounding area,*
- b) *the development must have no significant adverse impact on nearby uses, particularly housing,*
- c) *where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an*

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Customer Services: 0300 100 1800 [www.scotborders.gov.uk](http://www.scotborders.gov.uk)

- existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,*
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,*
  - e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and*
  - f) the development must take account of accessibility considerations in accordance with Policy IS4.*

*Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.*

Particular attention needs to be given in the consideration of this application to criteria C in respect of the economic and/or operational need for the containers to be at this particular location.

Due consideration needs to be given to the visual appearance of the proposed storage containers and whether appropriate landscaping could be considered.





## Advice : HSL-160531123331-325 DO NOT ADVISE AGAINST

**Your Ref:** Scottish Borders Council  
**Development Name:** Langlee Mains, Galashiels  
**Local Authority Reference:** 16/00356/FUL and 16/00397/FUL

### Comments:

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Scottish Borders.

**HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.**



Protective Marking: Official Sensitive

## Breakdown:

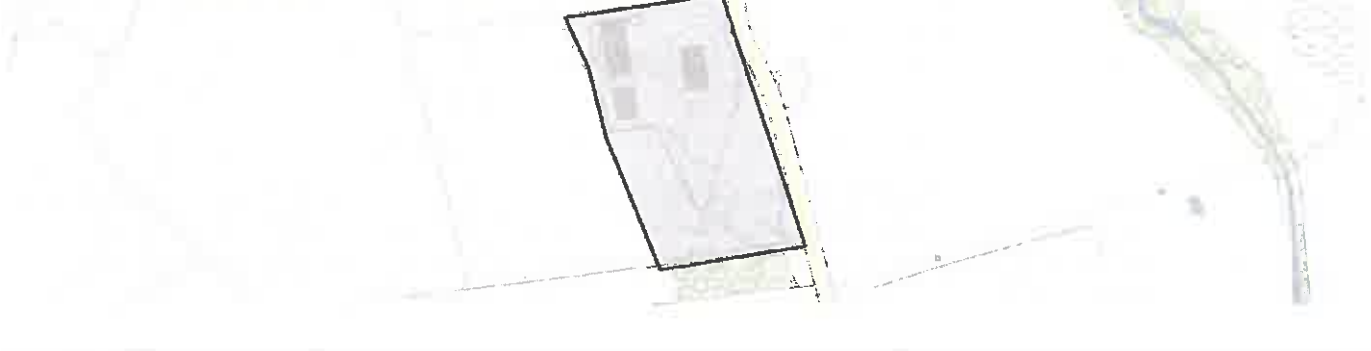
### Workplaces DAA

Is it a workplace specifically for people with disabilities, e.g. sheltered workshops? No

Are there 100 or more occupants in any building in the workplace? No

Are there 3 or more occupied storeys in any building in the workplace? No

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### Pipelines

#### 7969\_2227 Scotland Gas Network Ltd

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

This advice report has been generated using information supplied by Stuart Herkes at Scottish Borders on 31 May 2016.

Note that any changes in the information concerning this development would require it to be re-submitted.



Our Ref: SC/0078834  
Your Ref: 16/00397/FUL

Stuart Herkes  
Scottish Borders Council  
Scottish Borders Headquarters  
Newtown St Boswells  
Melrose  
Scottish Borders, TD6 0SA

SGN  
SHE Administration Team  
Plant Protection  
95 Kilbirnie Street  
Glasgow  
G5 8JD  
Phone: 0800 912 1722  
Email: [plantlocation@sgn.co.uk](mailto:plantlocation@sgn.co.uk)

Date: 07/04/2016

Dear Customer,

**Enquiry at: Land East Of Langlee Mains Farmhouse, Galashiels**

Thank you for notifying us about the proposed development at the above location.

**There are high pressure pipelines in the area of the proposed work. We have sent a copy of your correspondence to our local engineer who will be in contact directly.**

**In the meantime, SGN formally object to this planning application until such time as a detailed consultation has taken place.**

Please find an extract from our mains records of the proposed work area enclosed for your guidance. This plan only shows the pipes owned by SGN in our role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If we know of any other pipes in the area we will note them on the plans as a shaded area and/or a series of x's.

The information shown on this plan is given without obligation or warranty and the accuracy cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but their presence should be anticipated. Your attention is drawn to the information and disclaimer on these plans. The information included on the plan is only valid for 28 days.

Please note that the pipeline in the vicinity of the proposed development is a **Major Accident Hazard Pipeline** as per the Pipelines Safety Regulations 1996. For more information please read the HSE guidance document *L82: A Guide to the Pipelines Safety Regulations 1996*, (<http://www.hse.gov.uk/pubns/books/l82.htm>) in particular the guidance on safety regulations 15 and 16 and the emergency plan under Regulation 25.

In addition, please read your requirements under HSE Document: *PADHI: HSE's Land Use Planning Methodology* ([www.hse.gov.uk/landuseplanning/padhi.pdf](http://www.hse.gov.uk/landuseplanning/padhi.pdf)) for any major accident hazard pipeline.

This pipeline is also legally protected by a Deed of Servitude which restricts building and other works within the servitude area (as described in the deed).

Smell gas?  
Call 0800 111 999

SGN is a brand name of Scotia Gas Networks Limited  
Registered in England & Wales No. 04958135  
Registered Office: St Lawrence House | Station Approach | Horley | Surrey RH6 9HJ  
Authorised and regulated by the Financial Conduct Authority.



If you require any further information, please contact the number below.

Yours faithfully,

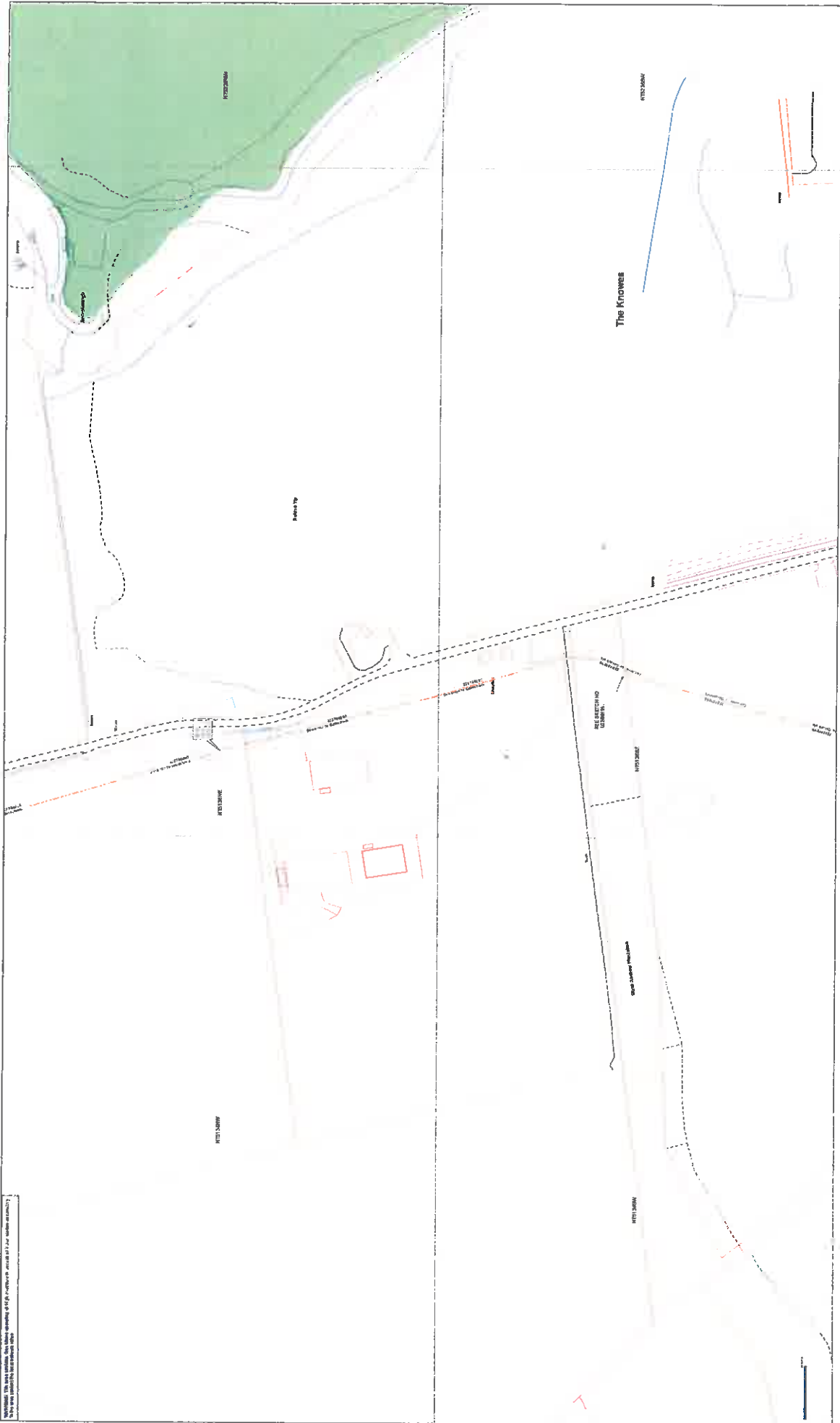
Dawn McGeachy

Admin Assistant

0800 912 1722


Smell gas?  
Call 0800 111 999

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Registered in England & Wales No. 04958135  
Registered Office: St Lawrence House | Station Approach | Horley | Surrey RH6 9HJ  
Authorised and regulated by the Financial Conduct Authority



**INTRANET MAP VERSION 2.1**  
**Scottish Borders Area**

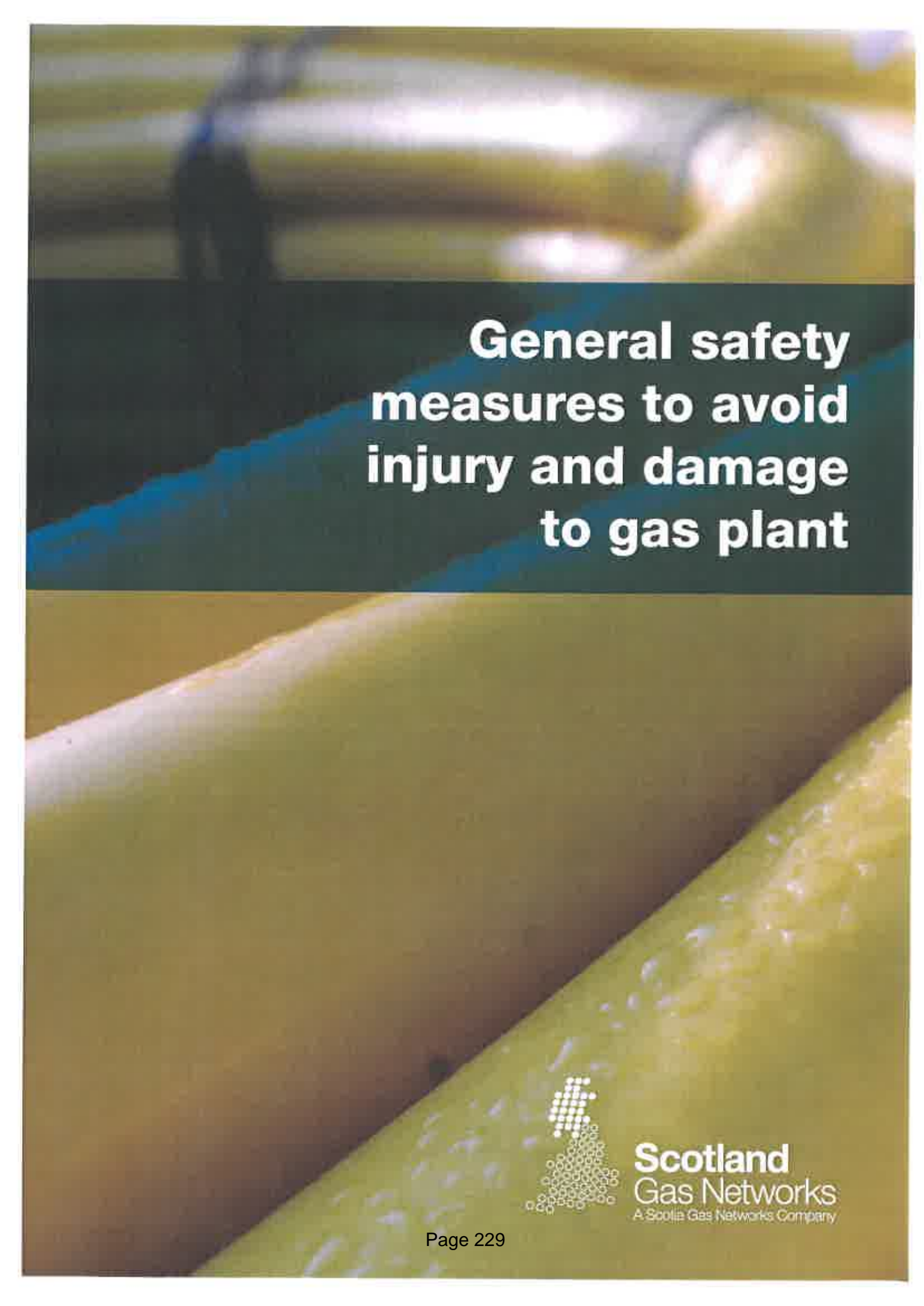
This plan is reproduced from or based on the OS map by Scotia Gas Networks plc, with the sanction of the controller of HM Stationery Office. Crown Copyright Reserved.



This plan shows the location of those pipes owned by Scotia Gas Networks (SGN) by virtue of being a licensed Gas Transporter (GT). Gas pipes owned by other GTs or third parties may also be present in this area but are not shown on this plan. Information with regard to such pipes should be obtained from the relevant owners. No warranties are given with regard to the accuracy of the information shown on this plan. Some of the details of the pipes shown on this plan, such as their depth, diameter, etc. are not shown but their presence should be anticipated. You should be aware that a small percentage of our pipe assets are temporary and are shown in yellow. If your proposed works are close to one of these pipes, you should contact the SGN Plant Protection Team on 0447070087 for further information. Scaffolding or any kind whatsoever is accepted by SGN or its agents, servants or sub-contractors for any error or omission contained herein. Scaffolding practices, in accordance with HSE (CJ47), must be used to verify and establish the actual position of mains, pipes, services and other structures. Scaffolding or mechanical plant is used. It is your responsibility to ensure that plant location information is provided to all persons (whether direct labour or sub-contractors) working for you on or near gas apparatus. Information included on this plan should not be referred to beyond a period of 28 days from the date of issue.

<b>SCALE 1:1387</b>	<b>LP MAINS</b>		<b>Material</b>		<b>Change</b>
<b>USER ID: dm73076</b>	<b>MP MAINS</b>		<b>Diameter</b>		<b>Change</b>
<b>DATE: 07/04/2016</b>	<b>IP MAINS</b>		<b>Change</b>		<b>Change</b>
<b>INTERNAL USE ONLY</b>	<b>LHP MAINS</b>		<b>Syphon</b>		<b>Change</b>
<b>GRID REFERENCE:</b>	<b>HISTORY DATA</b>		<b>Depth of Cover</b>		<b>Change</b>
<b>E957590,N639513,NT 51.36</b>	<b>LA's</b>		<b>Valve</b>		<b>Change</b>
<b>Some examples of Plant Items:</b>	<b>GT's</b>		<b>SSSIs</b>		<b>Change</b>
<b>Valve</b>		<b>Syphon</b>		<b>Material</b>	<b>Change</b>





# General safety measures to avoid injury and damage to gas plant



**Scotland  
Gas Networks**  
A Scotia Gas Networks Company



# The following protective and precautionary measures **MUST** be taken when working/excavating in the vicinity of our plant.

To avoid injury to yourself, your employees, colleagues and the general public you **MUST** verify the details provided on our plans by tracing, hand-digging, trial holes and suitably marking its position on site.

You **MUST** ensure current full colour copies of our plans are issued and the presence and location of our plant, prior to excavation, is understood by all relevant personnel on site.

## In an emergency

If you cause a gas leak or suspect a pipe or equipment is leaking, you **MUST** take the following emergency actions immediately:

- a. Get everyone away from the immediate vicinity of the gas escape;
- b. Inform us immediately by calling the National Gas Emergency Number on **0800 111 999\***;
- c. Do not attempt to repair the escape or stop the leakage;
- d. Ask occupants of buildings adjacent to the escape to leave until it is safe for them to return;
- e. Damage to a service supplying a building may result in gas entering the building. Do not attempt to operate any valves;
- f. Prevent any approach to the immediate vicinity of the gas escape;
- g. Prohibit smoking and extinguish all naked flames. Do not use mobile phones or other sources of ignition within 15m from the leakage; and
- h. Assist our representatives, and other emergency services for example police, fire and ambulance as requested.

### Additional reference material;

- HSE Guidance Note; HSG47 "Avoiding Danger from Underground Services" at [www.hse.gov.uk](http://www.hse.gov.uk) and
- NJUG "Utilities Guidance on Positioning and Colour Coding of Apparatus" at [www.njug.org.uk](http://www.njug.org.uk)









## Safe System of Work

We may request the production of Risk Assessments and Method Statements for any works deemed to have the potential to affect, cause risk to or pose a hazard to the safety and/or integrity of our plant. Where CDM legislation applies reference MUST be made to our plant within the site 'Health and Safety File'.

## Financial

Every reasonable precaution MUST be taken to avoid personal injury or damage to our plant during the progress of the planned works. Any cost incurred by us for the repair of direct or consequential damage and the diversion of any affected plant will be recharged in full.

## HSE

Any damage to our apparatus will be subject to legislative reporting responsibilities to the Health and Safety Executive under Reporting of Injuries, Diseases & Dangerous Occurrences Regulations (RIDDOR) and Gas Safety Management Regulations (GSMR).









## **Minimum safe working distances**

If you are carrying out explosions, piling, splitting, boring and deep excavations, please contact us for further guidance. Trial holes **MUST** be dug by hand to determine the exact location of mains and service pipes in advance of mechanical excavation or thrust boring. Be aware of the potential for the presence of protruding objects from gas plant in the form of standpipes, test points and valve bodies.

## **Mechanical excavation**

Mechanical excavators (including breaker attachments) **MUST NOT** be used within the following distances from the confirmed location of our gas mains and services (as depicted on our gas maps), without prior agreement:



Type of Mains and Services	GAS MAP Identification	Hand Excavation required inside	Pipe pressure indication shown on MAP
Low Pressure (LP)	0 – 75mbar	0.5 metres	
Medium Pressure (MP)	75mbar to 2 bar	0.5 metres	
Intermediate Pressure (IP)	2 – 7 bar	3.0 metres	
High Pressure (HP)	Above 7 bar	3.0 metres	

Note: We MUST be consulted prior to any planned excavation works within 10m of Pressure Reduction Equipment and may consider issuing a Permit to Work, if appropriate.



## High pressures

In addition to receiving a copy of our 'Safe working in the vicinity of Scotland Gas Networks high pressure pipelines and associated installations', if any activities proposed are closer than the minimum distances listed below you **MUST** discuss with us to agree your site specific requirements.

Power Excavators in servitudes	>3 metres
Power Excavators in highway	>3 metres
Pressure testing	>8 metres
Piling	>15 metres
Demolition	>150 metres
Blasting	>250 metres
No-dig techniques	Method Statement required
Crossing servitude with plant	Written Consent required

## Clearance requirements

No plant is to be laid over and along the line of a gas pipe irrespective of clearance. To allow the future repair and maintenance of gas plant, a minimum clearance of 250mm for low and medium pressure pipelines and 600mm for intermediate and high pressure pipelines, or 1.5 times the external diameter of the gas pipe, which ever is the greater, should be maintained between the gas plant and any new plant. Where this minimum clearance cannot be achieved, site discussions should be held with us or our representatives to agree a suitable clearance. Explosives shall not be used within 30m of our plant (400m for Pressure Reduction Equipment) without prior agreement. No piling or boring shall be carried out within 15m of our plant without prior consultation and agreement.











## Surface boxes/Manholes

Do not bury or move our surface boxes. Access **MUST** be maintained both during and after your works. No manhole cover or other structure is to be built over, around or under a gas pipe and no work is to be carried out which results in a reduction or increase in cover or protection without prior written agreement.

## Deep excavations

Where excavations adjacent to any of our potentially affects its security and integrity, adequate protection (approved by us) **MUST** be applied to such plant. Ground movement around gas **MUST** be prevented. If a sewer trench or any other water authority is to be constructed at greater than 1.5 metres deep near to a buried gas main or service pipe, we **MUST** be contacted. We should be provided with detailed drawings showing the line and width of the proposed sewer or other trench, together with the soil group classifications of the area concerned.

## Crossing our plant

The placing of heavy construction plant, equipment, materials or the passage of heavy vehicles over our plant is prohibited unless specially agreed protective measures (i.e. the construction of reinforced crossing points) have been carried out. This is particularly important where reductions in side support or ground cover are planned.

Working in servitudes should not be undertaken without our prior written consent.

## Exposed plant

Where excavations adjacent to gas plant affect its support, the plant **MUST** be adequately supported and protected in consultation with us and to our satisfaction. It **MUST** be protected from impact and restraints, thrust blocks and supports **MUST** not be removed without our agreement.



## Hot works

The potential exists for heat damage to plastic pipelines/coatings. Where welding or other hot works involving naked flames is to be carried out in proximity to our plant, our representative should be present.

## Backfilling

Concrete backfill should not be placed closer than 300mm to our plant. No concrete or hard material should be placed under or adjacent to any of our plant. Shuttering **MUST** be constructed so as to prevent fresh concrete encasing our plant and to maintain the stated clearances. Material used for the surround backfill of our plant **MUST** conform to the following requirements:

- If sand, it **MUST** be well-graded in accordance with BS EN 12620: 2002;
- It **MUST** not contain any sharp particles; stones, bricks, lumps or corrosive materials;
- Foamed concrete should not be used; and
- It **MUST** be laid to a minimum depth of 250mm above the crown of the plant.

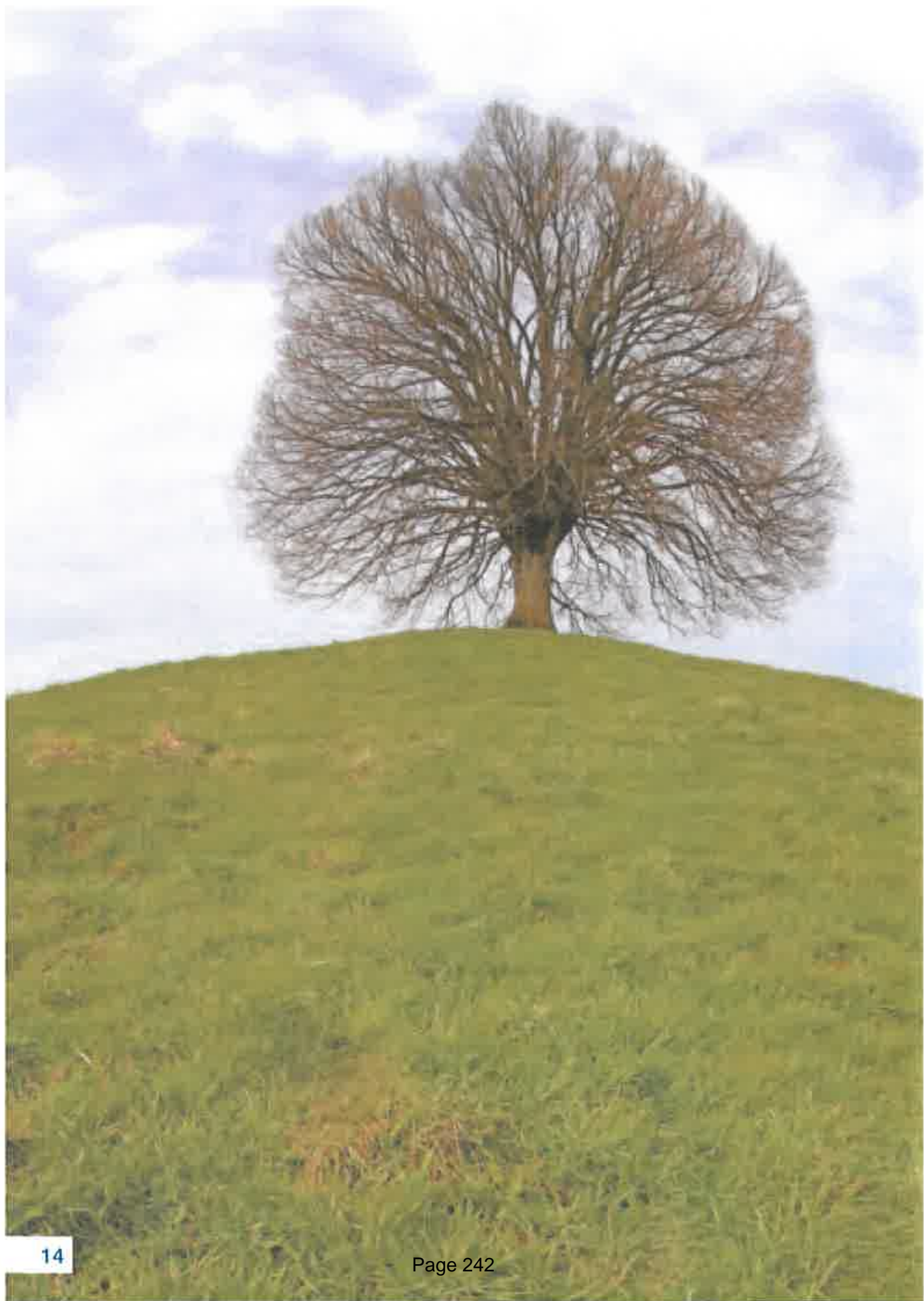
**Note:** Power ramming should not take place until a 300mm hand rammed layer has been completed over the crown of the pipe.

## Access

Access to sites and our plant **MUST** be provided at all times. This includes temporary structures and spoil heaps over our pipes.









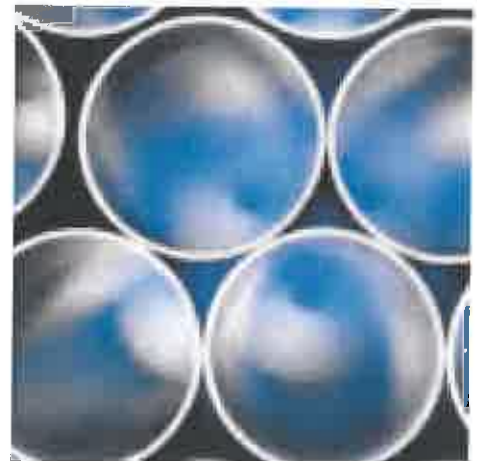
## Tree planting

If trees or shrubs are to be planted adjacent to our plant, the selection of the type of tree or shrub and its planting **MUST** be considered so that root damage to buried mains or services will be avoided and that damage to trees or shrubs will not be caused by any subsequent excavations for repair and maintenance.

Before any tree planting is carried out on the servitude, our written approval **MUST** be obtained. Any approval we grant to plant trees on the servitude shall be subjecting to retaining the rights to remove, at any time in the future, all trees which in our opinion might become a danger to the pipe.

The written consent to plant trees will state what area may be planted and also the type of tree.

See over for specific species and the distances they **MUST** be planted from the pipeline.



The following trees and those of similar size, which may be deciduous or evergreen, shall not be planted within six metres of the centre line of the pipe e.g. Ash, Beech, Birch, most Conifers, Elm, Maple, Lime, Horse Chestnut, Oak, and Sycamore. Apple and Pear trees are also included in this category.

Dwarf Apple Stocks may be planted up to three metres of the centre line of the pipe.



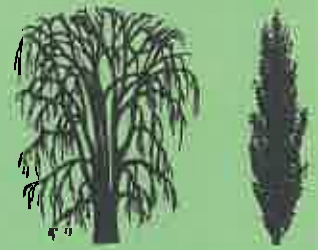
In cases where screening is required, the following are shallow rooting and may be planted close to the pipeline; Blackthorn, Broom, Cottoneaster, Elder, Hazel, Laurel, Quickthorn, Privet, Snowberry and most ornamental shrubs.

#### PIPELINE CENTRE

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Raspberries, Gooseberries and Blackcurrants may be planted on the pipe, but a four metre strip, centred on the pipe, **MUST** be left clear at all times.

Poplar and Willow trees shall not be planted within 10 metres of the centre line of the pipe.



10m

6m - 9m



These types of trees may only be planted as individual specimens or as a single row in the area between six and 10 metres of the pipe. **Dense mass planting may only be carried out at distances greater than 10 metres from the pipe.**

3m - 6m

0m - 3m



Christmas Trees (*Picea Abies*) may be planted up to three metres of the pipeline. However, permission is given on the strict understanding that Christmas trees are clear-felled at intervals not exceeding seven years.

#### PIPELINE CENTRE

The only hardwood plants which can be planted directly across a pipe are hedge plants such as Quickthorn, Blackthorn etc and these shall only be planted where hedge is necessary either for screening purposes or to indicate a field boundary.

**Note: For further guidance refer to NJUG 10.**







**Scotland Gas Networks provides a  
free plant location enquiry service  
during office hours.**

**Contact:**

**Tel: 0845 0703 497 or 0141 418 4093**

**Fax: 0141 429 6432**

**Email: [plantlocation@sgn.co.uk](mailto:plantlocation@sgn.co.uk)**

**Scotland Gas Networks, Plant Location Team,  
Tradeston, 95 Kilbirnie Street, Glasgow, G5 8JD**

**[www.sgn.co.uk](http://www.sgn.co.uk)**

We regret that information cannot be supplied by telephone. Requests **MUST** be made in writing (via letter, email or fax). For **ALL** enquiries please include the following information:

1. Full contact details (name, company name, address, telephone number and e-mail address).
2. Full site address, postcode and easting/northing grid reference.
3. Plan showing the site boundary.
4. Details of the work to be carried out.
5. The proposed start date (please specify if work is planning only).

**LIST OF POLICIES**

**Local Review Reference:** 16/0025/RREF

**Planning Application Reference:** 16/00397/FUL

**Development Proposal:** Change of use of land to commercial storage and siting of 42no storage containers (retrospective)

**Location:** Land east of Langlee Mains Farmhouse, Galashiels

**Applicant:** W Jamieson Ltd

**Adopted Local Plan 2016**Policy PMD1: Sustainability

In determining planning applications and preparing development briefs, the Council will have regard to the following sustainability principles which underpin all the Plan's policies and which developers will be expected to incorporate into their developments:

- a) the long term sustainable use and management of land
- b) the preservation of air and water quality
- c) the protection of natural resources, landscapes, habitats, and species
- d) the protection of built and cultural resources
- e) the efficient use of energy and resources, particularly non-renewable resources
- f) the minimisation of waste, including waste water and encouragement to its sustainable management
- g) the encouragement of walking, cycling, and public transport in preference to the private car
- h) the minimisation of light pollution
- i) the protection of public health and safety
- j) the support to community services and facilities
- k) the provision of new jobs and support to the local economy
- l) the involvement of the local community in the design, management and improvement of their environment

Policy PMD2: Quality Standards

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

## Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,

## LIST OF POLICIES

- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

### Placemaking & Design

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

### Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

### Greenspace, Open Space & Biodiversity

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

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

### Policy PMD4: Development Outwith Development Boundaries

Where Development Boundaries are defined on Proposals Maps, they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period.

## LIST OF POLICIES

Development should be contained within the Development Boundary and proposals for new development outwith this boundary, and not on allocated sites identified on the proposals maps, will normally be refused.

Exceptional approvals may be granted provided strong reasons can be given that:

- a) it is a job-generating development in the countryside that has an economic justification under Policy ED7 or HD2, OR
- b) it is an affordable housing development that can be justified under in terms of Policy HD1, OR
- c) there is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply, OR
- d) it is a development that it is considered would offer significant community benefits that outweigh the need to protect the Development Boundary.

AND the development of the site:

- a) represents a logical extension of the built-up area, and
- b) is of an appropriate scale in relation to the size of the settlement, and
- c) does not prejudice the character, visual cohesion or natural built up edge of the settlement, and
- d) does not cause a significant adverse effect on the landscape setting of the settlement or the natural heritage of the surrounding area.

The decision on whether to grant exceptional approvals will take account of:

- a) any indicators regarding restrictions on, or encouragement of, development in the longer term that may be set out in the settlement profile;
- b) the cumulative effect of any other developments outwith the Development Boundary within the current Local Plan period;
- c) the infrastructure and service capacity of the settlement.

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

#### Business, Tourism and Leisure

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,

## LIST OF POLICIES

- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

### Policy HD3 – Protection of Residential Amenity

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

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

### Policy IS7 – Parking Provision and Standards

Development proposals should provide for car and cycle parking in accordance with approved standards.

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

### Policy EP6 – Countryside Around Towns

Within the area defined as Countryside Around Towns, proposals will only be considered for approval if they meet the following considerations:

- a) there is an essential requirement for a rural location and the use is appropriate to a countryside setting e.g. agricultural, horticultural, forestry, countryside recreation, nature conservation, landscape renewal, community facilities, or
- b) it involves the rehabilitation, conversion, limited extension or an appropriate change of use of an existing traditional building of character, or,
- c) in the case of new build housing it must be located within the confines of an existing building group as opposed to extending outwith it and it must be shown the high quality environment will be maintained. The definition of a building group is stated within Policy HD2 Housing in the Countryside, or



## LIST OF POLICIES

- d) it enhances the existing landscape, trees, woodland, natural & man-made heritage, access and recreational facilities, or
- e) subject to satisfactory design and setting, it has a proven national or strategic need and no alternative is suitable.

### Policy IS9 - Waste Water Treatment Standards and Sustainable Urban Drainage

#### WASTE WATER TREATMENT STANDARDS

The Council's preferred method of dealing with waste water associated with new development

will be, in order of priority:

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b) negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:
- c) agreement with Scottish Water and SEPA where required to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
- d) for development in the countryside i.e. not within or immediately adjacent to publicly seweraged areas, the use of private sewerage treatment may be acceptable, providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

In settlements served by the public foul sewer, permission for an individual private sewage treatment system will normally be refused unless exceptional circumstances prevail and the conditions in criteria (d) above can be satisfied.

Development will be refused if:

- a) it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,
- b) it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

#### SUSTAINABLE URBAN DRAINAGE

Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on sustainable urban drainage systems to the satisfaction of the council, Scottish Environment Protection Agency (where required), Scottish Natural Heritage and other interested parties where required.

Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

### Policy IS12 – Development Within Exclusion Zones

All proposals for development which are within the exclusion zones of a pipeline or civil aviation navigation beacon or within the vicinity of any notifiable installation or of any new hazardous development or notifiable installation that may arise during the lifetime of the Local Development Plan, will be refused if it is judged to result in

## LIST OF POLICIES

unacceptable levels of pollution, nuisance or result in an unacceptable hazard to the public or the environment. The decision making will be guided by expert advice from the appropriate operator/owner and the Health and Safety Executive.

### **Other Material Considerations**

National Planning Framework 3

Scottish Planning Policy

PAN 73 Rural Diversification

SBC Supplementary Planning Guidance on Countryside Around Towns 2011

A Guide to Farm Diversification and Planning Permission in Scotland 2003

Our Rural Future – The Scottish Government’s response to the Speak up for Rural Scotland consultation 2011



*Regulatory Services*

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference: 15/01484/FUL

To: Mrs M Dick per Arkiplan Ltd Per Sean Elder 28 Grahamsdyke Place Bo'ness EH51 9QZ

With reference to your application validated on **16th December 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal: Replacement windows**

**At: 5 East High Street Lauder Scottish Borders TD2 6SS**

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

Dated 16th February 2016  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA

Signed

A solid black rectangular box redacting the signature of the Chief Planning Officer.

.....  
Chief Planning Officer

**APPLICATION REFERENCE: 15/01484/FUL**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
SPECTUS	Specifications	Refused
	Location Plan	Refused
P37845	Elevations	Refused

**REASON FOR REFUSAL**

- 1 The design of the replacement windows fails to comply with Policies G1 and BE4 of the Consolidated Scottish Borders Local Plan (2011), and with the advice contained within the Council's approved Supplementary Planning Guidance note on Replacement Windows and Doors (2015), in that:
  - (i) the proposed use of stick-on glazing bars would result in an adverse impact upon the appearance and character of the building and would be detrimental to the wider character and appearance of this part of Lauder's Conservation Area; and
  - (ii) with respect to the front and side elevations only, the proposed replacement window material (uPVC) and use of double glazing, would cumulatively result in an adverse impact upon the appearance and character of the building and would be detrimental to the wider character and appearance of this section of the Area of Prime Frontage/Core Area within Lauder's Conservation Area.

**FOR THE INFORMATION OF THE APPLICANT**

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

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



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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

**Applicant(s)**

**Agent (if any)**

Name Mrs M Dick

Name

Address 5 East High Street, Lauder

Address

Postcode TD2 6SS

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail\*

E-mail\*

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

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority Scottish Borders Council

Planning authority's application reference number 15/01484/FUL

Site address 5 East High Street, Lauder, TD2 6SS

Description of proposed development Replacement windows

Date of application 7th December 2015 Date of decision (if any) 16th February 2016

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

*See Attached*

**Site inspection**

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

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

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

**Statement**

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

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

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

Please see attached statement.

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

Yes  No

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



**List of documents and evidence**

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

Statement attached.

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

**Checklist**

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

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

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

**Declaration**

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

Signed



Date

4<sup>th</sup> April 2016

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

Our original application was refused with reference to policies G1 and BE4 of the Scottish Borders Consolidated Local Plan (2011), and the Supplementary Planning Guidance note on Replacement Windows and Doors, specifically with regard to the proposed use of glazing bars having an adverse impact on the appearance and character of the building and the wider area, and with regard to the proposed use of uPVC having a similarly adverse impact.

Policy G1 states that any development should be “compatible with, and respects the character of the local area ... and neighbouring built form” and the officer’s report recommending refusal of our application states that *“Surrounding, including adjoining, properties also predominantly retain windows of traditional designs and materials. Taking account of these circumstances, there are not considered to be any considerations that would reasonably allow for uPVC windows to be supported in principle under the Prime Frontage/Core Areas of Conservation Areas General Policy.”* However within Lauder’s Conservation Area, and East High Street in particular, there are multiple properties that have uPVC windows (and doors) in multiple styles – including immediately next door to our property. We’d therefore challenge the assertion that our proposed new windows would be out of keeping with the rest of the area.

Our application takes steps to retain the look of the original windows as much as possible (the sash and case action and astragals matching the original size exactly), meaning the new windows would maintain the visual appearance of the property and preserve the look of the area (and would certainly do so more than some neighbouring properties). In addition, by replacing all of the windows at the same time we would retain consistency uniformity of appearance, in accordance with the General Principles of the SPG on Replacement Windows and Doors.

Policy G1 also refers to the importance of taking measures to “maximise the efficient use of energy and resources”, and energy efficiency is a theme repeated elsewhere in the Local Plan (as well as sound and heat insulation being a feature of the SPG). By choosing double glazed uPVC windows we’re ensuring that we have the most energy efficient option possible which, as well as having obvious environmental benefits, also assists us in maintaining the property as a whole and therefore preserving the character of the building and the wider area.

Policy BE4 states that any development should “...be designed to preserve or enhance the special architectural or historical character of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials and boundary treatment of nearby buildings...”. As outlined above the proposed new windows would match the scale, proportions and appearance of the existing windows, and while the material would be a more modern and energy efficient alternative it would be in line with many nearby buildings.

We’d therefore ask that you reconsider the original decision and grant permission for the new windows, in keeping with the many other properties that have already set a precedent for the acceptance of uPVC double glazed units within Lauder’s Conservation Area.



**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 15/01484/FUL  
**APPLICANT :** Mrs M Dick  
**AGENT :** Arkiplan Ltd  
**DEVELOPMENT :** Replacement windows  
**LOCATION:** 5 East High Street  
 Lauder  
 Scottish Borders  
 TD2 6SS  
**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
SPECTUS	Specifications	Refused
	Location Plan	Refused
P37845	Elevations	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

No representations.

Community Council and Berwickshire Civic Society were consulted but have not responded.

**PLANNING CONSIDERATIONS AND POLICIES:**

Adopted Scottish Borders Local Plan Policies -  
 BE4: Conservation Areas  
 G1: Quality Standards for New Development  
 H2: Protection of Residential Amenity

Replacement Windows and Doors SPG (2015)

**Recommendation by** - Stuart Herkes (Planning Officer) on 16th February 2016

This application proposes the replacement of windows at a property within the Conservation Area at Lauder, which fronts the High Street and the Area of Prime Frontage. The existing windows are traditional single glazed sliding sashes in white-painted timber frames. The proposed windows are described as replicating exactly the external appearance (glazing pattern) and opening mechanism (sash and case) of the existing windows, but it is advised, these would be double-glazed white-coloured uPVC units. An accompanying 'Spectus VS' brochure offers generic descriptions of windows but the final page describes the use of 'stick-on' Georgian glazing bars.

The Council's Adopted SPG on Replacement Windows and Doors 2015 allows that in Core Areas or Areas of Prime Frontage, the principle of the replacement of timber units in uPVC is acceptable where the design pattern, dimensions and method of opening are retained within the new windows and where the proposals address the 'General Principles' set out in Section 3.7 of the same SPG. The latter require that consideration be given to: (i) the position of the window(s) proposed for replacement, specifically whether or not these are publically visible and/or relate to more modern extensions; (ii) whether or not these windows are originals; (iii) the predominant character of surrounding properties; and (iv) whether or not the proposals maintain or improve the current position. Notwithstanding the description of the Proposal Drawings that the replacement units would replicate the exact appearance of the proposed windows, it is material that the proposal on the front elevation does relate to original, or at least traditional, timber windows, which themselves relate to an established and long-standing elevation. Surrounding, including adjoining, properties also predominantly retain windows of traditional designs and materials. Taking account of these circumstances, there are not considered to be any considerations that would reasonably allow for uPVC windows to be supported in principle under the Prime Frontage/Core Areas of Conservation Areas General Policy.

The same Policy set out within the SPG also allows that the introduction of double glazing may be acceptable within the Area of Prime Frontage/Core Area, although it is added that any replacement unit should "generally be of the same material, ... have the same glazing pattern and method of opening. Where glazing bars or astragals are required these must be of the same proportion, material and design to match the original window. The use of stick-on astragals will not be permitted". Given that what is proposed would feature stick-on astragals, the proposal would not accord with this part of the Policy. There are no concerns in principle that double glazing could not be featured in replacement windows on the front elevation. However, this aspect does in combination with the stick-on astragals and uPVC contribute to a cumulative appearance that would be unacceptable in the extent to which the replacement units would differ from the traditional units they would be replacing.

A more relaxed position is appropriately taken with respect to replacement units in other areas of the Conservation Area, and certainly with respect to those windows that would be located on the rear elevation these would only be visible at a distance, and visually in close association with an obviously modern extension. It is considered that the principle of the replacement of these rear elevation units in uPVC and with double-glazing, raises no concerns. However, and in common with the concerns noted above, there would still be a concern even out with the Core Area/Area of Prime Frontage, with the specific proposal that the replacement windows should have stick-on astragals.

Notwithstanding that the Proposal Drawings describe replacement windows that would superficially reinstate the external appearance of the existing timber traditional windows, the use of double-glazed uPVC units with stick-on glazing bars would not achieve the appropriate quality and standard required, and would have a detrimental impact upon the quality of the build environment within this part of the Area of Prime Frontage/Core Area within the Conservation Area.

#### **REASON FOR DECISION :**

The design of the replacement windows fails to comply with Policies G1 and BE4 of the Consolidated Scottish Borders Local Plan (2011), and with the advice contained within the Council's approved Supplementary Planning Guidance note on Replacement Windows and Doors (2015), in that:

- (i) the proposed use of stick-on glazing bars would result in an adverse impact upon the appearance and character of the building and would be detrimental to the wider character and appearance of this part of Lauder's Conservation Area; and
- (ii) with respect to the front and side elevations only, the proposed replacement window material (uPVC) and use of double glazing, would cumulatively result in an adverse impact upon the appearance and character of the building and would be detrimental to the wider character and appearance of this section of the Area of Prime Frontage/Core Area within Lauder's Conservation Area.

**Recommendation:** Refused

- 1 The design of the replacement windows fails to comply with Policies G1 and BE4 of the Consolidated Scottish Borders Local Plan (2011), and with the advice contained within the Council's approved Supplementary Planning Guidance note on Replacement Windows and Doors (2015), in that:
  - (i) the proposed use of stick-on glazing bars would result in an adverse impact upon the appearance and character of the building and would be detrimental to the wider character and appearance of this part of Lauder's Conservation Area; and
  - (ii) with respect to the front and side elevations only, the proposed replacement window material (uPVC) and use of double glazing, would cumulatively result in an adverse impact upon the appearance and character of the building and would be detrimental to the wider character and appearance of this section of the Area of Prime Frontage/Core Area within Lauder's Conservation Area.

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





15/01484/FUL

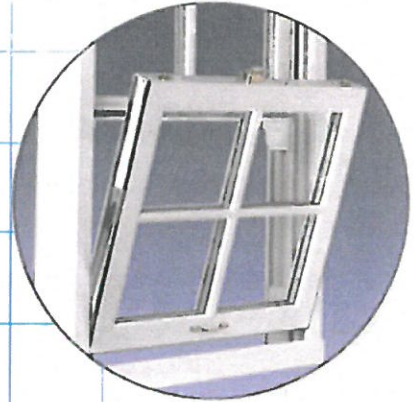
# Spectus VS

## A NEW ERA IN PVC-U VERTICAL SLIDER SYSTEMS

Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

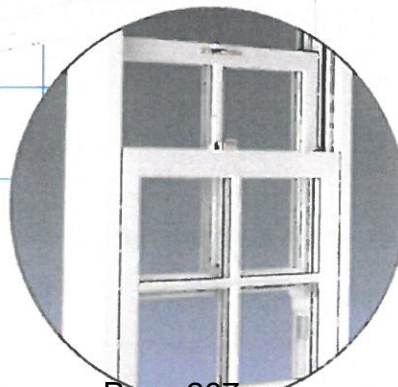
**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice



The Spectus VS is a new  
Vertical Slider System from Spectus.

The result of considerable  
investment and technical expertise,  
the Spectus VS has all the  
traditional benefits improved  
by modern technology.

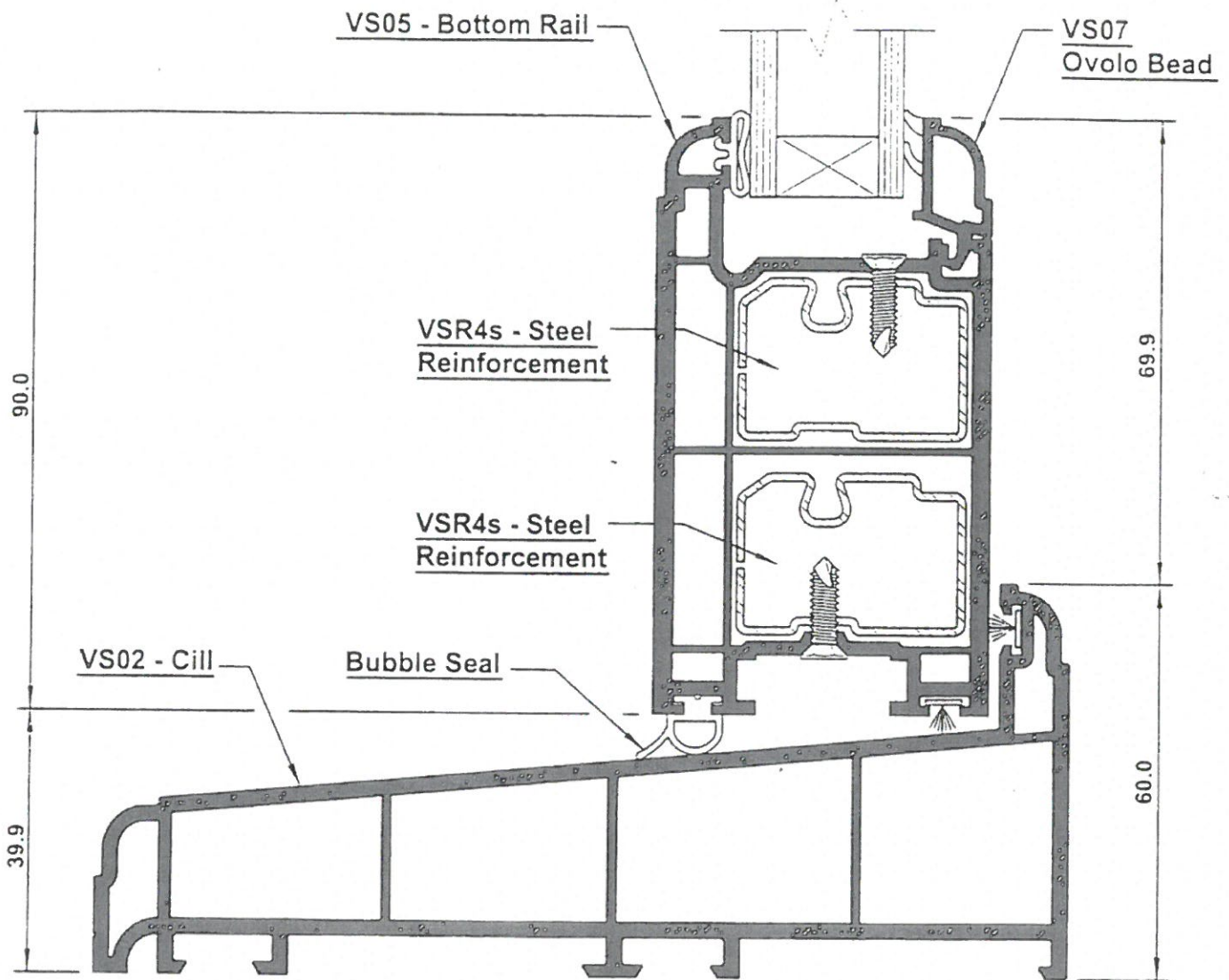


**Spectus**  
WINDOW SYSTEMS

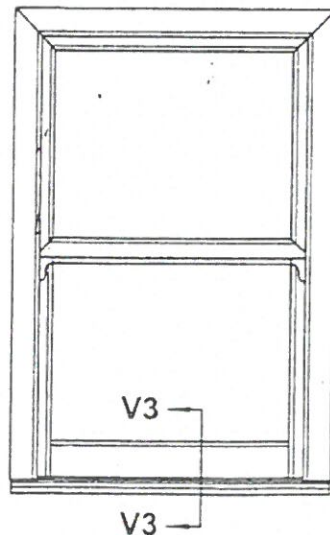


# DETAIL SHEETS

## Vertical Section - V3.

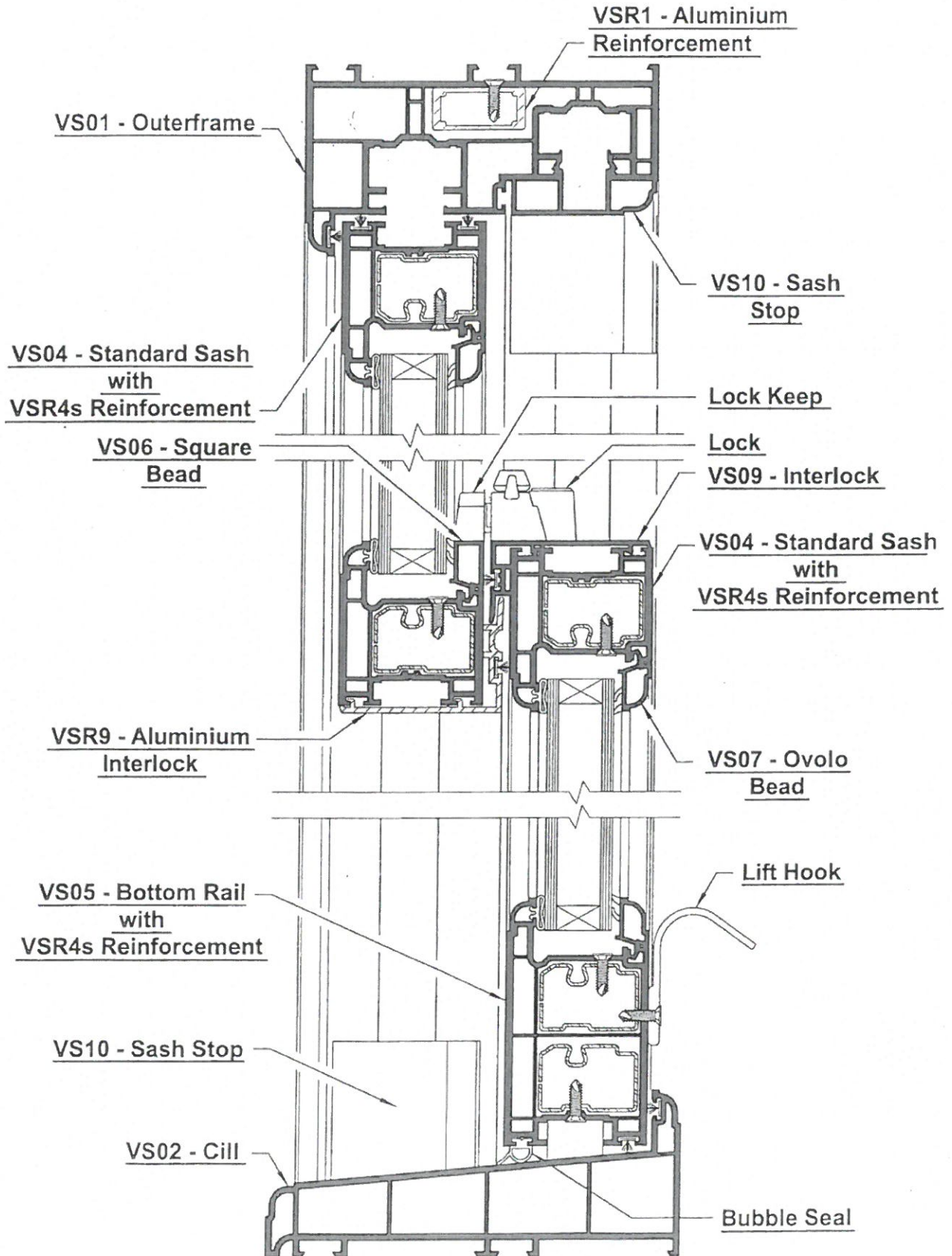


(window viewed from outside).



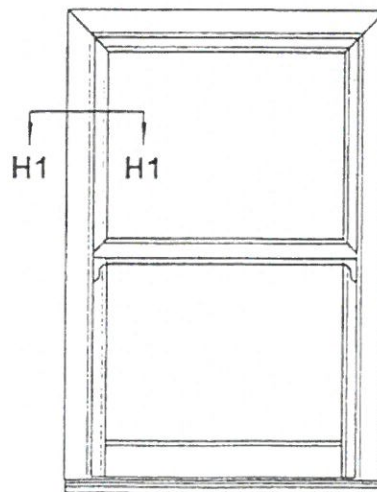
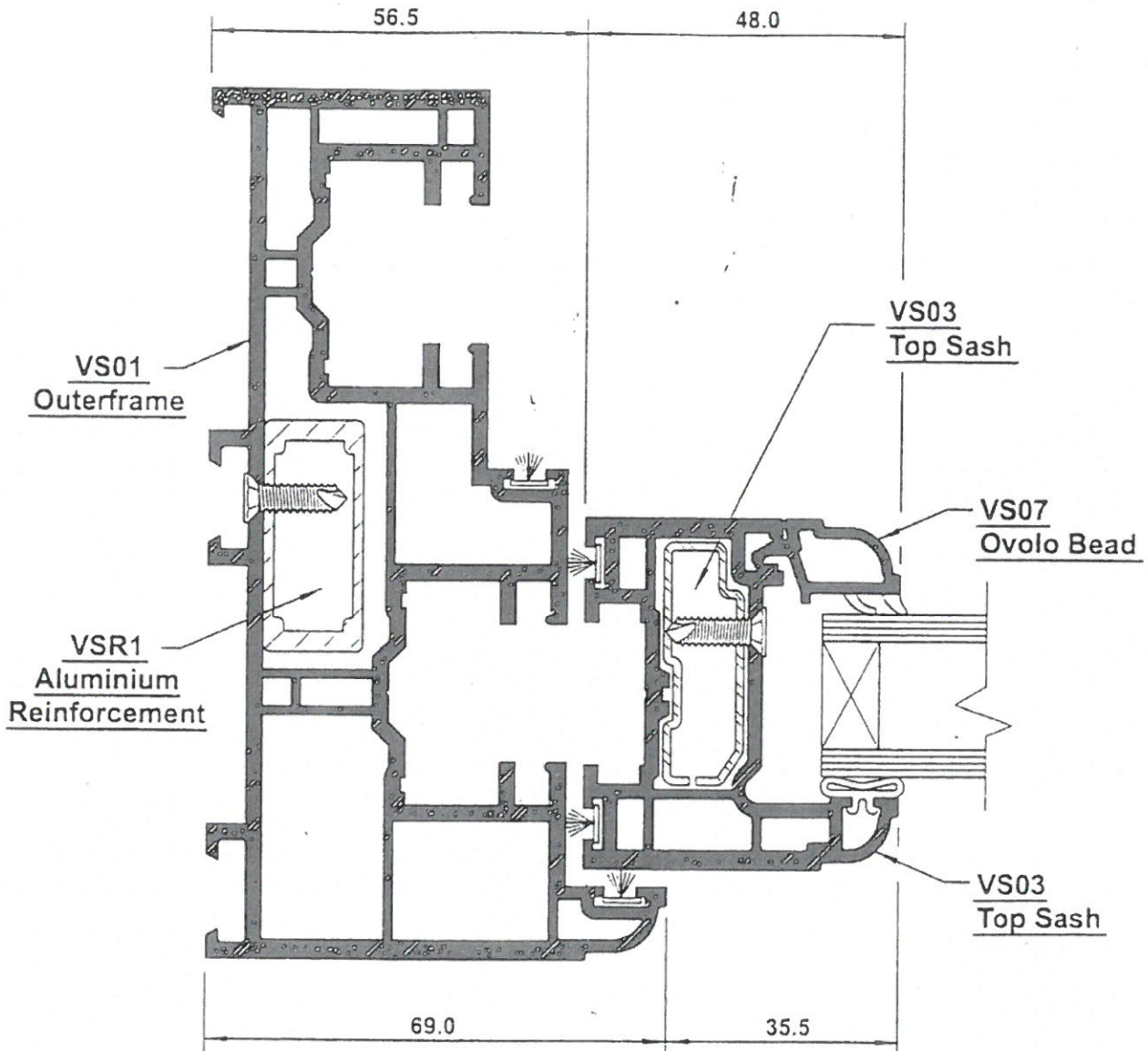
# DETAIL SHEETS

## Section Through Heavy Duty Configuration.



# DETAIL SHEETS

## Horizontal Section - H1. (Standard Configuration)

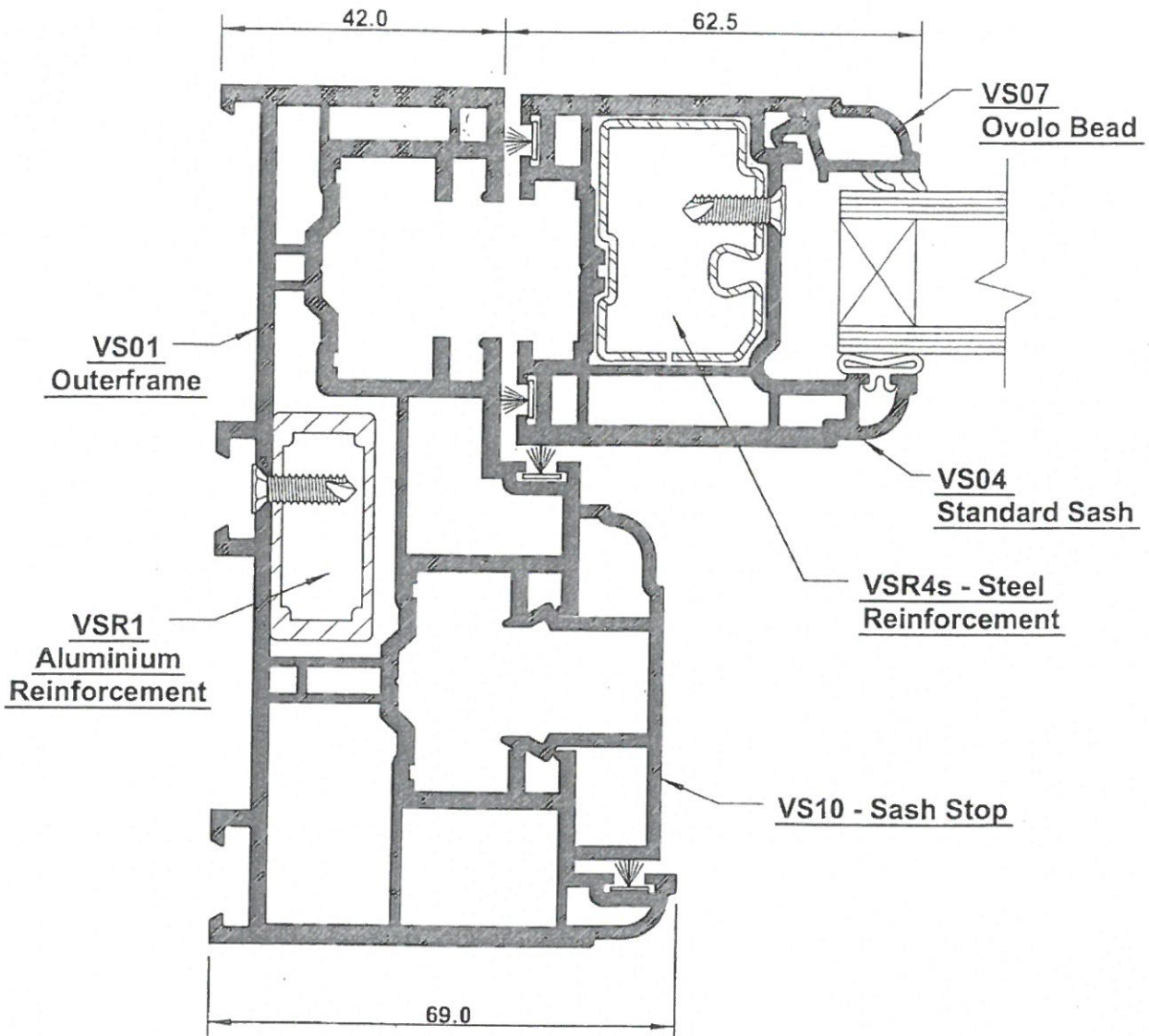


(window viewed  
from outside).

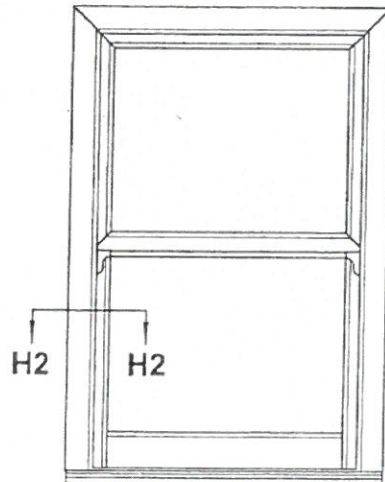


# DETAIL SHEETS

## Horizontal Section - H2.

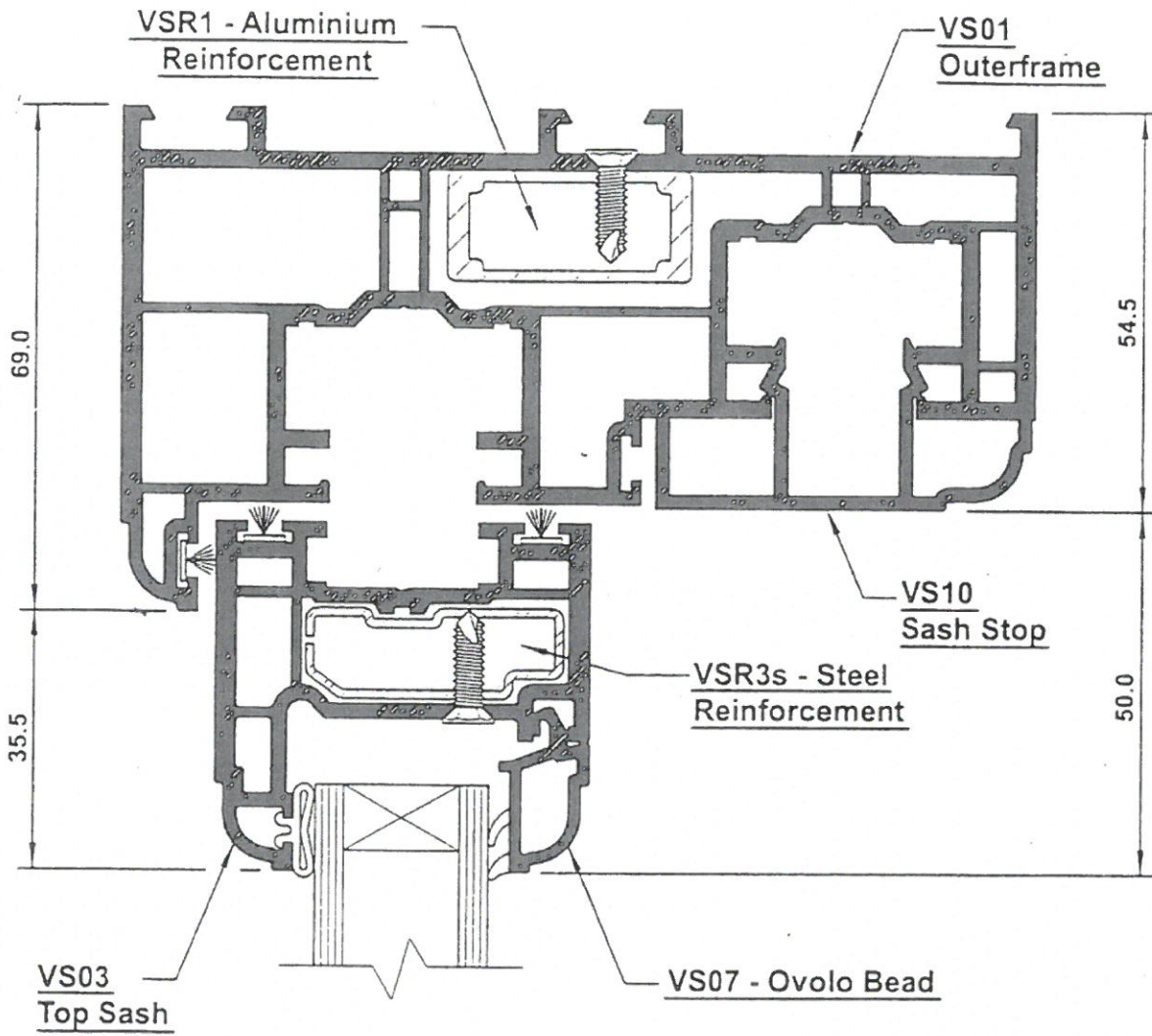


(window viewed  
from outside).

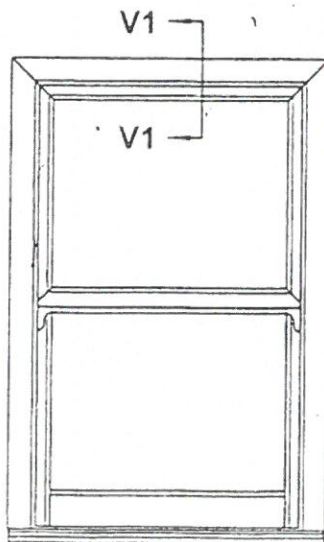


# DETAIL SHEETS

## Vertical Section - V1. (Standard Configuration)

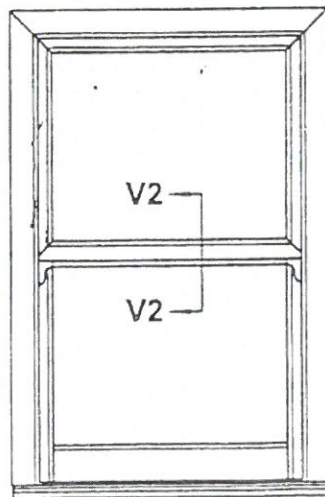
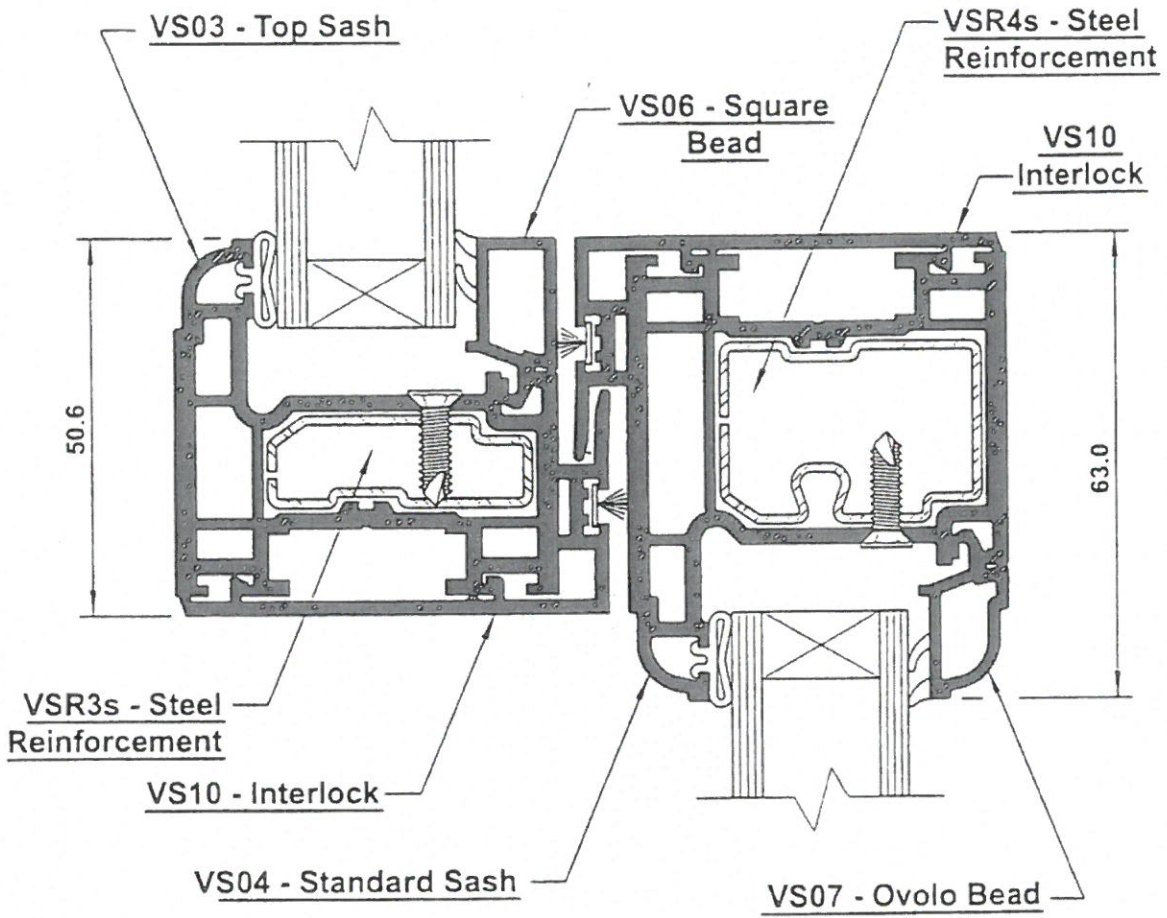


(window viewed from outside).



# DETAIL SHEETS

## Vertical Section - V2. (Standard Configuration)



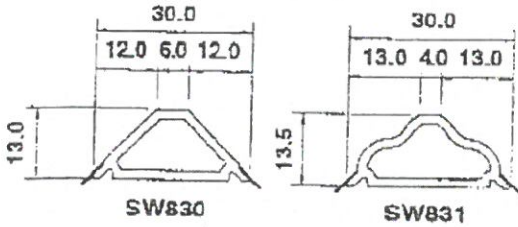
(window viewed from outside).



# SightLine 70 GEORGIAN BARS

## GEORGIAN BAR PROFILES

The stick on Georgian Bars are for use on 20mm, 24mm and 28mm double glazed units and SW720, 724, 728, 729, 768 and SW730 bead. They can be used on one side or on both sides of the unit.



## END PREPARATION

Where SW830 butts up to itself it should be cut at 45°. If it butts up to SW720 it should be cut at 40°, if it butts up to SW724, SW729 or SW768 it should be cut at 45°, if it butts up to SW728 it should be cut at 52°, if it butts up to the frame it will need end milling. See fig.1.

SW831 will need end milling to match itself on cruciforms (See fig.2) and a different cutter is required when it butts up to SW730 (See fig.3).

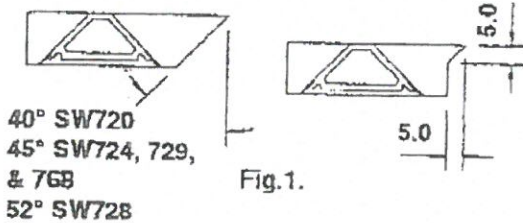


Fig.1.

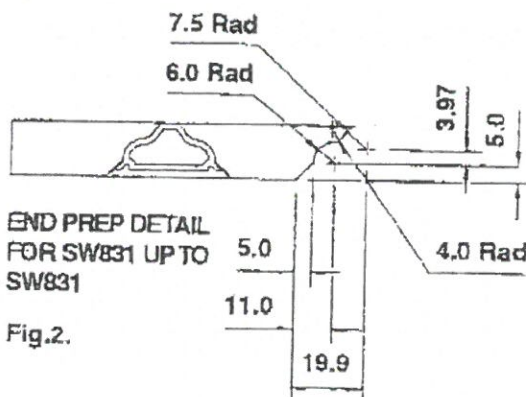


Fig.2.

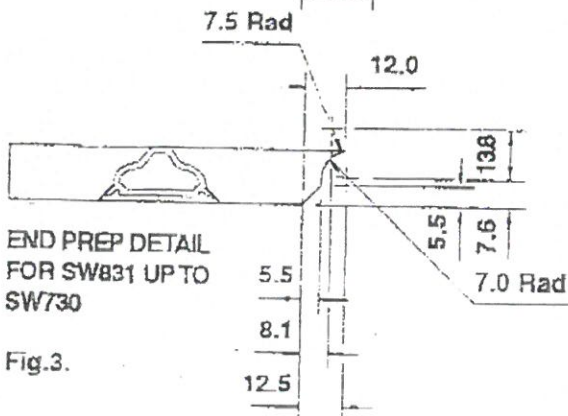


Fig.3.

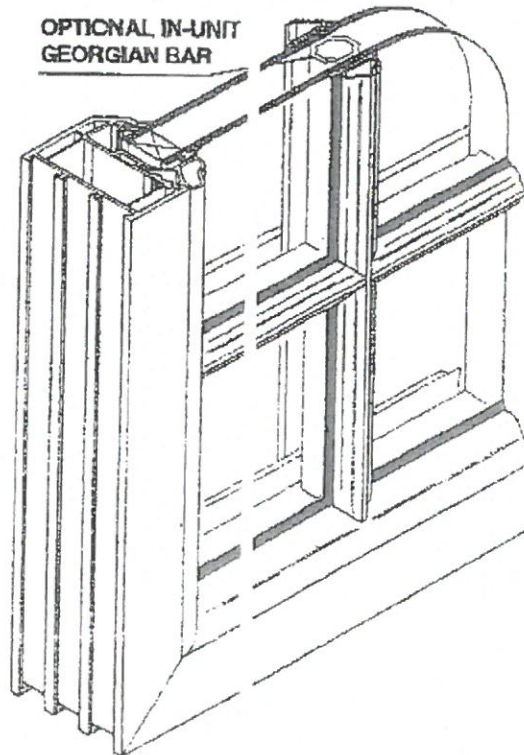
## APPLICATION

1. Using an applicator pad (900535), clean the bar with VHB surface cleaner (900533). Wipe in one direction only to avoid spreading any contamination.
2. Using an abrasive pad (900534), rub down the face of the Georgian Bar where the tape is to be applied.



3. Using an applicator pad (900535), clean the bar with VHB surface cleaner (900533). Wipe in one direction only.
4. Allow solvent to vaporize then apply the tape (900530) and rub down evenly with a roller.
5. Using an applicator pad (900535), clean the glass with VHB surface cleaner (900533).
6. Using an applicator pad (900535), apply silane glass primer (900531) as thinly as possible, wipe in one direction only.
7. Using an applicator pad (900535), re-wipe immediately after application.
8. Remove protective liner and bond the bar to the glass ensuring the rods are not under tension.
9. Rub down with a roller to ensure good contact.

Please note: Correct application temperature is 23°C. Bars should not be applied at temperatures below 15°C. The bars should be cut 1mm shorter than the opening into which they are to be fitted.



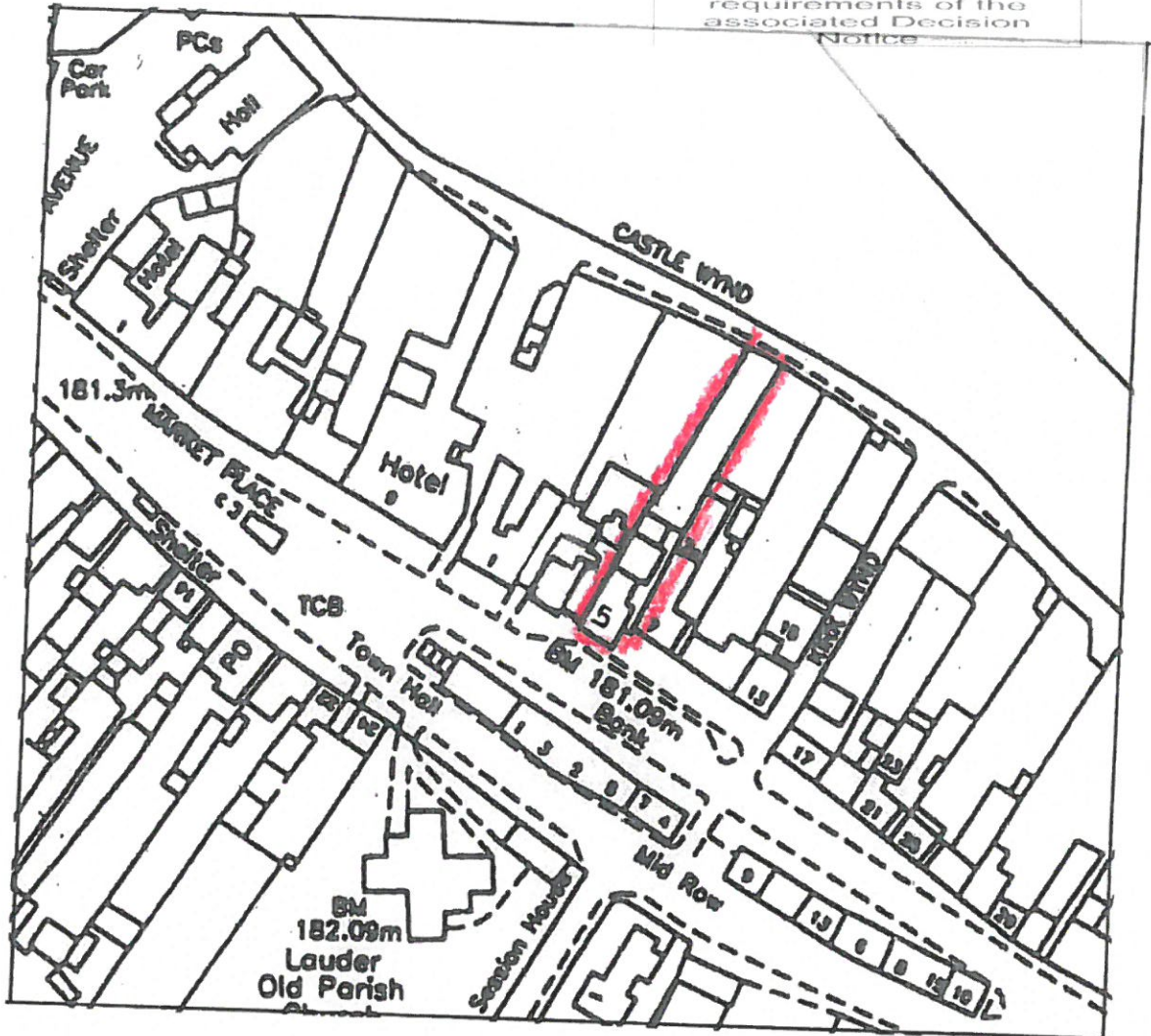


# 15/01484/FUL

Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

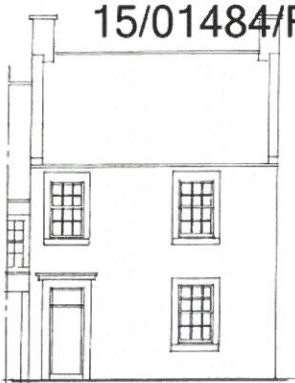


15/01484/FUL

Geoffrey Douglas, Consultant  
Town and Country  
Professionals (Consultants) Ltd  
1999

**REFUSED**

APPLICANT TO STATE  
CONSENT TO THE  
PROPOSED WORKS AND THE  
PROPOSED DEVELOPMENT  
NUMBER



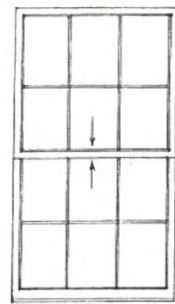
EXISTING FRONT ELEVATION



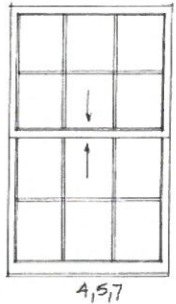
EXISTING SIDE ELEVATION



EXISTING REAR ELEVATION



1,2



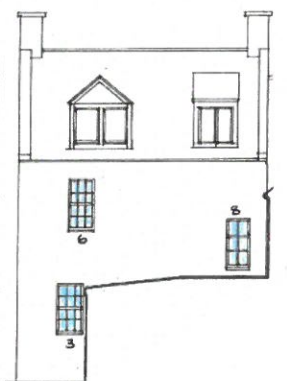
4,5,7



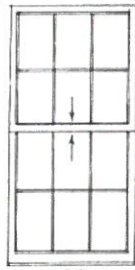
PROPOSED FRONT ELEVATION



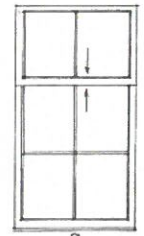
PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



3,6



8



1:500 SCALE

PROPOSED WINDOWS TO BE  
DOUBLE GLAZED IN WHITE UPVC  
FRAMES AND TO BE VERTICALLY  
SLIDING SASH + CASE.

CLIENT: MRS M JACK	
5 EAST HIGH STREET	
LAUDER	
POSTCODE:	TD2 6BS
TELEPHONE:	01578 718173
PROJECT SPECIFICATION:	
INSTALLATION OF REPLACEMENT WINDOWS	
SCALE: 1:500	DATE: 4/2/15
CONTRACT NO:	P37845



**LIST OF POLICIES**

**Local Review Reference:** 16/00009/RREF  
**Planning Application Reference:** 15/01484/FUL  
**Development Proposal:** Replacement Windows  
**Location:** 5 East High Street, Lauder  
**Applicant:** Mrs M Dick

**Adopted Local Development Plan 2016**Policy PMD2: Quality Standards

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

**Sustainability**

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

**Placemaking & Design**

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

## LIST OF POLICIES

### Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

### Greenspace, Open Space & Biodiversity

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

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

### Policy HD3 – Protection of Residential Amenity

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

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

### Policy EP9: Conservation Areas

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

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

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

## LIST OF POLICIES

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

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

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

### **Other Material Considerations**

SBC Supplementary Planning Guidance on Replacement Windows and Doors 2015

SBC Supplementary Planning Guidance on Placemaking and Design 2010

Historic Environment Scotland Policy Statement 2016

Managing Change in the Historic Environment Guidance Note : Windows (Historic Scotland)

Scottish Planning Policy

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**Walling, Fiona**

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**From:**  
**Sent:** 08 September 2016 19:47  
**To:** Walling, Fiona  
**Cc:** 'Jayne Redpath'  
**Subject:** Appeal Ref: 16/00019/RREF  
**Attachments:** 62 Castle Street window survey.pdf; 62 Castle Street.pdf; scot-doors\_spec\_sheet.pdf; Front Door 1.JPG

Good Evening Fiona,

Further to our last correspondence please find attached the information you requested.

In relation to the door please find attached the photo the door we want to install. This is obviously slightly different to the existing door as we would like to remove the fan light window above the door to a window in the door as this will allow more natural light to come through to the hallway which currently requires a light to be continually on.

In the brochure attached re the door; The Buie or Fyne styles are similar to what you are looking for (albeit with a coat of paint) and this product brochure gives a bit more information with regard to frame sizes etc.

If you require any additional information please do not hesitate in contacting me.

Regards,

Alan Redpath  
Managing Director  
**Redpath Recycling Ltd & Redpath Tool Hire Ltd**  
T:   
M:   
E:   
W: [www.redpathrecycling.co.uk](http://www.redpathrecycling.co.uk)

Unit B, Industrial Estate, Station Road, Duns, TD11 3HS

**Disclaimer:** This e-mail is confidential and intended solely for the use of the individual to whom it is addressed. If you are not the intended recipient, be advised that you have received this mail in error and that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited.

**Registered Address:** Redpath Recycling Ltd, 1/3 Sandgate, Berwick Upon Tweed, TD15 1EW, Northumberland Company Number: 8460296

**Place of Registration:** England



*please consider the environment - do you really need to print this email?*



01/09/16

Mr Alan Redpath  
62 Castle Street  
Duns  
Berwickshire  
TD11 3BE

Dear Mr Redpath,

62 Castle Street, Duns, Berwickshire, TD11 3BE. Replacement Windows & Door.  
Planning Reference: 16/00126/FUL.

With reference to the above planning application and further to our meeting on site on the 26.08.16 please find the attached window survey detailing my findings.

I trust the information contained within the report be suitable for the purposes discussed as part of aforementioned planning application.  
However, should you require any further information please don't hesitate to contact me.

Yours Sincerely,

Steven White  
Direct Line:  
Email:



Window dilapidation report.

62 Castle Street, Duns, Berwickshire, TD11 3BE.



**Upper left dormer window.**

Upper Sash - Peeling paint work, wood to frame soft and rotten. Single glazed.

Lower Sash - Peeling paint work, wood to frame soft and rotten. Single glazed.

Frame And Boxes - Peeling paint work, wood to frame soft and rotten, boxes will require to be checked for condition and operation, cill paint peeling and cill timber soft and rotten.

Proposed works - Replace window with new upvc sash and case double glazed window, prepare and repaint inside and outside timber fascia boards in white to match existing, re-mastic.



**Upper right dormer window.**

Upper Sash - Peeling paint work, wood to frame soft and rotten. Single glazed.

Lower Sash - Peeling paint work, wood to frame soft and rotten. Single glazed.

Frame And Boxes - Peeling paint work, wood to frame soft and rotten, boxes will require to be checked for condition and operation, cill paint peeling and cill timber soft and rotten.

Proposed works - Replace window with new upvc sash and case double glazed window, prepare and repaint inside and outside timber fascia boards in white to match existing, re-mastic.



**First floor –Left hand window.**

Upper Sash – Peeling paint work, original putty poorly applied, over painting on glazing at astragals, wood to frame soft and rotten. Single glazed.

Lower Sash – Peeling paint work, original putty poorly applied, over painting on glazing at astragals, wood to frame soft and rotten. Single glazed.

Frame And Boxes – Peeling paint work, wood to frame soft and rotten, boxes will require to be checked for condition and operation, cill paint peeling and cill timber soft and rotten.

Proposed works – Replace window with new upvc sash and case double glazed window, prepare and repaint inside, re-mastic.



**First floor –Middle window.**

Upper Sash - Peeling paint work, original putty poorly applied, over painting on glazing at astragals, wood to frame soft and rotten. Single glazed.

Lower Sash - Peeling paint work, original putty poorly applied, over painting on glazing at astragals, wood to frame soft and rotten. Single glazed.

Frame And Boxes - Peeling paint work, wood to frame soft and rotten, boxes will require to be checked for condition and operation, cill paint peeling and cill timber soft and rotten.

Proposed works - Replace window with new upvc sash and case double glazed window, prepare and repaint inside, re-mastic.



**First floor -Right hand window.**

Upper Sash - Peeling paint work, original putty poorly applied, over painting on glazing at astragals, wood to frame soft and rotten. Single glazed.

Lower Sash - Peeling paint work, original putty poorly applied, over painting on glazing at astragals, wood to frame soft and rotten. Single glazed.

Frame And Boxes - Peeling paint work, wood to frame soft and rotten, boxes will require to be checked for condition and operation, cill paint peeling and cill timber soft and rotten.

Proposed works - Replace window with new upvc sash and case double glazed window, prepare and repaint, re-mastic.





**Ground floor -Left hand window.**

Upper Sash - Paintwork generally acceptable, timber astragals rotten, original putty poorly applied, over painting on glazing at astragals, wood to frame soft and rotten. Single glazed.

Lower Sash - Paintwork generally acceptable, timber astragals rotten, original putty poorly applied, over painting on glazing at astragals. Single glazed.

Frame And Boxes - Peeling Paintwork, wood to frame sound, boxes will require to be checked for condition and operation, cill paint peeling.

Proposed works - Replace window with new upvc sash and case double glazed window, prepare and repaint inside and outside, re-mastic.



**Ground floor -Middle window.**

Casement - Unlikely to be original window configuration. Paintwork generally acceptable, over painting on glazing, wood to frame soft in parts and rotten. Single glazed.

Frame - Paintwork generally acceptable, wood to frame soft and rotten, cill paint acceptable and cill timber soft and rotten.

Proposed works - Replace window with new upvc casement style double glazed window, prepare and repaint inside and re-mastic.



**Ground floor -Right hand window.**

Upper Sash - Paintwork generally acceptable, timber astragals rotten, original putty poorly applied, over painting on glazing at astragals, wood to frame sound. Single glazed.

Lower Sash - Paintwork generally acceptable, timber astragals rotten, original putty poorly applied, over painting on glazing at astragals. Single glazed.

Frame And Boxes - Peeling Paintwork, wood to frame sound, boxes will require to be checked for condition and operation, cill paint peeling, timber soft and rotten.

Proposed works - Replace window with new upvc sash and case double glazed window, prepare and repaint inside and outside, re-mastic.



**Ground floor entrance door.**

Door - Door not original, Painter work generally in acceptable order, wood to leaf sound. Door panel hollow and uninsulated.

Frame - Paint peeling, wood to frame soft, draft strips and seals damaged and need replaced.

Proposed works - Replace door with new exterior grade, fully weather sealed timber frame door for a paint finish, style as per details provided.



# SCOTDOORS

NATURAL  
SUSTAINABLE  
SECURE  
ENERGY EFFICIENT  
LOW MAINTENANCE

Scotdoors are entrance systems that combine tried and proven Scandinavian technology with traditional British styling to give exceptional performance against the weather and a high level of resistance to forced entry.

Supplied as a fully assembled unit, including ironmongery and glazing, the Scotdoor system can be installed quickly and accurately, keeping fixing costs to a minimum and speeding up construction programmes.



30 YEARS  
TIMBER PROTECTION

10 YEARS  
IRONMONGERY GUARANTEE

10 YEARS  
PAINT & STAIN  
FINISH GUARANTEE

10 YEARS  
GLAZING GUARANTEE

10 YEARS  
MANUFACTURING  
WARRANTY

## Certification



# PERFORMANCE WITH SECURITY AND STYLE

We can also provide a full range of entrance doors, French doors and Sliding or Folding Patio doors to open up your living space and bring the outside in.

Suitable for private homes to ambitious restaurants or commercial projects, our Sliding or Folding doors are available in numerous configurations to provide the ultimate in lifestyle and function.



Axon



Ayr



Blox



Blox



Calder



Eyre



Heath



Milton



Morie



Nevis



Rannoch



Recht



Esik



Fintas





Earn



Lundie



Leven



Linnhe



Lomond



Clyde



Daven



Dee



Dun



Fleet



Forth



Shie



Tarbert



Tay



Tromles



Twedd



# SCOTDOORS



## Specifications

### Configurations

The doors illustrated are examples of the variety of styles which can be achieved and are used as our standard range.

Designs to individual customer specifications are available on request.

The choice of ironmongery, glazing and decorative finishes completes the styling options.

With the inclusion of sidelights and/or fanlights, a vast array of configurations can be obtained.

### Sizes

Single leaf doors can be accommodated between the following overall frame sizes:

Width : 800 - 1080mm  
Height : 2,000 - 2126mm  
(with low level thresh)

A standard size of 950 x 2,100mm is used for new build.

### Performance

Scotdoors provide a high level of resistance to forced entry:

- Hung on 3 heavy duty adjustable security steel hinges
- Rebated door/frame combination
- Security glazing to all apertures
- 3-point locking system
- Security handle

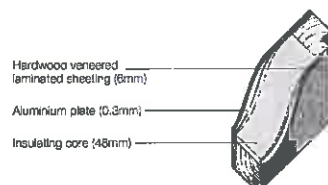
Doors that open in are supplied as standard. Doors that open out are also available on request.

### Security

Our Scotdoors have been independently tested and accredited to PAS 23 & PAS 24.

### Construction

With their combination of rebated doors and frames, integral draught stripping and purpose designed weather bar, Scotdoors are designed to cope with adverse weather conditions without compromising on style.



### Door:

The door has a bonded sandwich construction providing a high degree of stability, with the aluminium plates acting as an effective moisture barrier.

The insulating core gives an exceptional U-value as low as 0.95. This significantly reduces the effects of temperature differential, which is the most common cause of door failure.

### Frame:

Can be constructed from quality redwood or hardwood, redwood being the standard.

All frames have a low level threshold which can provide wheelchair access. Alternatively a hardwood sub sole can be provided.

### Glazing

To complement the excellent insulation qualities of the doors, 28mm units are used to glaze both doors and sidelights. Obscure glazing is supplied as standard but clear glass may be specified.

A range of special glazing, is also available on request, as is a range of decorative glazing in luxury leaded glass.

The beading is secured using Allan Brothers' fixing system to enhance product integrity and appearance.

### Ironmongery

- A 3-point locking system is provided as standard.
- Brass security handles are fitted as standard. Alternative styles and finishes are available on request.
- Brass letterboxes, door viewers and security chains are all available on request.

### Factory Finish

Our Scotdoors are supplied fully factory finished unless requested otherwise. The illustrated finishes - teak, mahogany and light oak - are only a few of the wide range available. Please ask for further details.

Our fully factory finished paint system uses water-based coatings which are carefully formulated to seal the end-grain against moisture ingress, inhibit tannin stain and give the timber a quality look and feel.

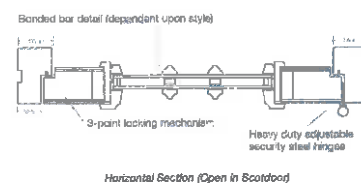
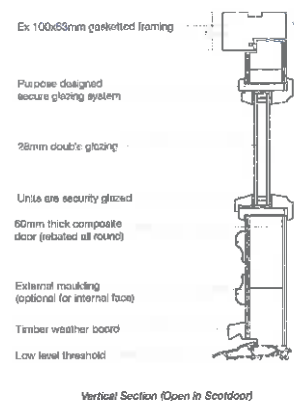
### Security

With their combination of rebated doors and frames, integral draught stripping and purpose designed weather bar, Scotdoors are designed to meet PAS 23/24 and cope with adverse weather conditions without compromising on style.

### Other Technical Information

Allan Brothers provide a full technical back-up service covering all aspects of product and glazing performance.

Technical information, including detailed drawings, guidelines for installation and storage and operating and maintenance instructions, is available on our website: [www.allanbrothers.co.uk/trade](http://www.allanbrothers.co.uk/trade)



Allan Brothers Limited

Allan House, Old Road, Berwick upon Tweed, Northumberland TD15 2XU

Tel: 01289 334600 • Email: [abinfo@allanbrothers.co.uk](mailto:abinfo@allanbrothers.co.uk)  
[www.allanbrothers.co.uk/trade](http://www.allanbrothers.co.uk/trade)





**FL05**





Chief Executive

Notice of Review

20 JUN 2016

Democratic Services

**NOTICE OF REVIEW**

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

**Applicant(s)**

**Agent (if any)**

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail\*

E-mail\*

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

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

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site inspection**

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

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

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

No

**Statement**

**Notice of Review**

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

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

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

PLEASE SEE NOTES ATTACHED

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

Yes  No

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

PLEASE SEE NOTES ATTACHED



**List of documents and evidence**

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

PLEASE SEE ATTACHED

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

**Checklist**

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

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

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

**Declaration**

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

Signed

Date 14/6/2016

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



Mr. Alan John Redpath

62 Castle Street

Duns

TD11 3BE

Thursday 16<sup>th</sup> June 2016

Dear Sir/Madam,

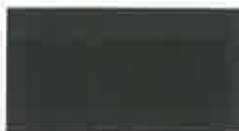
Please find below a list of supporting documents, materials and evidence which I wish to use to support my notice of review.

- SBC H&DO Officer has not supported our application after verbal guidance on the replacement front door. He suggested a window in the centre of the door would be acceptable due to bad light from the fan light above the existing door. Please see attached photos of timber replacement door. Please note the existing door is not the original door as stated in the refusal; it is hollow and not solid. How can we replace like for like when it is not the original door and already having a harmful effect on the character of the grade B listed building?
- A sample window was shown to the H&DO officer on his visit and it detailed the same window pane sizes etc as existing windows. Please note all 5 existing sash & case windows are not the same. Some have horns inside and out and two don't.
- We are looking to replace our 1991 gas combi boiler as it is not efficient and costing money. However; we are reluctant to do this when all the heat will escape through the unrepairable existing windows.
- Historic Environment Scotland have no objections.
- Castle Street is a conservation area but yet various houses on the street would appear to have had a relaxed view on style/make of replacement windows.
- PVC wood grain effect double glazed windows supplied and fitted by Wm Mallen Joinery at a cost of £4,014 + vat against timber sash & case double glazed and fitted by Wm Mallen Joinery at a cost of £8,712 + vat. Same size of sash & case, same size of panes and same size of astrigals.

I would be very grateful if you can reconsider your objection of PVC wood grain effect double glazed windows and a solid wood front door and allow me to continue to maintain and improve this grade B listed building.

I look forward to hearing from you soon.

Regards



Alan John Redpath

Ian Aikman  
Chief Planning Officer

Alan John Redpath  
62 Castle Street  
Duns  
Scottish Borders  
TD11 3BE

Please ask for: Scott Shearer  
01835 826732  
Our Ref: 16/00126/FUL  
Your Ref:  
E-Mail: sshearer@scotborders.gov.uk  
Date: 29th February 2016

Dear Sir/Madam

**PLANNING APPLICATION AT 62 Castle Street Duns Scottish Borders TD11 3BE**

**PROPOSED DEVELOPMENT: Replacement windows and door**  
**APPLICANT: Alan John Redpath**

I am writing to acknowledge receipt of your recent application at the above site. The application has been given the application number 16/00126/FUL which should be quoted in all correspondence. Scott Shearer is dealing with the application, and should you have any queries about the application, you can contact the case officer on the telephone number given above.

The application is considered valid as at the date of this letter, and the Council will endeavour to make a decision by 22nd April 2016 unless otherwise agreed in writing. If you do not receive a decision within that time, you are entitled to seek a review of the application by the Council's Local Review body in the case of applications that would normally fall to be considered under the Council's Scheme of Delegation, or to appeal to Scottish Ministers in all other cases. Details on how to do so can be found on the Council's website, or by telephoning the case officer.

You can check the progress and status of your application, and keep up to date with any comments received in respect of your proposal, by using the Council's online planning system at <http://eplanning.scotborders.gov.uk/online-applications/>

I confirm that the following fees have been received:

Application Fee:	£202.00 This is your receipt for payment (VAT Rate is Non Business) VAT REG NO – 663 7265 15
Advert Fee:	£ .00 This is your receipt for payment (VAT Rate is Non Business) VAT REG NO – 663 7265 15
Refund (if applicable):	£

The Council operates a system of public speaking in the event that the application is determined by its Planning and Building Standards Committee. This opportunity is available to the applicant and/or their agent and to anyone who has made written representations in respect of an application. You should be aware, however, that not all applications will come before the Committee for determination.

You can find our protocol for public speaking on the Council's website, and this provides guidance on the approach that will be used. You should note that a total of six minutes will be allocated to those supporting and to those objecting to proposals, and therefore, if there are likely to be others taking up this opportunity, representations will need to be co-ordinated between those intending to speak. You can find out who else has made comments on the proposal on the Council's Public Access website.

You should be aware that Members of the Committee will already have access to your application, together with any supporting information that may have been submitted with it, and will therefore be aware of your position when they come to consider this application, even if you decide not to speak at the meeting.

If the application comes before Committee for determination, I will write to you again to advise you of the date of the Committee meeting and to confirm whether it is your intention to speak.

Yours faithfully

Ian Aikman

Chief Planning Officer

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 16/00125/LBC  
**APPLICANT :** Alan John Redpath  
**AGENT :**  
**DEVELOPMENT :** Replacement windows and door  
**LOCATION:** 62 Castle Street  
Duns  
Scottish Borders  
TD11 3BE  
**TYPE :** LBC Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
RENAISSANCE	Location Plan	Refused
	Brochures	Refused
	Photos	Refused
	Photos	Refused
	Photos	Refused
	Photos	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Architectural Heritage Society of Scotland: No response at the time of writing.

Berwickshire Civic Society: No response at the time of writing.

Community Council: No response at the time of writing.

Historic Environment Scotland (HES): The proposals do not raise any issues of national significance therefore no objections are raised. It is however advised that the existing historic windows contribute to the character of the buildings. An assessment of the condition of the window should be carried out to determine if the existing windows can be repaired. Should the windows be beyond repair, replacements should match the existing windows including their materials and glazing pattern. The panelled timber door is viewed to be a significant element of the listed building which should only be replaced if the door is beyond repair.

Heritage and Design Officer (H&DO): The building dates from the 19th century and was listed category B in 1971. The building appears to retain its original front windows; painted timber sash and case windows with single glazing. The 9 panel front door, designed in the "Kelso" style with small fan light also appears to be original. The dormers are probably a later addition.

*NOT ORIGINAL*

On assessing the proposals against the SPG on Replacement Windows and Doors it is recommended that;

- o Replacing the current windows with woodgrain effect PVC-U windows is not acceptable
- o Replacing the door with an oak boarded door with no fanlight is not acceptable

An objection is raised on grounds that the proposals will have an adverse impact on the special historic and architectural character of the category B listed building.

#### PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Local Plan 2011:  
BE1 - Listed Buildings

Proposed Local Development Plan 2013:  
EP7 - Listed Buildings

Other Considerations;

- o Supplementary Planning Guidance on: Replacement Windows and Doors 2015
- o Managing Change in the Historic Environment: Windows 2010
- o Managing Change in the Historic Environment : Doors 2010
- o Historic Environment Scotland - Information for Historic Building Owners: External Timber Doors 2008

COLOUR SAMPLES ON  
THE STREET CHANGED  
4 HOUSES IN LAST  
3 YEARS

PVC ALL  
UP CASTLE STREET  
PERMISSION  
??

**Recommendation by** - Scott Shearer (Planning Officer) on 20th April 2016

This is a joint report which relates to Listed Building Consent and Planning Applications 16/00125/LBC and 16/00126/FUL. The final recommendations are, however, particular to each separate application.

The application site, No 62 Castle Street forms part of a terraced row of two and three storey buildings in Duns. The building dates from the early 19th century and is finished with dressed whinstone front wall and a slated roof. The building is listed grade B and is located within the towns conservation area. Listed Building and Planning permission is sought to replace seven sash and case windows on the front elevation (including the two dormer windows) with wood effect uPVC windows and install a new oak boarded front door.

This application has been submitted following a Provisional Enquiry early in 2016.

#### Assessment

All existing windows which are proposed to be replaced are single glazed and timber framed with a six over six glazing pattern. The H&DO advises that the existing windows and door has retained their original design. Although not abundantly clear from the brochure extract which has been submitted, from looking at the Listed Building Consent application form and accessing the remainder of the "Renaissance Window Systems" brochure online, it is understood that the uPVC framed windows will be double glazed with a sliding sash opening mechanism.

MARIE DOUGLAS SEEN  
SAMPLE

The Councils development plan polices provision for developments which affect listed buildings seek to ensure that proposals do not spoil their historic and architectural character. The Council has adopted policy provision for replacement windows and doors within listed buildings and in conservation areas which is contained within our Replacement Windows and Doors SPG. The policies which have been formed have taken cognisance of national policy provision and recommendations. The adopted policy for grade B listed buildings recommends that windows and doors should only be replaced when it is proven through a condition survey that the existing windows and door are beyond repair. No such survey has been submitted to accompany these applications therefore this policy requirement is not satisfied by these proposals.

COUNCIL CARRY OUT SURVEY ?

In the event that the existing windows and doors are not repairable it is recommended that existing windows and doors should generally be replaced on a like for like basis. There may be potential to introduce double glazed windows however this is only agreeable when it has been proven that the existing windows are not repairable and the replacement units match the originals in all other manner which includes frame material and proportion.

*BOTTOM WINDOWS HAVE NO HORIZ*

While it is debatable if the existing windows and door found on the front elevation of No 62 Castle Street are in fact original, what is important is the informed view of the H&DO and HES that the existing windows and doors are believed to retain the appearance of the likely original openings and they positively contribute to the character of the listed building. The introduction of uPVC framed windows and a new door design explicitly fails to satisfy policy provision for replacement windows and doors on grade B listed buildings. In this case, the introduction of uPVC window frames which appear to be much thicker than the size of the frames on the timber windows along with the loss of the traditionally designed "Kelso" style door results in having an harmful effect upon the character and appearance listed buildings and therefore cannot be supported.

*SAME SIZE*

*HOW CAN YOU TELL IF YOU COULDN'T TELL FROM SECTIONS?*

The building is located outwith the prime frontage zone of the conservation area so policy does allow for uPVC framed windows to be introduced however questions would probably still remain regarding the size of the window frames and design of the door. It is acknowledged that some neighbouring buildings on Castle Street have eroded some traditional fenestration patterns and door designs by changing to more modern openings. This row itself contains varying architecture with this building seen as a pair alongside the adjoining B listed No 1 Teindhillgreen which has retained timber windows and a "Kelso" style door. Fundamentally because this is a grade B listed building in its own right, local plan policy provision does not make an allowance for this property to be altered in a way in which some other unlisted building's on this street have been.

Through the course of the application, the applicant has refused an approach to amend their proposals to allow the development to comply with policy. The recommendation that uPVC windows would not comply with policy was provided to the applicant in a response to their Provisional Enquiry 16/00004/PREAPP. The application has also been considered against the emerging Local Development Plan where the proposal would continue to fail to satisfy policy provision for developments which affect Listed Buildings.

#### **REASON FOR DECISION :**

The application contravenes Policy BE1 of the Consolidated Local Plan 2011 and the terms of the Replacement Windows and Doors SPG in that the proposals lack sufficient information regarding the condition of the existing windows and door and the design of the proposed replacement windows including their frame material and the design of the replacement door would result in having an harmful effect upon the special historic and architectural character of the grade B listed building. Policy provisions contained within the emerging Local Development Plan would not alter this recommendation.

#### **Recommendation: Refused**

- 1 The application contravenes Policy BE1 of the Consolidated Local Plan 2011 and the terms of the Replacement Windows and Doors SPG in that the proposals lack sufficient information regarding the condition of the existing windows and door and the design of the proposed replacement windows including their frame material and the design of the replacement door would result in having an harmful effect upon the special historic and architectural character of the grade B listed building. Policy provisions contained within the emerging Local Development Plan would not alter this recommendation.

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



## REGULATORY SERVICES

To: Head of Regulatory Services  
Fao: Scott Shearer  
From: Planning Implementation

Date: 29/03/2016

Contact: Mark Douglas, Principal Officer  
(Built Heritage & Design)

☎ x6563

Ref: 16/00125/LBC

---

**Subject: 62 CASTLE STREET, DUNS  
REPLACEMENT WINDOWS**

---

*It is recognised that a formal recommendation for a decision can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Management service in respect of built heritage and design issues.*

I refer to the above application and comment as follows:

### BACKGROUND

The building dates from the earlier part of the 19<sup>th</sup> century and appears to retain its original front door and windows (the roof dormers are probably later). The building was added to the statutory list at category B in 1971.

I have visited the property for a pre-application discussion with the owners when I took record photos of the current windows and door.

### ASSESSMENT OF PROPOSALS

The current windows in the front of the property appear to be the original pattern; painted timber sash and case windows with single glazing. The front door also appears original being a 9 panel flush panelled door (in the "Kelso" style) with a tiny fanlight above.

The proposed replacement windows shown are PVC-U (wood grain effect) windows both for the 5 main façade windows and also for the dormers.

The proposed door is an oak boarded door with a small window opening.

The council has clearly set out its policy within the SPG on Replacement Windows and Doors:

- At 3.15-3.17 it is clear that replacing the current windows with PVC-U is NOT acceptable
- At 3.20 it is clear that the replacing the front door with an oak boarded door and removing the fanlight is NOT acceptable

In this particular case I consider that the changes proposed will have an adverse impact on the special historic and architectural interest of this category B listed building.

### RECOMMENDATION / RECOMMENDED CONDITIONS.

I OBJECT to the proposals as submitted.

Not original  
Hollow door

Approved by  
Mark Douglas

# Historic Environment Scotland Àrainneachd Eachdraidheil Alba

## By E-mail

Planning and Economic Development  
Scottish Borders Council  
Council Headquarters  
Newtown St. Boswells  
Melrose  
TD6 0SA  
dcconsultees@scotborders.gov.uk

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Direct Line: 0131 668 8716  
Switchboard: 0131 668 8600  
HMConsultations@hes.scot

Our ref: HGG/A/B/1200  
Our Case ID: 201508198  
Your ref: 16/00125/LBC

14 April 2016

Dear Sirs

**Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997**  
**62 Castle Street Duns Scottish Borders**  
**Statutory Designation: 62 CASTLE STREET**  
**Designation Reference: B26483**

Thank you for your consultation which we received on 01 April.

Historic Environment Scotland have reviewed your consultation, and we consider the proposals do not raise issues of national significance, so we can confirm that we do **not object**.

While we do not object, we do, however, have the following comments which your Council should take into account in your decision:

The existing historic windows contribute to the character of the building and should be retained and repaired where possible, and we would recommend that an assessment is carried out of their condition. If the windows are beyond repair, new windows should match the existing, including materials and glazing arrangement.

The panelled timber main door is a significant element to the historic character of Category B-listed 62 Castle Street Duns. replacement should only be considered if the door is beyond repair.

It may be useful to direct the applicant to information we have online which is specifically tailored for homeowners of historic properties –

<http://www.historic-scotland.gov.uk/informguide-timber-doors.pdf>

Furthermore we would be happy to discuss possible repair strategies and methods with yourselves and the applicant, I can be contacted on 0131 668 8912.

# Historic Environment Scotland Àrainneachd Eachdraidheil Alba

## **Note**

Historic Environment Scotland, HES, has a national remit for the Historic Environment, and as such does not provide detailed comments on every application. We consider consultations in national terms, and will decide whether to provide detailed advice depending on the scale, nature or complexity of the proposals.

A decision not to provide detailed comments or not to object should not be taken as support for the proposals by HES, and the application should be assessed as normal by your Council against local and national policy and guidance on the Historic Environment.

Detailed guidance on the application of National policy is set out in our 'Managing Change in the Historic Environment' series available online at <http://www.historic-scotland.gov.uk/managingchange>. Technical advice is available through our Technical Conservation website at <http://conservation.historic-scotland.gov.uk/>.

If you require any further information, please contact me directly.

Yours faithfully

**James Turner**  
Senior Heritage Management Officer

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

**Reference : 16/00126/FUL**

**To : Alan John Redpath 62 Castle Street Duns Scottish Borders TD11 3BE**

With reference to your application validated on **24th February 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Replacement windows and door**

**at : 62 Castle Street Duns Scottish Borders TD11 3BE**

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

**Dated 21st April 2016  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**



**Signed**

.....  
**Chief Planning Officer**

~~19/11 23~~ ~~7 39 55~~ 4  
~~14/15 27~~ ~~7 39 57~~ 2  
~~13/14 30~~ ~~8 45 53~~ 5  
 14/15  
 26

~~19/11 23~~ ~~7 39 55~~ 4  
~~14/15 27~~ ~~7 39 57~~ 2  
~~13/14 30~~ ~~8 45 53~~ 5  
 26  
 - 15

**APPLICATION REFERENCE : 16/00126/FUL**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
RENAISSANCE	Location Plan	Refused
	Brochures	Refused
	Photos	Refused
	Photos	Refused
	Photos	Refused

**REASON FOR REFUSAL**

- 1 The application contravenes Policy BE1 and G1 of the Consolidated Local Plan 2011 and the terms of the Replacement Windows and Doors SPG in that the proposals lack sufficient information regarding the condition of the existing windows and door and the design of the proposed replacement windows including their frame material and the design of the replacement door would result in having a harmful effect upon the special historic and architectural character of the grade B listed building. Policy provisions contained within the emerging Local Development Plan would not alter this recommendation.

**FOR THE INFORMATION OF THE APPLICANT**

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

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

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987**

**Application for Listed Building Consent**

**Reference : 16/00125/LBC**

**To : Alan John Redpath 62 Castle Street Duns Scottish Borders TD11 3BE**

With reference to your application received on **1st February 2016** for listed building consent under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for the following development :-

**Proposal : Replacement windows and door**

**at : 62 Castle Street Duns Scottish Borders TD11 3BE**

The Scottish Borders Council hereby **refuse** Listed Building Consent for the **reason(s) stated on the attached schedule.**

**Dated 21st April 2016  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



.....  
**Chief Planning Officer**

**APPLICATION REFERENCE : 16/00125/LBC**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
RENAISSANCE	Location Plan	Refused
	Brochures	Refused
	Photos	Refused
	Photos	Refused
	Photos	Refused
	Photos	Refused

**REASON FOR REFUSAL**

- 1 The application contravenes Policy BE1 of the Consolidated Local Plan 2011 and the terms of the Replacement Windows and Doors SPG in that the proposals lack sufficient information regarding the condition of the existing windows and door and the design of the proposed replacement windows including their frame material and the design of the replacement door would result in having a harmful effect upon the special historic and architectural character of the grade B listed building. Policy provisions contained within the emerging Local Development Plan would not alter this recommendation.

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of the appeal should be addressed to The Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR. A copy of the notice of the appeal must, at the same time, be sent to the Legal Services Section, Scottish Borders Council, Council Headquarters, Newtown St. Boswells, Melrose TD6 0SA.

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



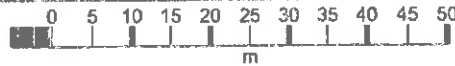
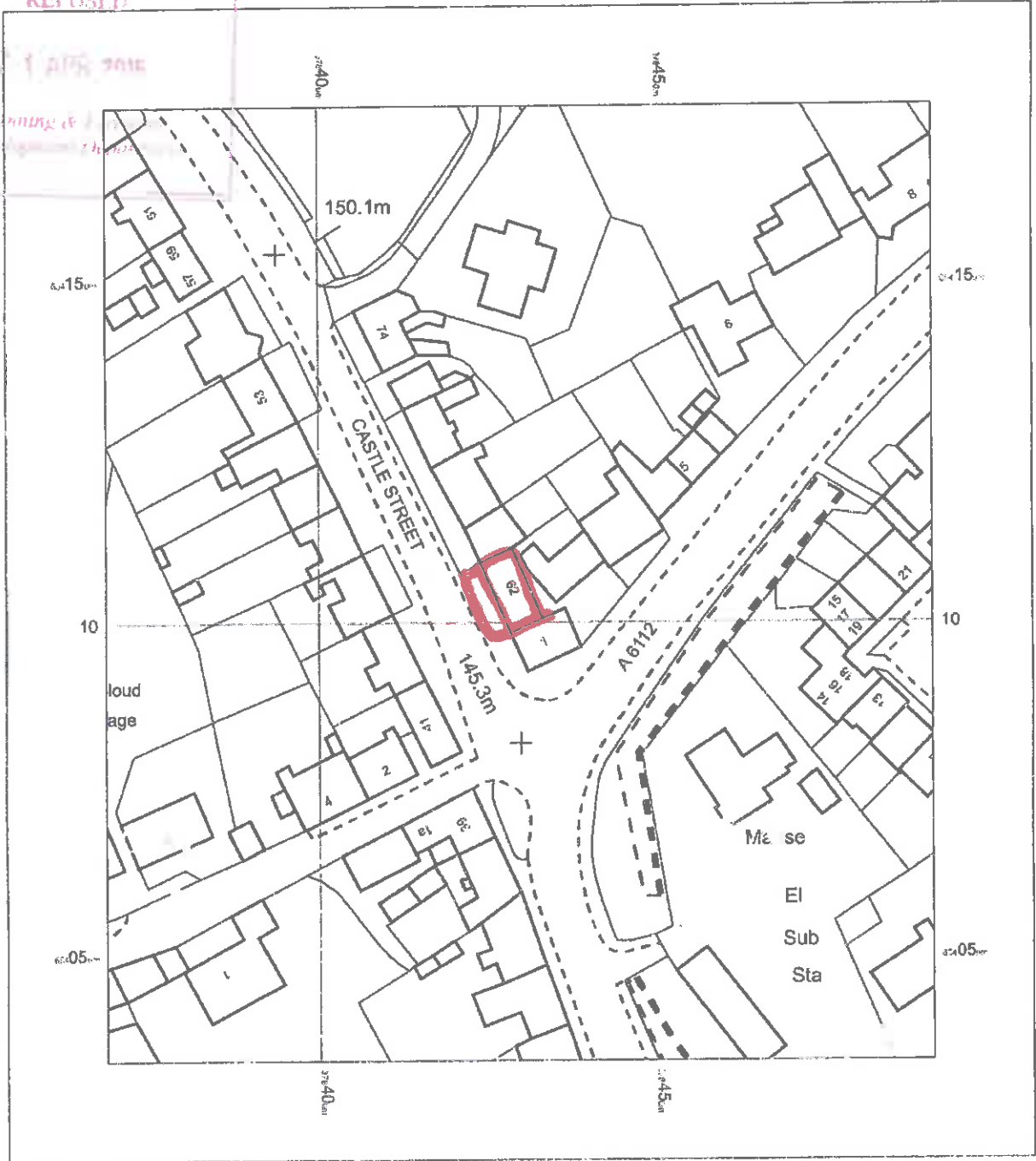
16/00125/IBC

16/00126/FUL

RECEIVED 24 FEB 2016

# 62 castle street

Borders Council  
 Planning  
**REFUSED**  
 1 APR 2016  
 Planning & Development  
 100 High Street, Kelso



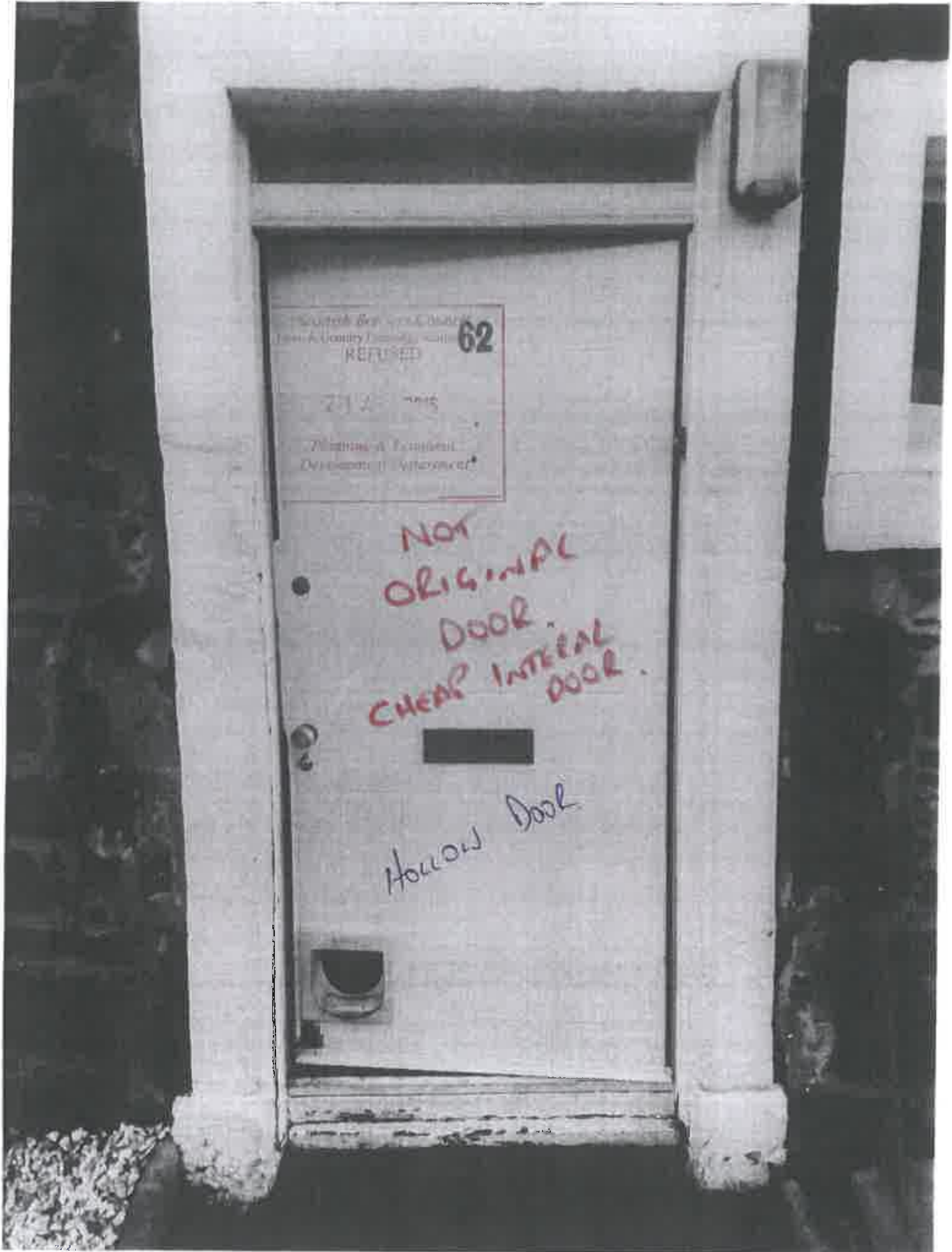
**DUNS**  
**TD113BE**

OS MasterMap 1250/2500/10000  
 scale  
 12 February 2016, ID:  
 M4P-00501858  
 Brown Newsagents, Kelso



1:1250 scale print at A5, Centre:  
 378430 E, 654106 N

©Crown Copyright Ordnance Survey.  
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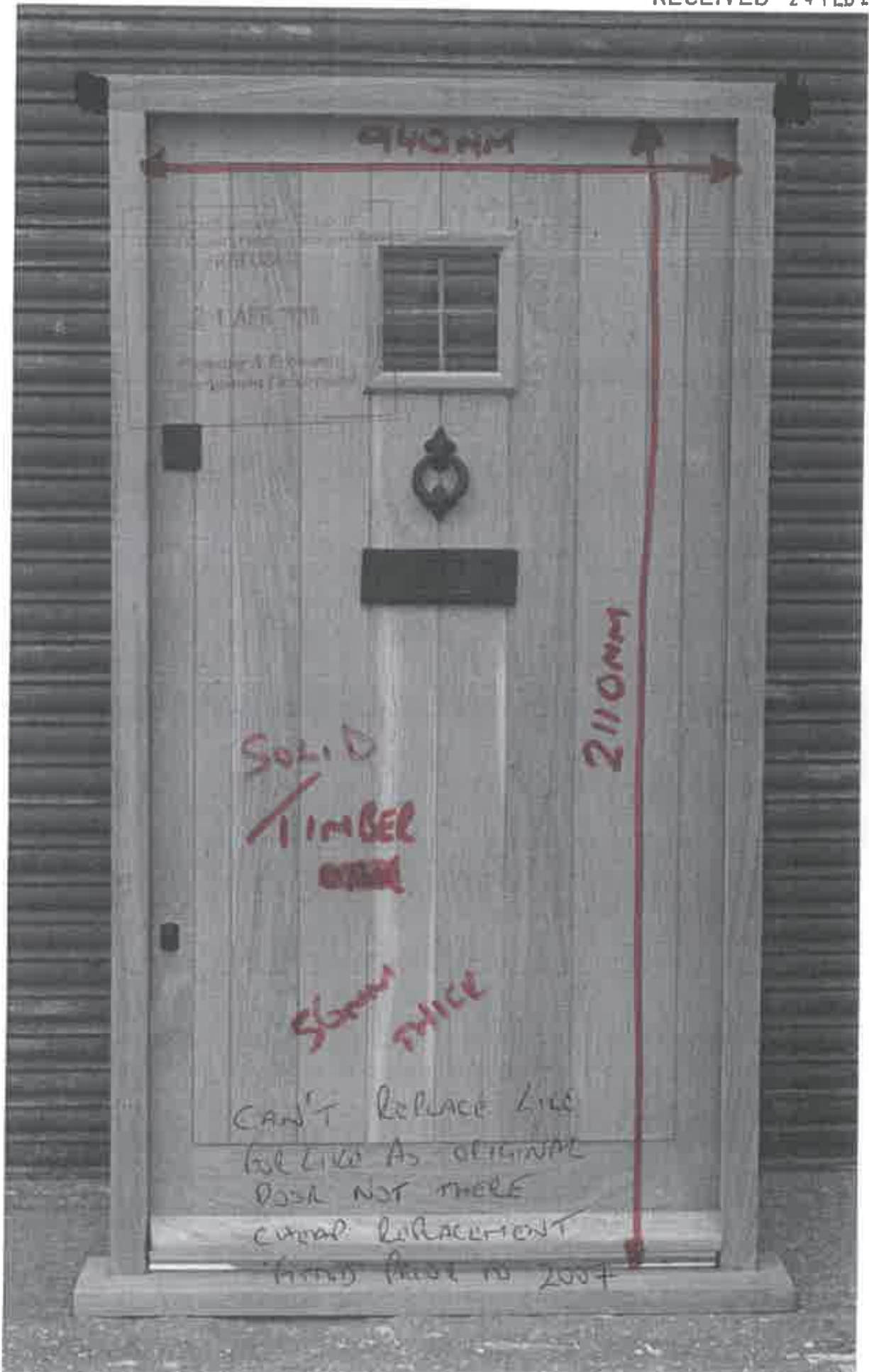


LARGER FAN LIGHT  
TO ALLOW MORE LIGHT



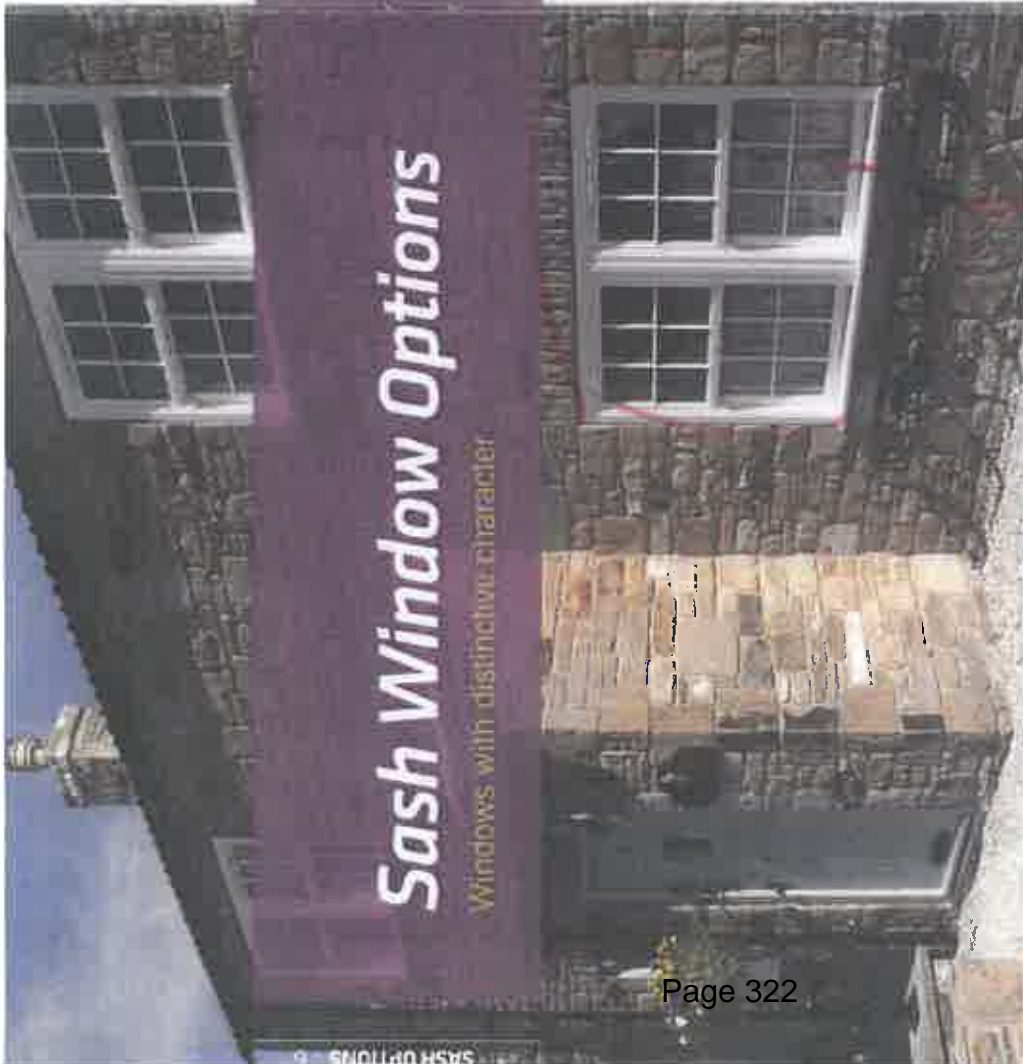
LARGER TRANSLIGHT  
TO AVOID MORE LIGHT

RECEIVED 24 FEB 2016



was



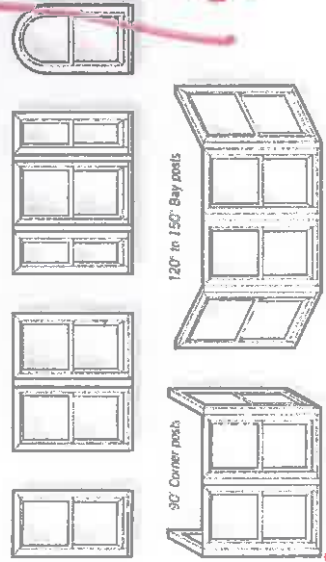


# Sash Window Options

Windows with distinctive character.

### Window Configurations

With the introduction of 90 corner posts, 120 to 150 Bay posts, a variety of new designs become available. Windows may be coupled together, arched heads and fixed sashes, bays constructed - the configurations to best suit your property are endless.



*Architectural*

90° Corner posts

120° to 150° Bay posts

*Handwritten notes:*  
 15  
 120°  
 150°

Scottish Borders Council  
 Town & Country Planning (Scotland) Act  
**REFUSED**  
 21 APR 2016  
 Planning & Economic Development

16/00125/18C  
 16/00126/FUL  
 RECEIVED 24 FEB 2016



SASH OPTIONS - 7

### Fire Escape

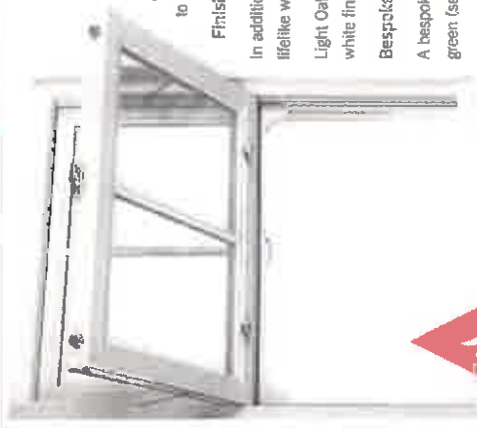
Renaissance do offer a fire escape window for circumstances where ordinary windows don't comply with the required regulation. Please revert to your retailer for further information.

### Finishes - Woodgrain/colours

In addition to standard white or cream base. The Renaissance range encompasses lifelike woodgrain finishes including:  
 Light Oak, Rosewood and White Woodgrain. It is also possible to order standard white finish on the interior and woodgrain to the exterior.

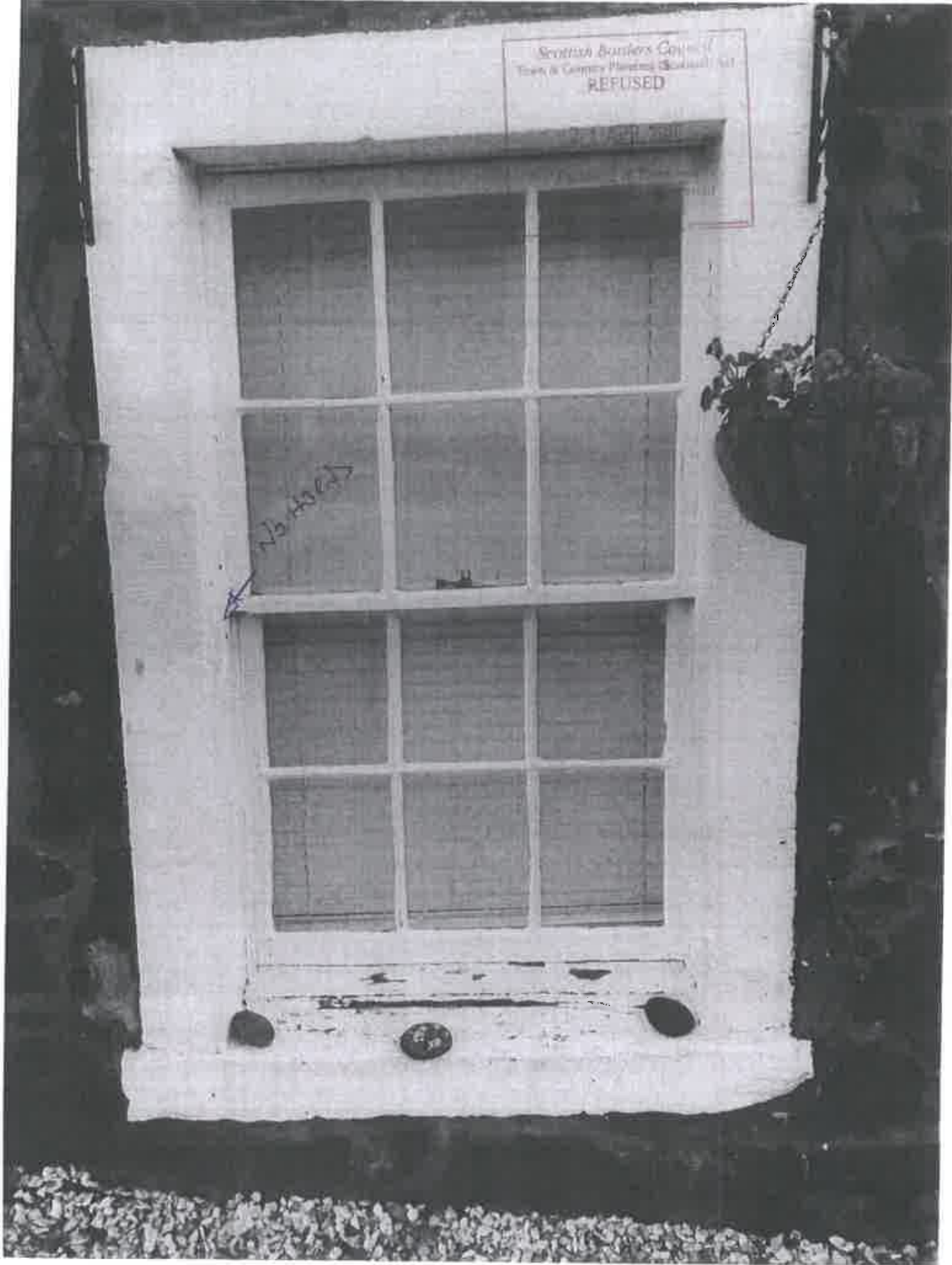
### Bespoke Colour Coating

A bespoke colour coating service is available allowing your window to be coated in green (see pic) or black or any colour you require.



For glazing options see pages 12-13



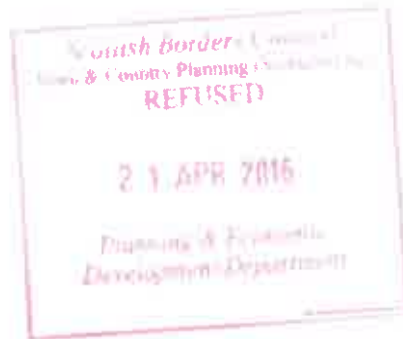




16/00125/IBC

16/00126/FUL

RECEIVED 24 FEB 2016



Has Holes

WINDOWS ARE  
BEYOND REPAIR.



**APPLICATION REFERENCE : 16/00126/FUL**

**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
RENAISSANCE	Location Plan	Refused
	Brochures	Refused
	Photos	Refused
	Photos	Refused
	Photos	Refused
	Photos	Refused

**REASON FOR REFUSAL**

- 1 The application contravenes Policy BE1 and G1 of the Consolidated Local Plan 2011 and the terms of the Replacement Windows and Doors SPG in that the proposals lack sufficient information regarding the condition of the existing windows and door and the design of the proposed replacement windows including their frame material and the design of the replacement door would result in having a harmful effect upon the special historic and architectural character of the grade B listed building. Policy provisions contained within the emerging Local Development Plan would not alter this recommendation.

**FOR THE INFORMATION OF THE APPLICANT**

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

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**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 16/00126/FUL

**APPLICANT :** Alan John Redpath

**AGENT :**

**DEVELOPMENT :** Replacement windows and door

**LOCATION:** 62 Castle Street  
Duns  
Scottish Borders  
TD11 3BE

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
RENAISSANCE	Location Plan	Refused
	Brochures	Refused
	Photos	Refused
	Photos	Refused
	Photos	Refused
	Photos	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Architectural Heritage Society of Scotland: No response at the time of writing.

Berwickshire Civic Society: Object. Recommend that the windows and doors should be repaired instead of replaced and the use of secondary glazing should be investigated. The character of the house would be lost through the use of uPVC windows and removal of the existing door.

Community Council: No response at the time of writing.

**PLANNING CONSIDERATIONS AND POLICIES:**

Consolidated Local Plan 2011:

BE1 - Listed Buildings

BE4 - Conservation Areas

G1 - Quality Standards for New Development

Proposed Local Development Plan 2013:

EP7 - Listed Buildings

EP9 - Conservation Areas

PMD2 - Quality Standards

Other Considerations;

- o Supplementary Planning Guidance on: Replacement Windows and Doors 2015
- o Managing Change in the Historic Environment: Windows 2010
- o Managing Change in the Historic Environment : Doors 2010
- o Historic Environment Scotland - Information for Historic Building Owners: External Timber Doors 2008

**Recommendation by** - Scott Shearer (Planning Officer) on 20th April 2016

This is a joint report which relates to Listed Building Consent and Planning Applications 16/00125/LBC and 16/00126/FUL. The final recommendations are, however, particular to each separate application.

The application site, No 62 Castle Street forms part of a terraced row of two and three storey buildings in Duns. The building dates from the early 19th century and is finished with dressed whinstone front wall and a slated roof. The building is listed grade B and is located within the towns conservation area. Listed Building and Planning permission is sought to replace seven sash and case windows on the front elevation (including the two dormer windows) with wood effect uPVC windows and install a new oak boarded front door.

This application has been submitted following a Provisional Enquiry early in 2016.

Assessment

All existing windows which are proposed to be replaced are single glazed and timber framed with a six over six glazing pattern. The H&DO advises that the existing windows and door has retained their original design. Although not abundantly clear from the brochure extract which has been submitted, from looking at the Listed Building Consent application form and accessing the remainder of the "Renaissance Window Systems" brochure online, it is understood that the uPVC framed windows will be double glazed with a sliding sash opening mechanism.

The Councils development plan polices provision for developments which affect listed buildings seek to ensure that proposals do not spoil their historic and architectural character. The Council has adopted policy provision for replacement windows and doors within listed buildings and in conservation areas which is contained within our Replacement Windows and Doors SPG. The policies which have been formed have taken cognisance of national policy provision and recommendations. The adopted policy for grade B listed buildings recommends that windows and doors should only be replaced when it is proven through a condition survey that the existing windows and door are beyond repair. No such survey has been submitted to accompany these applications therefore this policy requirement is not satisfied by these proposals.

In the event that the existing windows and doors are not repairable it is recommended that existing windows and doors should generally be replaced on a like for like basis. There may be potential to introduce double glazed windows however this is only agreeable when it has been proven that the existing windows are not repairable and the replacement units match the originals in all other manner which includes frame material and proportion.

While it is debatable if the existing windows and door found on the front elevation of No 62 Castle Street are in fact original, what is important is the informed view of the H&DO and HES that the existing windows and doors are believed to retain the appearance of the likely original openings and they positively contribute to the character of the listed building. The introduction of uPVC framed windows and a new door design explicitly fails to satisfy policy provision for replacement windows and doors on grade B listed buildings. In this case, the introduction of uPVC window frames which appear to be much thicker than the size of the frames on the timber windows along with the loss of the traditionally designed "Kelso" style door results in having a harmful effect upon the character and appearance listed buildings and therefore cannot be supported.

The building is located outwith the prime frontage zone of the conservation area so policy does allow for uPVC framed windows to be introduced however questions would probably still remain regarding the size of the window frames and design of the door. It is acknowledged that some neighbouring buildings on Castle Street have eroded some traditional fenestration patterns and door designs by changing to more modern openings. This row itself contains varying architecture with this building seen as a pair alongside the adjoining B listed No 1 Teindhillgreen which has retained timber windows and a "Kelso" style door. Fundamentally because this is a grade B listed building in its own right, local plan policy provision does not make an allowance for this property to be altered in a way in which some other unlisted building's on this street have been.

Through the course of the application, the applicant has refused an approach to amend their proposals to allow the development to comply with policy. The recommendation that uPVC windows would not comply with policy was provided to the applicant in a response to their Provisional Enquiry 16/00004/PREAPP. The application has also been considered against the emerging Local Development Plan where the proposal would continue to fail to satisfy policy provision for developments which affect Listed Buildings.

#### **REASON FOR DECISION :**

The application contravenes Policy BE1 and G1 of the Consolidated Local Plan 2011 and the terms of the Replacement Windows and Doors SPG in that the proposals lack sufficient information regarding the condition of the existing windows and door and the design of the proposed replacement windows including their frame material and the design of the replacement door would result in having a harmful effect upon the special historic and architectural character of the grade B listed building. Policy provisions contained within the emerging Local Development Plan would not alter this recommendation.

#### **Recommendation: Refused**

- 1 The application contravenes Policy BE1 and G1 of the Consolidated Local Plan 2011 and the terms of the Replacement Windows and Doors SPG in that the proposals lack sufficient information regarding the condition of the existing windows and door and the design of the proposed replacement windows including their frame material and the design of the replacement door would result in having a harmful effect upon the special historic and architectural character of the grade B listed building. Policy provisions contained within the emerging Local Development Plan would not alter this recommendation.

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







## **Berwickshire Civic Society**

Berwickshire Civic Society is a Registered Charity No. SC004171

Planning Department,  
Scottish Borders Council  
Newton St. Boswells

14<sup>th</sup> March, 2016.

Dear Sirs,

**Planning Application No 16/00126/FUL**  
**Replacement windows and door**  
**62 Castle Street, Duns**

The Berwickshire Civic Society aims to protect and enhance the built and natural environment of Berwickshire, and to this end we comment from time to time on planning applications, particularly those relating to properties which are listed or in conservation areas.

We refer to the above application and note that 62 Castle Street, whilst not a listed building, is in the Duns Conservation Area.

We **object** to the proposal to replace existing timber windows and doors with new uPVC ones. uPVC does not replicate the finer detailing of traditional timber windows and doors and so the essential character of this attractive house will be lost. We recommend instead that the original windows and front door are repaired and made draught-proof, and secondary glazing installed.

There are companies that would do a quick and efficient job of repairing and draught-proofing the windows, and good secondary glazing could provide better sound proofing and nearly the same energy efficiency as double glazing. If well maintained this solution could be more durable than uPVC windows.

Yours faithfully,

Berwickshire Civic Society

**PLEASE REPLY TO:**  
**secretary@berwickshirecivicsociety.org**

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**LIST OF POLICIES**

**Local Review Reference:** 16/00019/RREF

**Planning Application Reference:** 16/00126/FUL

**Development Proposal:** Replacement windows and door

**Location:** 62 Castle Street Duns Scottish Borders TD11 3BE

**Applicant:** Alan John Redpath

**\*\*New LDP 2016\*\***

**Policy PMD2: Quality Standards**

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

**Sustainability**

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

**Placemaking & Design**

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and,

- where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
  - k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
  - l) it can be satisfactorily accommodated within the site,
  - m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
  - n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

### **Accessibility**

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

### **Greenspace, Open Space & Biodiversity**

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

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

*Key policies to which this policy should be cross-referenced:*

This policy is relevant to most policies within the Plan.

*The following Supplementary Planning Guidance may be relevant to this policy:*

Designing out Crime in the Scottish Borders

Green Space  
Landscape and Development  
Placemaking and Design  
Privacy and Sunlight Guide  
Replacement Windows and Doors  
Use of Timber in Sustainable Construction

*The following proposed Supplementary Guidance may be relevant to this policy:*

Greenspace  
Housing  
Landscape and Development  
Placemaking and Design (incorporating Privacy and Sunlight)  
Sustainable Urban Drainage  
Use of Timber in Sustainable Construction  
Waste Management

#### **Policy EP7: Listed Buildings**

The Council will support development proposals that conserve, protect, and enhance the character, integrity and setting of Listed Buildings.

Internal or external alterations and extensions to Listed Buildings, or new developments within their curtilage, must meet the following criteria:

- a) be of the highest quality,
- b) respect the original structure in terms of setting, scale, design and materials, whilst not inhibiting contemporary and/or innovative design;
- c) maintain, and should preferably enhance, the special architectural or historic quality of the building;
- d) demonstrate an understanding of the building's significance.

All applications for Listed Building Consent or applications affecting the setting of Listed Buildings will be required to be supported by Design Statements.

New development that adversely affects the setting of a Listed Building will not be permitted.

The demolition of a Listed Building will not be permitted unless there are overriding environmental, economic, social or practical reasons. It must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use.

*Key Policies to which this policy should be cross-referenced:*

Policy PMD2 Quality Standards  
Policy PMD5 Infill Development

Policy IS15 Radio Telecommunications  
Other Environment Promotion and Protection policies.

Scottish Planning Policy  
Scottish Historic Environment Policy  
Managing Change in the Historic Environment guidance note series

*The following Supplementary Planning Guidance may be relevant to this policy:*

Replacement Windows and Doors

*The following proposed Supplementary Guidance may be relevant to this policy:*

Archaeology

#### **Policy EP9: Conservation Areas**

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

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

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

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

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

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

principles and design concepts of the proposals.

*Key Policies to which this policy should be cross-referenced:*

Policy PMD2 Quality Standards  
Policy PMD5 Infill Development  
Policy EP13 Trees, Woodlands and Hedgerows  
Policy IS15 Radio Telecommunications  
Other Environmental Promotion and Protection policies

Scottish Planning Policy  
Scottish Historic Environment Policy  
Managing Change in the Historic Environment guidance note series

*The following Supplementary Planning Guidance may be relevant to this policy:*

Placemaking and Design  
Replacement Windows and Doors  
Shop fronts and shop signage

*The following proposed Supplementary Guidance may be relevant to this policy:*

Conservation Areas  
Placemaking and Design

Other considerations-

Scottish Planning Policy

SPG on Replacement Windows and Doors

Managing Change in the Historic Environment: Windows 2010

Managing Change in the Historic Environment: Doors 2010

Historic Environment Scotland- Information for Historic Building Owners: External Timber Doors 2008



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