

# Public Document Pack



## PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 5TH SEPTEMBER, 2016

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on MONDAY, 5TH SEPTEMBER, 2016 at 11.00 AM

J. J. WILKINSON,  
Clerk to the Council,

29 August 2016

<b>BUSINESS</b>	
1.	<b>Apologies for Absence.</b>
2.	<b>Order of Business.</b>
3.	<b>Declarations of Interest.</b>
4.	<b>Minutes.</b>  Minutes to be approved and sign by the Chairman:-
	(a) <b>18 July 2016</b> (Pages 1 - 4) (Copy attached.)
	(b) <b>27 June 2016</b> (Pages 5 - 12) (Copy attached.)
5.	<b>Draft Supplementary Guidance &amp; Draft Simplified Planning Zone Scheme - Central Borders Business Park, Tweedbank</b> (Pages 13 - 82)  Consider report by Service Director Regulatory Services. (Copy attached.)
6.	<b>Applications.</b>  Consider the following application for planning permission:-
	(a) <b>16/00681/FUL - Office, 6A Roxburgh Street, Galashiels</b> (Pages 83 - 90) Change of Use from Class 4 to Class 10 at Office, 6A Roxburgh Street, Galashiels. (Copy attached.)
	(b) <b>16/00747/FUL - Peebles Nursing Home, Tweed Green, Peebles</b> (Pages 91 - 98) Alterations and extension to Care Home, Peebles Nursing Home, Tweed Green, Peebles. (Copy attached.)
	(c) <b>16/00317/FUL - Hawthorn Bower, Tweed Avenue, Peebles</b> (Pages 99 - 106) Erection of boundary wall with timber fence over and gates at Hawthorn Bower,

	Tweed Avenue, Peebles. (Copy attached.)
(d)	<b>16/00343/FUL - Priorsford, Tweed Green, Peebles</b> (Pages 107 - 114) Increase in height of front (west) boundary wall, formation of opening in north boundary wall and installation of gates at Priorsford, Tweed Green, Peebles. (Copy attached.)
(e)	<b>16/00083/FUL - Land North West of Village Hall, Westruther</b> (Pages 115 - 130) Change of use of Land to form playing field and erection of boundary fence on land North West of Village Hall, Westruther (Copy attached.)
7.	<b>Appeals and Reviews.</b> (Pages 131 - 142)  Consider report by Service Director Regulatory Services. (Copy attached.)
8.	<b>Any Other Items Previously Circulated.</b>
9.	<b>Any Other Items which the Chairman Decides are Urgent.</b>
10.	<b>Items Likely to be Taken in Private</b>  Before proceeding with the private business, the following motion should be approved:-  “That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 7A to the aforementioned Act.”
11.	<b>Minutes</b>  Private Minutes to be approved and signed by the Chairman:-
(a)	<b>18 July 2016</b> (Pages 143 - 144) (Copy attached.)
(b)	<b>27 June 2016</b> (Pages 145 - 146) (Copy attached.)

#### **NOTE**

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

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

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

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

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**SCOTTISH BORDERS COUNCIL**  
**PLANNING AND BUILDING STANDARDS COMMITTEE**

MINUTE of MEETING of the PLANNING  
AND BUILDING STANDARDS COMMITTEE  
held in the Council Headquarters, Newtown  
St. Boswells on 18 July 2016 at 10.00 a.m.  
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Present: - Councillors R. Smith (Chairman), J. Brown, J. Campbell, J. Fullarton, D. Moffat,  
S. Mountford, B. White.  
Apologies:- Councillors M. Ballantyne, I. Gillespie.  
In Attendance:- Lead Planning Officer, Solicitor (Graham Nelson), Principal Officer –  
Enforcement, Environment, Democratic Services Officers (F Henderson and F.  
Walling).

1. **APPLICATION**

There had been circulated copies of a report by the Service Director Regulatory Services on an application for planning permission requiring consideration by the Committee.

**DECISION**

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

2. **PRIVATE BUSINESS**

**DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 8 of Part 1 of Schedule 7A to the aforementioned Act.**

**SUMMARY OF PRIVATE BUSINESS**

**DANGEROUS CHIMNEY - COLDSTREAM**

3. The Committee considered of a report by the Chief Planning Officer which sought authority to carry out repair works to a chimney considered to be dangerous in Coldstream.

*The meeting concluded at 10.55 a.m.*

## APPENDIX I

### APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/00020/S36	Wind farm comprising 14 wind turbines, substation, control room, two temporary compounds, access tracks, four borrow pits and meteorological mast	Land at Whitelaw Brae 3km south of Tweedsmuir and west of Fruid Reservoir

DECISION: That the Council indicate to Scottish Government that it **maintains objections** to the application for a 14-turbine wind farm on the Whitelaw Brae site. The reasons for the objections are as follows:

#### Reason for Objection 1: Impact on Landscape Character:

The proposed development would be contrary to Policies PMD2, ED9 and EP5 of the Scottish Borders Local Development Plan 2016 and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan) 2013 in that, taking into consideration the following factors, it would unacceptably harm the Borders landscape:

- Significant impacts on the perception, setting and qualities of identified wild land (Area 2 Talla Hart Fell) to the south and east of the site in an area with high fragility to change.
- Significant impacts on the designated Tweedsmuir Uplands Special Landscape Area and contrary to the management recommendations seeking to maintain wildness and limit impacts of tall developments, both in relation to the higher summits/wild land to the south and to the more localised intimate landscapes centred around the reservoirs to the east and north-east

#### Reason for Objection 2: Adverse Visual and Amenity Impacts:

The proposed development would be contrary to Policies PMD2, ED9, EP8 and HD3 of the Scottish Borders Local Development Plan 2016 and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan) 2013 in that, taking into consideration the following factors, the development would give rise to unacceptable visual and amenity effects:

- Low containment within the 5km range and consequent significant visual impacts from sensitive receptors including public roads (such as the main tourist route of the A701 and the Fruid minor road), a right of way, hill summits and dwellinghouses. In respect of the identified residential receptors, the developer has failed to demonstrate that the impacts would not be overbearing and significantly adverse.
- Significant cumulative and scale impacts on sensitive receptors and on a unique landscape character type and capacity to the east of the A701 corridor, inappropriately extending the existing Clyde/Clyde Extension/Glenkerie cluster into previously undeveloped land, bridging a strong visual boundary between landscape character types and setting precedent for further inappropriate incursion.
- Significant detrimental impacts to two archaeological sites of national significance, Asset HA5 and the Scheduled Hawkshaw Castle.

Advisory Note:

Should the development be considered for approval, then conditions and the need for a Legal Agreement have been identified covering a number of different aspects including noise limits, roads matters, ecology and archaeology.

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**SCOTTISH BORDERS COUNCIL**  
**PLANNING AND BUILDING STANDARDS COMMITTEE**

MINUTE of MEETING of the PLANNING  
AND BUILDING STANDARDS COMMITTEE  
held in the Council Headquarters, Newtown  
St. Boswells on 27 June 2016 at 10.00 a.m.

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Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Brown, J. Fullarton, I. Gillespie, D. Moffat, S. Mountford, B. White.  
Apologies:- Councillor J. Campbell.  
In Attendance:- Development Standards Manager, Principal Roads Planning Officer, Solicitor (Graham Nelson), Democratic Services Officer (F Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 30 May 2016.

**DECISION**

**APPROVED for signature by the Chairman.**

2. **APPLICATION**

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

**DECISION**

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

3. **APPEALS AND REVIEWS**

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

**DECISION**

**NOTED that:-**

(a) **Scottish Ministers had sustained an appeal in respect of the wind farm development comprising 9 No wind turbines and associated infrastructure/buildings/access (further revised scheme – tip heights of Turbines 1, 2 and 4 reduced to 110m – all others to remain at 125m) on Land North East and North West of Farmhouse Braidlie (Windy Edge), Hawick.**

(b) **there remained 2 appeals outstanding:-**

(i) **Land South East of Halmyre Mains farmhouse (Hag Law), Romanno Bridge;**

(ii) **Land North of Upper Stewarton, (Kilrubie Wind Farm Development), Eddleston, Peebles; and**

(c) **review requests had been received in respect of the following:-**

- (i) **Erection of dwellinghouse and upgrade access track at Redundant Water Treatment Works, North East of Broughton Place Cottage, Broughton – 15/00890/PPP;**
  - (ii) **Erection of three dwellinghouses on Land North of Bonjedward Garage, Jedburgh - 15/01521/PPP;**
  - (iii) **Erection of cattle court incorporating storage areas and staff facilities and erection of animal feed silo in Field No 0328 Kirkburn, Cardrona - 16/00114/FUL;**
  - (iv) **Change of use from storage barn, alterations and extension to form dwellinghouse on Land and Storage Barn East of Flemington Farmhouse, West Flemington, Eyemouth - 16/00136/FUL.**
- (d) **the Local Review Body had upheld the Appointed Officers decision to refuse the erection of dwellinghouse Builders at Yard on Land South West of 76 St Andrew Street, Galashiels – 15/01557/FUL.**
- (e) **The Local Review Body had overturned the Appointed Officers decision in respect of the following:-**
- (i) **to refuse the change of use from Class 4 (Office) to Class 2 (Beauty Therapy Salon) at Block 2, Unit 6, Cherry Court, Cavalry Park, Peebles – 15/01498/FUL; and**
  - (ii) **removal of Condition 3 of planning permission 04/02011/FUL pertaining to occupancy of the dwellinghouse at Craigie Knowe, Blainslie Road, Earlston**
- (f) **there remained three reviews outstanding:-**
- (i) **Land South of Camphouse Farmhouse, Camptown, Jedburgh;**
  - (ii) **5 East High Street, Lauder ; and**
  - (iii) **Land South of Primary School, West End, Denholm.**

#### **URGENT BUSINESS**

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

#### **PERFORMANCE MONITORING**

5. The Chairman reported that the Planning Performance Framework 2015/16 report for submission to Scottish Ministers would not be ready until the end of July 2016. The Chairman highlighted that there had been significant improvements in terms of performance in a number of categories. As the next scheduled meeting was Monday, 1 August 2016, the Chairman requested that Members grant delegated authority to Officers to enable the preparation of the full version of the Planning Performance Framework 2015/16 to be completed and submitted to Scottish Ministers within the timescale.

**DECISION**

**AGREED to grant delegated authority to Officers to enable the full version Planning Performance Framework 2015/16 to be completed and submitted to Scottish Ministers within the timescale.**

6. **PRIVATE BUSINESS**

**DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 8 of Part 1 of Schedule 7A to the aforementioned Act.**

**SUMMARY OF PRIVATE BUSINESS**

1. **MINUTE**

The Committee considered the private section of the Minute of 30 May 2016.

**URGENT BUSINESS**

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

**CAVALRY PARK, INDUSTRIAL UNITS, PEEBLES**

3. With reference to paragraph 4 and Appendix III of the Local Review Body Meeting held on 6 June 2016, the Chairman led discussion on studies which had now been done into the Use Class pattern within Cavalry Park, Peebles.

*The meeting concluded at 12.20 p.m.*

## APPENDIX I

### APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/00364/PPP	Residential development comprising five houses and associated access.	Redundant Station Yard and associated access, Dolphinton, West Linton

Decision : APPROVED subject to the following conditions and informatives and the completion of a legal agreement for development contributions:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.

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

2. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:  
(a) the expiration of three years from the date of this permission, or  
(b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

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

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

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

4. The number of houses forming part of the development hereby approved shall be limited to five.

Reason: To ensure a satisfactory form of development, and for the avoidance of doubt.

5. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

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

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

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

6. The development hereby permitted shall not be commenced before fully detailed design proposals for foul and surface water drainage, demonstrating that there will be no negative impact to public health, the environment or the quality of watercourses or ground water, have been submitted to and approved by the Planning Authority.

Reason: The Planning Authority is aware that drainage issues are likely to arise at this site, that have not been fully addressed in the outline/change of use planning application, which establishes only the land-use principle of the area of land identified in the submitted drawing(s).

## **Informatives**

1. Landscaping  
The landscaping scheme to be submitted at the detailed planning stage shall include details of the following:

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. a pedestrian link to the existing bus stop and pedestrian/cyclist link to the wider countryside
- viii. A programme for completion and subsequent maintenance.

2. Layout

- The maximum number of new builds served by a private road is four. Depending on the layout for the proposed development, this may result in the need for the road to be constructed to an adoptable standard. However if the layout was designed in a manner that the first plot was served via the existing public road, even if it was just a pedestrian link depending on the close proximity of the plot to the public road, then the road serving the remaining four plots could remain private.
- Parking provision would be either 225% for curtilage parking or 175% for communal parking.
- Pedestrian provision to be incorporated into the design.

**Reference**

16/00413/FUL

**Nature of Development**

Installation of 15m monopole including antennas, ground-based cabinets and fence enclosure

**Location**

Land South of Deveron Cottage, The Loaning, Denholm.

**NOTE**

Mr Malcolm Robinson and Mrs Linda Hislop spoke against the application.

Decision: APPROVED, subject to the following conditions:-

1. Decision: The existing mature ash tree to the east of the site (Highlighted in green on approved drawing 201) is to be protected during construction of the mast by a temporary fence, the full details of which are to be submitted to and approved in writing by the Planning Authority prior to the commencement of development. Thereafter the protective fencing is to be erected prior to commencement of development, and to be retained for the duration of construction works on the site.  
Reason: To protect the neighbouring mature ash tree, which makes a significant contribution to the site setting.
2. The adjoining public Right of Way (BR135) "Border Abbeys Way" is to remain free from obstruction during the construction of the development hereby approved.  
Reason: To ensure public rights of access are not diminished during construction works on the site.
3. No development shall take place until a scheme indicating the colour(s) of the proposed pole and all associated equipment has been submitted to and approved in writing by the Planning Authority. The colour(s) shall be chosen to reflect the rural location of the site. Thereafter, no development shall take place except in strict accordance with the details so approved.  
Reason: To minimise the visual impact of the proposed structure given its rural location, and to reduce its visibility from the adjoining settlement.

### Applicant Informative

The developer should liaise with the Council's Access Team to ensure the Right of Way is protected during the construction period and no adverse damage is inflicted on the path as a result of construction vehicles accessing the site.

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**DRAFT SUPPLEMENTARY GUIDANCE & DRAFT SIMPLIFIED  
PLANNING ZONE SCHEME  
CENTRAL BORDERS BUSINESS PARK, TWEEDBANK**

**Report by Service Director Regulatory Services**

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**PLANNING AND BUILDING STANDARDS COMMITTEE**

**5 September 2016**

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**1 PURPOSE AND SUMMARY**

- 1.1 This report seeks approval of Draft Supplementary Guidance (SG) and a Draft Simplified Planning Zone (SPZ) Scheme relating to the Central Borders Business Park at Tweedbank (Appendix A) to be used as a basis for public consultation.**
- 1.2 The purpose of the Supplementary Guidance is to provide a framework vision for the future development of the sites which are allocated within the Scottish Borders Local Development Plan 2016. The purpose of the Simplified Planning Zone is to enable development to take place without the need for planning consent, provided the development complies with development parameters and conditions. It will create an employment led redevelopment, providing choice and quick delivery for businesses considering locating in this part of Scotland.

**2 RECOMMENDATIONS**

- 2.1 I recommend that the Planning and Building Standards Committee agrees to:**
- a) **Recommend approval of both the Supplementary Guidance and Simplified Planning Zone Scheme to Full Council as draft documents to be used as a basis for public consultation.**
  - b) **Agree to receive a report back following the consultation for both the Draft Supplementary Guidance and Draft Simplified Planning Zone Scheme.**

### **3 BACKGROUND**

- 3.1 The Borders Railway 'Maximising the Impact: A Blueprint for the Future' states that the "Central Borders Business Park, located in Tweedbank, will be developed to respond to, and capitalise on opportunities brought by the Borders Railway with the provision of new high quality office accommodation, suites and facilities. The current industrial park will be redeveloped with the refurbishment and reconfiguration of existing buildings which will provide modern manufacturing, office and other facilities to meet the needs of current and new businesses" (Scottish Government et al, November 2014).
- 3.2 The Local Development Plan 2016 identifies two Business and Industrial Safeguarding sites at Tweedbank, namely Tweedbank Business Park (north of Tweedbank Drive) (zEL59) and Tweedbank Industrial Estate (zEL39). A mixed use site (MTWEE001) lies immediately to the north. All three sites make up the Central Borders Business Park. The arrival of the Borders Railway offers a significant opportunity to create a high quality business park which both capitalises on the railway terminal and provides a supply of high quality business and industrial land for the Central Borders.
- 3.3 Working drafts of the draft documents were discussed at meetings of the Development Plan Working Group on 24 November 2015 and 29 June 2016.

### **4 SUPPLEMENTARY GUIDANCE**

- 4.1 The Scottish Borders Local Development Plan 2016 takes forward the restructuring of the existing industrial estate, business park and mixed use site. The Draft Supplementary Planning Guidance has been prepared in order to lay down how the sites could be developed, creating a development vision, identifying opportunities the sites offer, highlighting potential constraints and encouraging high quality design and layout.
- 4.2 The Supplementary Guidance (SG) will provide guidance to any developer or any other interested parties and will be a material consideration in the determination of any planning applications. The SG must be read in conjunction with other Local Development Plan policies and guidance that encourage good placemaking and design. The SG has also informed the development of the Draft Simplified Planning Zone Scheme.
- 4.3 It is proposed that the Draft SG is subject to public consultation for a period of 12 weeks. Following consultation, it is intended that a report will be brought back to the Planning and Building Standards Committee as well as the Full Council to seek final agreement.
- 4.4 Once ultimately adopted by the Council, the Supplementary Guidance would be referred to the Scottish Government with the intention that it would achieve elevated status and would formally become part of the Adopted Local Development Plan 2016.

### **5 SIMPLIFIED PLANNING ZONE**

- 5.1 A Simplified Planning Zone (SPZ) effectively grants planning permission in advance for specified types of development within defined areas. Within specified areas of the Central Borders Business Park the permitted uses would include business, general industrial, storage/distribution, hotel(s) and limited retail floor space within specific zones. Any development proposals which fall outwith the scope of the SPZ would have to apply for planning

permission in the normal way. All proposals will require to go through the building standards process.

- 5.2 The aim of the SPZ is to assist in informing investment decisions as businesses and investors are able to establish with certainty and speed the acceptability of their proposals. The savings in terms of time, money and effort in considering these changes and the certainty offered by the SPZ status will help promote the Central Borders Business Park as a location to invest.
- 5.3 The SPZ offers scope to change the use of premises, build new premises and/or alter and extend existing buildings without the need for a formal planning application subject to their compliance with the detailed parameters and conditions detailed in the document.
- 5.4 The procedures for preparing SPZ Schemes, including publicity and public consultations, are set out in the Town and Country Planning (Simplified Planning Zones) (Scotland) Regulations 1995. Scottish Ministers are required to be notified of the intention to progress a SPZ Scheme. The Community Council will require to be consulted as well as the owners of land to be included in the Scheme. These procedures, amongst others, would be undertaken at the beginning of the 12 week consultation period of the SG. It should be noted, however, that objections to the Draft SPZ Scheme must be submitted within a period of six weeks from the date of the draft being advertised. Whilst the aforesaid Act requires that objections to the draft be submitted within a period of 6 weeks it would seem reasonable to extend this to 12 weeks to coincide with the Draft SG consultation period.

## **6 IMPLICATIONS**

### **6.1 Financial**

There are no substantive cost implications arising for the Council in respect of the Supplementary Guidance. In respect of the SPZ Scheme, the Council would forego the income accrued from planning application fees which would normally be required to be submitted for development within the SPZ zones. The Council would incur costs to implement the works associated with the Landscape Framework and the requirements identified within the Transport Statement. There is budget to cover the necessary consultation elements.

### **6.2 Risk and Mitigations**

#### Risk of not producing guidance/SPZ Scheme

- a) The lack of guidance would cause uncertainty to developers and the public and be a barrier to effective decision making by the Council. This could result in ad hoc and inconsistent decision making with policies in the Local Development Plan not being taken fully into account.
- b) Failure to produce the Supplementary Guidance would reflect badly on the Council's commitment to improve the design of new development through a placemaking approach and to promote the Central Borders Business Park as a key strategic and high quality site for businesses to locate.

- c) There may also be resource impacts within the Development Management section potentially resulting in delay in the processing of planning applications. In addition, it may ultimately impact on the quality of development and the thorough assessment of the environmental impact of development.

#### Risk of producing guidance/SPZ scheme

- a) There are no perceived risks related to the adoption of the guidance/SPZ Scheme by the Council. Adoption of the SPZ Scheme will provide economic benefits to the local economy, and hence the Council, from increased business rates and improved local employment opportunities.

### 6.3 Equalities

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

### 6.4 Acting Sustainably

#### a) **Economic Growth**

The proposed SG and SPZ Scheme will assist in promoting a strong, stable and sustainable economy which provides prosperity and opportunities for all.

#### b) **Social Cohesion**

The proposals contained within the proposed SG and SPZ Scheme will help to meet the diverse needs of people in the local communities.

#### c) **Protection of the Environment**

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

### 6.5 Carbon Management – Climate Change (Scotland) Act 2009

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

### 6.6 Rural Proofing

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

### 6.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made.

## 7 CONSULTATION

- 7.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR, the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

7.2 The Chief Officer Economic Development, the Depute Chief Executive Place, the Corporate Transformation and Services Director, and the Service Director Assets and Infrastructure have also been consulted and any comments received have been incorporated into the final report.

**Approved by**

**Brian Frater**

**Service Director Regulatory Services**

**Signature .....**

**Author**

Name	Designation and Contact Number
Karen Ruthven	Planning Officer (Planning Policy and Access)

**Background Papers:**

- Transport Statement, Central Borders Business Park, Tweedbank Mott McDonald August 2016
- Arboricultural Assessment, Tree Preservation Order at Tweedbank Industrial Estate, Tweedbank
- Arboricultural Assessment, Trees at Tweedside Park, Tweedbank

**Previous Minute Reference:** None

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

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

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**DRAFT SUPPLEMENTARY GUIDANCE (PART I)**  
**DRAFT SIMPLIFIED PLANNING ZONE SCHEME (PART II)**

**CENTRAL BORDERS BUSINESS PARK**  
**TWEEDBANK**

## INTRODUCTION

The Borders Railway ‘Maximising the Impact: A Blueprint for the Future’ states that the “Central Borders Business Park, located in Tweedbank, will be developed to respond to, and capitalise on, opportunities brought by the Borders Railway with the provision of new high quality office accommodation, suites and facilities. The current industrial park will be redeveloped with the refurbishment and reconfiguration of existing buildings which will provide modern manufacturing, office and other facilities to meet the needs of current and new businesses” (Scottish Government et al, November 2014).


Part I of this document is Supplementary Guidance (SG) which sets out the main opportunities and constraints of the business/industrial and mixed use land allocations at Tweedbank. It provides a framework vision for the future development of the sites which are allocated within the Local Development Plan (LDP).

Alongside the SG is a Simplified Planning Zone (SPZ) Scheme, forming Part II, which enables development to take place without the need for planning consent, provided the development complies with development parameters and conditions. It will create an employment led redevelopment, providing choice and quick delivery for businesses considering locating in this part of Scotland.








Both documents aim to encourage investment and an improved environment within the Business Park at Tweedbank, capitalising on the arrival of the Borders Railway.

## Borders Railway

Maximising the Impact:  
A Blueprint for the Future



**Borders Railway**  
Edinburgh • Midlothian • Scottish Borders



**DRAFT SUPPLEMENTARY GUIDANCE  
CENTRAL BORDERS BUSINESS PARK, TWEEDBANK**



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## CURRENT PLANNING POLICY & GUIDANCE

- **SCOTTISH PLANNING POLICY (SPP)**

Scottish Planning Policy promotes business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets. The planning system should allocate sites that are flexible enough to accommodate changing circumstances and allow the realisation of new opportunities.

- **STRATEGIC DEVELOPMENT PLAN (SESplan)**

SESplan is the Strategic Development Plan (SDP) for South East Scotland, including the Borders. It provides the strategic direction for regional land use policy for the period to 2032. The SESplan identifies a number of Strategic Development Areas (SDA), one of which is the Central Borders SDA, which includes Tweedbank. The SDP provides a means to support job creation through setting a Spatial Strategy for economic development with a focus on growing key sectors in a sustainable manner.

- **LOCAL DEVELOPMENT PLAN (LDP)**

The Local Development Plan incorporates various land allocations in Tweedbank, including business and industrial safeguarding, mixed use, key greenspaces and the Railway Station allocation. The LDP highlights that whilst there is a supply of land for business and industrial land within the Central Borders there is a need to provide an improved product so as to take advantage from the arrival of the Borders Railway. Therefore it is proposed to enhance the quality of the existing supply of industrial and business land at Tweedbank to provide for the anticipated demand. A number of policies included in the Local Development Plan will be applicable to this site including: Policy PMD1—Sustainability, Policy PMD2—Quality Standards, Policy ED1—Protection of Business and Industrial Land and EP13—Trees, Woodlands and Hedgerows.

- **CREATING PLACES AND DESIGNING STREETS**

Creating Places is a policy statement on architecture and place for Scotland. Designing Streets changes the emphasis of guidance on street design towards placemaking and away from a focus on the dominance of motor vehicles. The policy states that street design must consider place before movement and puts an emphasis on the creation of successful places through the creation of good street design.

- **PLACEMAKING & DESIGN SPG**

The aim of the SPG is to ensure that the Scottish Borders will be a quality place in which to live, providing attractive, sustainable towns and villages that are distinct and diverse. The SPG provides guidance in relation to successful placemaking and design principles and the impact this can have on the social and economic wellbeing of communities and the environment at large.



## SITE CONTEXT & DESCRIPTION

**SITE CONTEXT:** The LDP takes forward the restructuring of the existing industrial estate and mixed use site to the east of the railway terminal. The Central Borders Business Park incorporates Tweedbank Industrial Estate and Tweedside Park which have many advantages and attractive development features. They are well located in terms of roads and footway access and are ideally placed to capitalise on the recent arrival of the Borders Railway. The sites have a good internal road layout, are serviced and benefit from a mature landscaping and screening scheme. The industrial estate is, however, suffering from an ageing and increasingly substandard building stock and the size and layout of both the buildings and external yard areas are not consistent with modern development requirements. There are therefore significant opportunities in the estates to create a high quality business park which capitalises on the railway terminal and provides a supply of high quality business and industrial land for the Central Borders.

Tweedbank village is a residential conurbation that was planned as a new village in 1970, located between Galashiels to the west and Melrose to the east. The settlement was planned to provide for residential expansion in the area as well as a new business and employment opportunity.

**SITE DESCRIPTION:** Tweedside Business Park (north of Tweedbank Drive) and the Tweedbank Industrial Estate are located within the eastern edge of the village. These are allocated for Business and Industrial Safeguarding within the LDP and are referred to as zEL59 and zEL39 respectively (see SG Plan 1). The recent completion and opening of the Borders Railway terminating at Tweedbank provides renewed interest and growth opportunity for these business areas along with the Mixed Use allocation (MTWEE001) to the east of the railway terminal (see SG Plan 1).

Tweedside Business Park (zEL59) and Tweedbank Industrial Estate (zEL39) provide important business and industrial land the wider area. The two adjacent business estates lie to the north of the A6091, with Tweedbank Drive bisecting the sites leading into the settlement centre.

**SUPPLEMENTARY GUIDANCE: CENTRAL BORDERS BUSINESS PARK, TWEEDBANK**

**SG Plan 1: Local Development Plan 2016 Settlement Map—Tweedbank**



## SITE CONTEXT & DESCRIPTION

Tweedside Business Park was developed in 1989 and lies between Tweedbank Drive and the River Tweed. There are two sites within the Business Park which remain undeveloped, one located to the north west of the site and the other to the north east. The access road serves the various developed sites, including that occupied by the Scottish Public Pensions Agency, and parking provision.

Tweedbank Industrial Estate, built in the 1970s, is bordered by the A6091 to the south and Tweedbank Drive to the north. The site comprises a number of industrial units and vacant sites set within a relatively well established landscape setting. A number of components make up the estate, a triangular grouping of buildings and service yards to the north, a rectangular block of units to the south and perimeter developments to the east. Buffer landscaping is present adjacent to the roundabout, A6091 and the western edge of the site adjacent to existing housing and the Tweedbank Sports Complex. A loop road access arrangement serves the various sites from Tweedbank Drive.

The mixed use allocation to the east of the Railway Terminal is the site of a former quarry and is currently undeveloped.



View towards Business Park from Railway Terminus



View from Business Park towards Eildon Hills



Borders Railway Terminus



Scottish Public Pensions Agency Building, Tweedside Park



## SITE OPPORTUNITIES & CONSTRAINTS

### OPPORTUNITIES

- The location of the Borders Railway terminus at Tweedbank and the planned erection of the recently approved Tapestry building should act as a catalyst for the rejuvenation of the business park at Tweedbank, which is of high strategic importance in the Central Borders.
- The Business Park is highly visible from the A6091 which enhances the marketable profile.
- The sites benefit from transport links and connectivity between the railway terminal and major public and private employers within the area and wider community such as the Scottish Public Pensions Agency, Scottish Borders Council, Borders General Hospital, the Agriculture, Food and Rural Communities Directorate and the Animal Health and Veterinary Laboratories Agency.
- Transport links and connectivity to nearby tourist attractions, such as Abbotsford House, Melrose Abbey and Scott's View.
- Tweedbank is located within the Borders Strategic Green Network which consists of a network of green spaces and green corridors through, within and around settlements, linking open spaces within settlements to the wider countryside. They can assist in enhancing the biodiversity, quality of life and sense of place of an area. Furthermore, the settlement is surrounded by land protected by the Countryside Around Towns policy (EP6) of the LDP which aims to prevent piecemeal development, which would detract from the area's environment, and to avoid coalescence of settlements, thereby retaining their individual character.
- The sites are located within attractive boundaries whereby the structure planting undertaken when the estates were constructed in the 1970s and 1980s is now well established. A survey of all trees has been undertaken to inform possible pockets of land with development potential. These areas are identified within the Development Vision (SG Plan 2). Consent would be required to undertake any works to trees protected by the Tree Preservation Order (see SG Plan 5). The survey can also inform an ongoing future maintenance programme.
- Energy Efficiency—potential for energy generation on the site as well as opportunities for heat network development from waste water.
- The incorporation of a limited level of retail provision at the 'gateway' into the business park to serve both visitors to the area and users of the business park.
- The existing Tweedbank Sports Complex is located adjacent to the south western boundary of the Industrial Estate and includes an astroturf pitch, a 400m running track/athletics field and indoor bowls facility. There is an opportunity to improve access to this facility from both within the village and the business park.
- The implementation of a Simplified Planning Zone (SPZ) Scheme offers flexibility to businesses and encourages investment and rejuvenation of the existing business and industrial sites.
- Improved pedestrian and cycle links within the settlement as well as key linkages between the railway terminus and key existing employment sites such as Borders General Hospital and tourist sites such as Abbotsford House/Visitor Centre.
- Utilities generally follow the existing road network, the retention of the basic infrastructure alignments would avoid costly utility diversions. There is an aspiration to bring the southern part of the estate road, which is currently private, up to an adoptable standard.
- The development of a more integrated approach to public transport by linking buses to the new rail service. This would require coordination between the bus and rail operators.
- The site is visible from the A6091 to the south, for both vehicles and pedestrians/cyclists. Tweedbank is located within a sensitive landscape with the Special Landscape Area abutting the settlement to the south and east and the Eildon Hills feature as a prominent backdrop. The opportunity should be taken to reinforce this edge, which is currently defined by a post and wire fence, with appropriate planting, most likely with hedging.

- The industrial estate is suffering from an ageing and increasingly substandard building stock and the size and layout of both the buildings and external yard areas are not consistent with modern development requirements. This current situation offers an opportunity for the regeneration of the site, to provide a fit for purpose business park with improved architectural design and green infrastructure. There is the potential for higher densities of built form (than existing) on site.

## CONSTRAINTS

- The location of significant gas and electrical infrastructure adjacent to the western edge of the Industrial Estate site. These high voltage supply lines are laid below ground and preclude development at this location.
- Careful consideration of potential impacts on the Special Landscape Area adjacent to the Business Park to the south (See SG Plan 4).  
Existing trees within the Industrial Estate are protected by a Tree Preservation Order (see SG Plan 5). These trees have been the subject of a Tree Survey which is available as a background paper. It is intended that the Tree Preservation Order will be reviewed/amended.
- Development must protect the potential future extension of the railway line (See SG Plan 5).
- Since the opening of the Borders Railway in September 2015, passenger numbers have far exceeded those initially expected. As a result the railway terminal car park has regularly operated at capacity, with overflow parking encouraged temporarily in the adjacent Industrial Estate. Whilst it is accepted that passenger numbers may decrease after the initial surge in interest in the new Railway line, the parking levels provided are being assessed by Scotrail. A newly developed Business Park may potentially create more demand in the future. Additional provision may be required.

- The eastern most part of the Business Park is located within the National Inventory Battlefield—Battle of Darnick. This also adjoins the southern boundary of the Business Park (See SG Plan 5).
- Tweedside Park is immediately adjacent to the western most boundary of the Eildon and Leaderfoot National Scenic Area (NSA). The special qualities of the NSA must be given due consideration when assessing development proposals.
- There are limited social amenities within Tweedbank currently. The village offers a primary school, Gun Knowe Loch, a local shop, hairdressers, and bar/restaurant within the village centre but these are located a distance from the Business Park. There is also a Community Centre and an all weather sports complex which are detached from the other facilities.
- Any future extension of the railway line would impact upon some of the existing access links within the Business Park. This must be considered in respect of layout and access points.
- The Business Park is within varying ownerships which could act as a constraint when seeking to apply an overall scheme to improve the environment.
- The Council's Local Transport Strategy (2007/08) and more recently the Main Issues Report relating to the forthcoming Local Access and Transport Strategy (July 2015) identify a potential new road configuration at Tweedbank which would include the provision of a new road bridge at Lowood, replacing the existing Melrose Bridge (B6374). This would improve connection between Tweedbank and Melrose Road (B6374) in Galashiels removing pressure on the trunk road network (A6091) and on Abbotsford Road (A7) into Galashiels.

## DEVELOPMENT VISION FOR THE CENTRAL BORDERS BUSINESS PARK

### DEVELOPMENT VISION

The aspiration is to develop a high quality business and industrial development that is not only sympathetic to the sensitive local context but is a flagship development for the Central Borders. The Development Vision should:

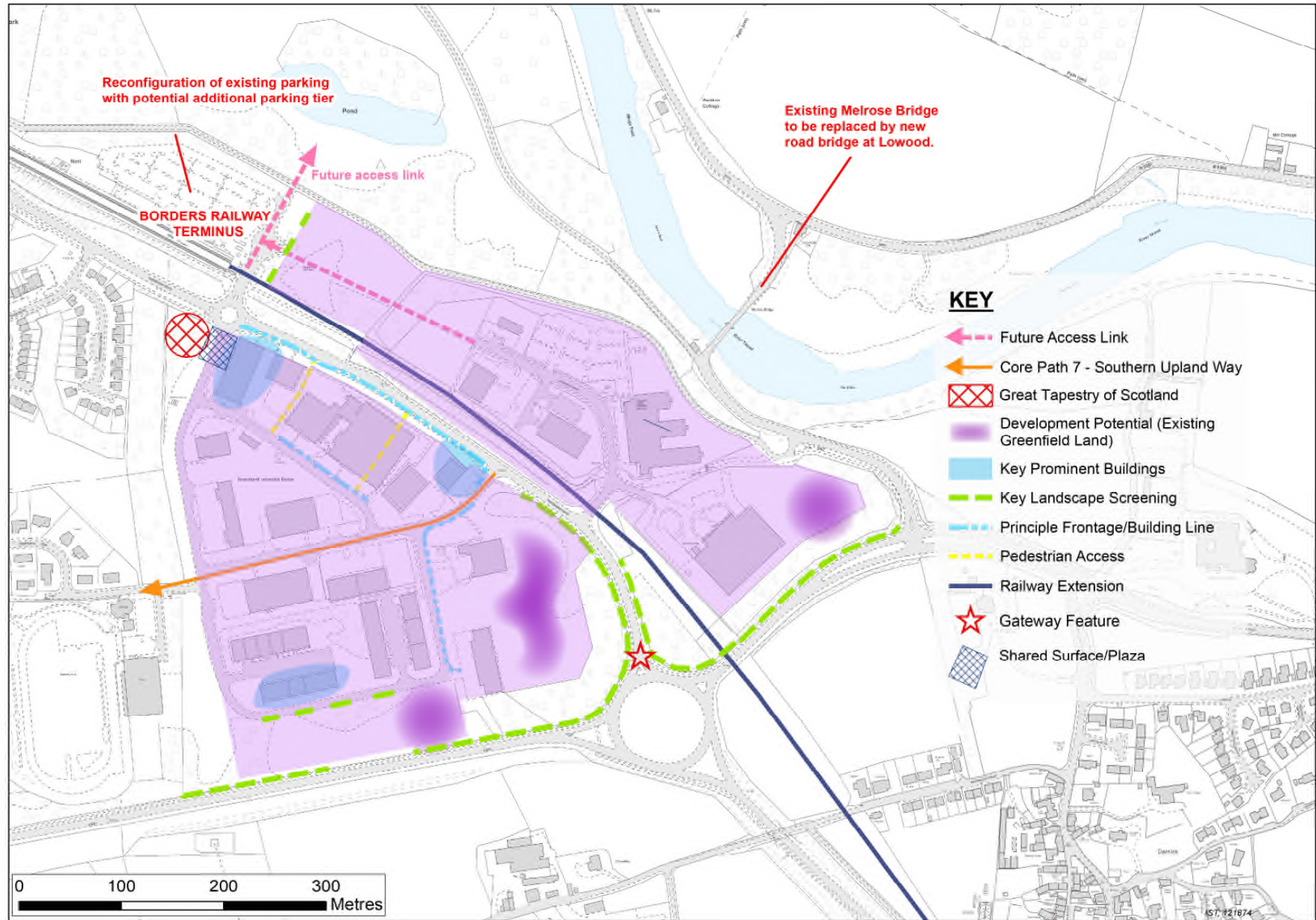
- ⇒ Optimise the opportunity for investment
- ⇒ Take advantage of the new investment of the railway
- ⇒ Create a setting that will encourage investment
- ⇒ Take advantage of the imminent construction of the Great Tapestry of Scotland building
- ⇒ Be sensitive to the landscape setting
- ⇒ Benefit Tweedbank as a whole as well as the individual land uses
- ⇒ Be low carbon

### KEY PRINCIPLES

- Page 28
- A Focus initial development linked around the railway terminal/tapestry to create a clear gateway when accessing the business park from the railway terminal
  - B Create a people focused public space around this gateway to allow a safe pedestrian environment which is not car focused
  - C Development to follow a clear perimeter urban block arrangement with frontages placed onto defined building lines facing onto pedestrian friendly streets with internal parking courts behind
  - D Place individual 'signature' buildings at key locations to mark entrances and key routes
  - E Develop a suite of sensitively designed and located office buildings along the southern edge of the site , visible from the A6091 to mark and promote the business location to passing traffic but with a high quality landscaped edge
  - F The need for an overspill car park for the railway terminus to be monitored. This could be accommodated within existing boundaries of the railway terminus, partly through the restructuring of the existing layout and/or the provision of a further tier
  - G Create a low carbon built environment and infrastructure that will reduce carbon emissions
  - H Maintain a high quality landscape framework, improving upon and maintaining the existing structure planting taking into account the sensitive landscape context



# DEVELOPMENT VISION FOR CENTRAL BORDERS BUSINESS PARK



SG Plan 2: Development Vision

## SITE CONSIDERATIONS

### LDP SITE REQUIREMENTS

The LDP 2016 sets out the following in relation to the site allocations:

#### TWEEDBANK INDUSTRIAL ESTATE (zEL39):

- This is a strategic safeguarded business and industrial site as defined in Policy ED1. It is expected that it will become a Strategic High Amenity Site through the period of the LDP, whereby the restructuring of the existing Industrial Estate is necessary in order to promote the area as a high amenity estate through a more efficient use of land and buildings.

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Development on land immediately adjacent to the A6091 should be of high quality and design within the Class 4 use. Careful consideration would require to be given to landscaping, particularly along the southern edge of the site, in order to ensure an attractive edge to the business and industrial site.

#### TWEEDSIDE BUSINESS PARK (zEL59):

- This is a strategic high amenity safeguarded business and industrial site as defined in Policy ED1.

#### SITE EAST OF RAILWAY TERMINAL (MTWEE001):

- Access via existing Tweedside Park (zEL59) to the

east and from zRS1 to the west.

- Appropriate planting required on mutual western boundary with railway station.
- New site to be formed for mixed use purposes along with the restructuring of the existing landholdings within Tweedbank Industrial Estate.
- It is expected that the site would be developed for commercial mixed use. Housing would not be appropriate on this site, given it's proximity to the Railway Station (zRS1) and the business and industrial land to the east (zEL59).

### LANDSCAPE CONSIDERATIONS

- Existing trees within the boundaries and on the perimeter of zEL39 are protected by a Tree Preservation Order. These trees were planted when the estate was first established and provide screening from Tweedbank Drive and the adjacent A6091 road as well as from the Melrose roundabout to the east. Further, trees to the north west and south west edges of the estate screen it from existing residential development and community facilities to the west.
- A survey of the trees has been undertaken and identifies potential areas for development, subject to the need for consent to undertake any work to the protected trees.

### ENERGY EFFICIENCY

- In respect of the overall Central Borders Business Park, good, careful design at the outset will minimise the total energy demand for the lifetime of the development and encourage better standards of energy efficiency. Design considerations for the development will help to increase the efficiency of energy and water use. Siting of developments, their orientation and design should be considered to help reduce the energy demand of new buildings in addition to the building standards energy requirements. Opportunities for including an element of on-site renewable energy generation and water recycling will be encouraged, where it will be in accordance with the development parameters set out in the SPZ Scheme (See Part II).
- There is capacity for a local energy network by way of a district heating system. Buildings and open spaces should have renewables generation capacity. Heat recovery technologies would be key (water and air source) as well as photovoltaic and solar thermal. The potential for heat recovery from waste water should be explored.

## SITE CONSIDERATIONS

### VILLAGE CONNECTIVITY

- The main vehicular route through the village providing access to the sites is Tweedbank Drive, linking with the A6091 at either end of the village.
- Pedestrian connectivity within and through Tweedbank varies in definition and quality. A number of core paths and promoted paths lead through the village.
- 'Core Path 189: National Cycle Network—Route 1' runs adjacent to Tweedbank Drive and provides a key link between the railway terminus and beyond. Core and promoted paths within and adjacent to the sites must be maintained and enhanced where possible.
- The potential for new walking and cycling routes should also be considered where applicable.



SG Plan 3: Village Connectivity



## SITE CONSIDERATIONS

### EXISTING UTILITIES

- Utilities generally follow adopted or road network routes. In order to avoid costly utility diversions, it is expected the existing basic infrastructure alignments will be retained. Of particular note in relation to considering future development, is the location of significant gas and electrical infrastructure adjacent to the western edge of the Industrial Estate. These high voltage supply lines are laid below ground and preclude development at this location.

### TRANSPORT & ACCESS

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The potential future extension of the railway beyond its current terminus at Tweedbank must be considered. This would require the exclusion of development along the potential line as well as the reconfiguration of the entrance into the existing railway station car park. A Rail Route Protection Study (2015) undertaken by Mott MacDonald on behalf of Scottish Enterprise found that the extended railway line could extend under the existing road network at Tweedbank Drive/Tweedside Park which would suitably maintain access at this location.

A sympathetically designed footbridge would be required at the railway terminal to link with Tweedbank Drive in order to maintain a suitable access to the tapestry building, the Business Park and beyond. An alternative access from the existing railway terminus into the Business Park to the east would require to be provided.

- A Transport Statement, undertaken by Mott MacDonald in August 2016, recommends that a holistic approach be applied to development of the area, including consideration and implementation of transport measures to facilitate sustainable access, which in turn will support the framework vision of this SG and Simplified Planning Zone. A summary of the key recommendations is contained within Appendix 3 of Part II of this document.
- Road and footpath connections to the adjacent road and path network are essential to encourage onward journeys to/from the railway terminus as well as important links within the business and industrial sites.
- The Border Weaver 'hop-on hop-off' bus service provides a useful link between the Borders Railway Terminal, local communities and visitor attractions. There appears to be an opportunity for a car/bike hire facility within the vicinity of the terminal to provide further opportunity for onwards journeys, particularly in view of the National Cycle Network which runs

- through Tweedbank.

### OTHER CONSIDERATIONS

- Tweedbank is located within the Borders Strategic Green Network which supports economic growth, tourism, recreation, the creation of an environment that promotes a healthier-living lifestyle, and the protection and enhancement of biodiversity, and will have the potential to improve the quality of the water environment, promote flood protection and reduce pollution.
- The eastern most part of the Business Park, off Tweedside Park, is within the National Inventory Battlefield of the Battle of Darnick. There would potentially be requirement for archaeological work within this area. The existing woodland defining the south eastern corner of the Industrial Estate is also within the National Inventory Battlefield. Whilst it is not considered that development within this area would be appropriate, any restructuring of the woodland would require to take this matter into account.
- Any issues relating to surface water flooding would require to be considered and addressed.
- Development must allow for the collection of waste, in line with the principles of Scotland's Zero Waste Plan and the Council's Waste Management Supplementary Guidance.

- Views into the Business Park must be considered, both in terms of the visual prominence of buildings and uses as well as any potential impact upon the sensitive landscape setting. Careful consideration must be given to the fleeting views into the southern part of the Business Park from the A6091.

## EXISTING SITE FEATURES & CONSIDERATIONS

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SG Plan 4—External Site Features and Considerations

## EXISTING SITE FEATURES & CONSIDERATIONS



SG Plan 5—Internal Site Features and Considerations

## SUBMISSION REQUIREMENTS

Part II of this document sets out certain instances in which development is permitted under the Simplified Planning Zone (SPZ) Scheme without the need for planning consent, subject to conditions and parameters.

### WHERE THE SUBMISSION OF A PLANNING APPLICATION IS REQUIRED, THE FOLLOWING DOCUMENTS MAY REQUIRE TO BE SUBMITTED:

- Context study demonstrating an understanding of the local context
- Site photos: highlighting key views and how the design will respond to these
- 3D visualisation material: sketches or computer generated visualisations showing the development in context
- Design statement
- Energy statement
- Landscape plan
- Planting and landscape management scheme
- Drainage Impact Assessment - looking at impact on the catchment area and waste and surface water drainage solutions
- SUDS scheme for treatment of surface water run-off
- Transport assessment/statement
- Ecology assessment
- Archaeological evaluation and appropriate mitigation measures where necessary
- Developer contributions



## KEY CONTACTS WITHIN SCOTTISH BORDERS COUNCIL

### PLACE—REGULATORY SERVICES

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**DRAFT SIMPLIFIED PLANNING ZONE SCHEME**

**CENTRAL BORDERS BUSINESS PARK**

**TWEEDBANK**

Draft

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## INTRODUCTION

### WHAT IS A SIMPLIFIED PLANNING ZONE (SPZ)?

A Simplified Planning Zone (SPZ) is a defined area where the need to apply for planning permission is removed for certain types of development so long as the development complies with the details, conditions and guidance set out in the SPZ Scheme.

The SPZ Scheme offers flexibility to help businesses and industries grow and adapt as well as encourages new opportunities to locate within the Central Borders, whilst maintaining high standards of development, care for the built environment and for the sensitive landscape setting.

Under the Town and Country Planning (Use Classes) (Scotland) Order 1997 changes of use can occur without the need for planning permission. Under the Central Borders Business Park SPZ Scheme there is increased flexibility to change the use of properties. There is also scope to build new premises and/or alter and extend existing buildings without the need for a formal planning application subject to their compliance with the development parameters and conditions detailed in this document. The types of new/additional uses and new development that are approved within the SPZ area are set out in Stage 1 (pages 5 -12).

It is highlighted that if you propose to alter an existing building, erect a building or convert a building it is likely that the submission of an application for a Building Warrant will be required. This is a separate process which is not permitted by the SPZ Scheme.

The aim of the SPZ is to assist in informing investment decisions as businesses and investors are able to establish with certainty and speed the acceptability of their proposals. The savings in terms of time, money and effort in considering these changes and the certainty offered by the SPZ status will help promote the Central Borders Business Park as a location to invest.

### SPZ BOUNDARY

The provisions of this SPZ Scheme apply only to the area identified on the plan below (SPZ Plan 1). Areas outside of this boundary are subject to standard planning controls.

### SPZ PLAN 1—SPZ AREA



# SIMPLIFIED PLANNING ZONE SCHEME

## SPZ DURATION

The provisions of this SPZ Scheme are valid for a period of **ten years** from the date of its commencement on **X**. Scottish Borders Council has the right to propose alterations to the Scheme including to add to, remove or otherwise alter the planning controls (see page 22).

## HOW TO USE THE SCHEME

In using this SPZ Scheme there are three stages that require to be followed when proceeding with your development proposals within the Central Borders Business Park (see SPZ Figure 1).

Development is approved by this SPZ Scheme where it is in accordance with the development parameters (Stage 1), and complies with the conditions attached to the Scheme (Stage 2).

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## SPZ FIGURE 1—OPERATION OF THE CENTRAL BORDERS BUSINESS PARK SPZ

### Stage 1 | What type of developments are permitted?



The types of development and uses that are allowed by the Scheme and what still requires consent are set out in pages 6 - 12.

### Stage 2 | Conditions and informatives



A number of standard planning conditions apply to the development proposals eligible under the Scheme along with additional information required by conditions.

There may be other matters you need to consider, such as the submission of an application for a building warrant or advertisement consent. What additional information does the condition require?

### Stage 3 | Notifications



Notify Planning Authority of development proposal in line with SPZ Scheme.

Notify Planning Authority of commencement and completion of development.

**PLEASE NOTE THE SPZ SCHEME DOES NOT SEEK TO DISCOURAGE THE SUBMISSION OF FORMAL PLANNING APPLICATIONS FOR ANY OTHER USE UNDER NORMAL DEVELOPMENT MANAGEMENT PROCEDURES WHICH DO NOT FALL WITHIN THE REMITS OF THE SPZ SCHEME.**

## STAGE 1 | WHAT TYPES OF DEVELOPMENT ARE PERMITTED?

### SPZ ZONES

The SPZ has five zones:

**Zone A: Mixed Use Zone**—Zone A covers a mixed use site to the immediate east of the Railway Terminal. The Local Development Plan expects that the site will be developed for commercial mixed use purposes (housing would not be acceptable). Appropriate planting would be required along the mutual western boundary with the railway terminal, whilst allowing for pedestrian/vehicular permeability.

**Zone B: Core Business Zone**—Zone B covers Tweedside Park which is currently dominated by existing business uses. This zone will remain focused towards this type of use.

**Zone C: Gateway Mixed Use Zone**—Zone C is focused on the gateway into the Business Park from the railway terminal and the Great Tapestry of Scotland building. This zone has a wider mix of uses, albeit some are restricted to a limited floorspace namely two units, each with a maximum floor area of 70m<sup>2</sup> (gross internal area) offering the opportunity for shop uses. Building heights in this area are less uniform and there is potential to reinforce the gateway character through the use of taller, landmark buildings. A shared surface / plaza is required at the access into the business park at the railways terminus roundabout in order to provide a setting for the Great Tapestry of Scotland Building and an attractive entrance feature.

**Zone D: Tweedbank Industrial Estate**—Zone D is a more traditional business and industrial site and the SPZ Scheme continues to safeguard this area for Class 4 (business), 5 (general industrial) and 6 (storage or distribution) uses to maintain its established function and protect it from inappropriate development that could undermine its existing and future operational capabilities.

**Zone E: Tweedbank Industrial Estate Business Zone**—Zone E will become a business focused zone with its more prominent location in respect of visibility from the Class A road to the south and on the entrance into the Business Park. The SPZ seeks to ensure high quality development at this location and gives careful consideration to planting along the southern boundary of the site in order to secure a degree of visibility but also an appropriate screen in view of the sensitive location of the site adjacent to the Special Landscape Area.

## STAGE 1 | WHAT TYPES OF DEVELOPMENT ARE PERMITTED?

### WHAT TYPES OF DEVELOPMENT ARE APPROVED BY THE SPZ SCHEME?

Development is approved within the SPZ area subject to the development parameters set out in SPZ Table 2 and the text on page 11. This allows for certain changes of use, new buildings, external alterations and other minor works within the Central Borders Business Park. All development must also comply with the conditions attached to the Scheme (SPZ Table 3), the Design and Landscape Framework (Appendix 1), the Transport Design Guidance (Appendix 2) and Transport Statement (Appendix 3). Together, the development parameters and zoning of the Park will control the quantum of development and its location to ensure the main focus of the Park continues to be for business and industrial uses in accordance with Local Development Plan policies. SPZ Table 1 details the types of uses that are approved under this SPZ scheme, broken down into five zones and Plan 2 defines the boundaries of the zones. Page 11 details the types of new development, such as new buildings and extensions approved under this SPZ Scheme. A proposal for any other use or development type will not be permitted by this Scheme. **If you propose to alter an existing building, erect a building or convert a building it is likely this will require a Building Warrant application.**

SPZ Table 1

Zone	Uses and Developments Permitted
A	<p><b>Use Class 4—Business</b> (e.g. Offices other than that specified under Class 2, research and development of products or processes, light industry*)</p> <p><b>Use Class 7—Hotels &amp; Hostels</b> (e.g. Hotel, boarding and guest house, hostel)</p>
B	<p><b>Use Class 4—Business</b> (e.g. Offices other than that specified under Class 2, research and development of products or processes, light industry*)</p>
C	<p><b>Use Class 1—Shops</b> (two units each with a maximum floor area of 70m<sup>2</sup>)</p> <p><b>Use Class 4—Business</b> (e.g. Offices other than that specified under Class 2, research and development of products or processes, light industry* )</p>
D	<p><b>Use Class 4—Business</b> (e.g. Offices other than that specified under Class 2, research and development of products or processes, light industry*)</p> <p><b>Use Class 5—General Industry</b> (use for the carrying out of an industrial process other than one falling within the Class 4 (Business) definition)</p> <p><b>Use Class 6—Storage or Distribution</b></p>
E	<p><b>Use Class 4—Business</b> (e.g. Offices other than that specified under Class 2, research and development of products or processes, light industry*)</p>

\*Examples only, for a full list of uses please see The Town & Country Planning (Use Classes) (Scotland) Order 1997



SPZ PLAN 2—SPZ ZONES

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SIMPLIFIED PLANNING ZONE SCHEME: CENTRAL BORDERS BUSINESS PARK, TWEEDBANK

## STAGE 1 | WHAT TYPES OF DEVELOPMENT ARE PERMITTED?

SPZ TABLE 2—DEVELOPMENT PARAMETERS

	Use Class	Parameter	Restrictions	Reason
<b>DP1</b>	Non classified (sui generis) - Sale and display of motor vehicles	Not permitted by the SPZ Scheme	Zones A, B, C, D & E—No development in Non-classified (sui generis): Sale and display of motor vehicles.	Non-classified (sui-generis): Sale and display of motor vehicles is not permitted by the SPZ scheme in the interests of protecting the strategic safeguarded and strategic high amenity safeguarded business and industrial sites.
<b>DP2</b>	Class 1 Shops	2 units each with a maximum floor area of 70m <sup>2</sup> permitted in Zone C only	Zones A, B, D & E—No development in Class 1 permitted by the SPZ scheme.  Zone C—Class 1 permitted by the SPZ scheme. No more than 2 contiguous Class 1 units are permitted by the SPZ scheme in Zone C.	Complementary uses that can support the viability and sustainability of the Business Park but are subject to specific controls to safeguard the main industrial and business function, and to avoid a scale of retailing that would normally be directed to town centres.
<b>DP3</b>	Class 2 Financial, Professional and Other Services	Not permitted by the SPZ Scheme	Zones A, B, C, D & E—No development in Class 2 permitted by the SPZ scheme.	Class 2 is not permitted by the SPZ scheme in the interests of protecting the strategic safeguarded and strategic high amenity safeguarded business and industrial sites.
<b>DP4</b>	Class 3 Food & Drink and hot food takeaway (sui generis)	Not permitted by the SPZ Scheme	Zones A, B, C, D & E—No development in Class 3 permitted by the SPZ scheme.	Class 3 is not permitted by the SPZ scheme in the interests of protecting the strategic safeguarded and strategic high amenity safeguarded business and industrial sites.
<b>DP5</b>	Class 4—Business	Permitted by the SPZ Scheme.	Zones A, B, C, D & E—Class 4 permitted by the SPZ Scheme.	To provide business floorspace as part of the Business and Industrial Land allocation in accordance with Local Development Plan policies.

## STAGE 1 | WHAT TYPES OF DEVELOPMENT ARE PERMITTED?

	Use Class	Parameter	Restrictions	Reason
<b>DP6</b>	Class 5—General Industrial and Class 6—Storage and Distribution	Permitted by the SPZ Scheme.	Zones A, B, C & E—No development in Class 5 and/or Class 6. Use Classes 5 and 6 are permitted by the SPZ Scheme in Zone D.	To provide a maximum quantum of general industrial and storage/distribution floorspace as part of the overall Business Park.
<b>DP7</b>	Class 7 Hotels and Hostels	Permitted in Zone A only	Zones B, C, D & E—No development in Class 7 permitted by the SPZ scheme.  Zone A—Class 7 permitted by the SPZ scheme.	To direct this type of complementary use to Zone A to support users of the Railway terminal and the viability and sustainability of the Business Park.
<b>DP8</b>	Class 8 Residential Institutions Class 9 Houses  Class 11 Assembly and leisure and theatre , motor vehicle or firearm sport (sui generis)	Not permitted by the SPZ Scheme.	Zones A, B, C, D & E—No development Classes 8, 9, and/ or 11 and non-classified (sui generis): theatre , motor vehicle or firearm sport	Classes 8, 9 and 11 and non-classified (sui-generis) theatre , motor vehicle or firearm sport is not permitted by the SPZ scheme in the interests of protecting the strategic safeguarded and strategic high amenity safeguarded business and industrial sites.
<b>DP9</b>	Class 10 Non-residential institutions	Not permitted by the SPZ Scheme.	Zones A, B, C, D & E—No development in Class 10 permitted by the SPZ scheme.	Class 10 is not permitted by the SPZ scheme in the interests of protecting the strategic safeguarded and strategic high amenity safeguarded business and industrial sites.
<b>DP10</b>	N/A	Not permitted by the SPZ Scheme.	Temporary buildings are not permitted within the SPZ boundary, unless with separate planning permission.	Temporary buildings are not permitted by the SPZ Scheme in the interests of amenity.

## STAGE 1 | WHAT TYPES OF DEVELOPMENT ARE PERMITTED?

### Notes:

1. All measurements are in square metres (gross internal area) unless otherwise stated.
2. Units cannot be merged to form a larger planning unit where the resultant unit would be larger than the maximum permitted unit size identified for each zone, without separate planning permission.
3. Where existing floorspace is redeveloped the floorspace lost can be re-provided elsewhere within the SPZ area subject to compliance with the SPZ parameters.
4. The boundaries of the SPZ zones are shown in SPZ Plan 2.
5. Development activity and the parameter floorspace will be monitored throughout the Scheme and the Council will endeavour to publish an annual monitoring report of approved development. Developers are required to notify the Council of the commencement and completion of development using the forms in Appendix 4.

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## STAGE 1 | WHAT TYPES OF DEVELOPMENT ARE PERMITTED?

### CHANGE OF USE

Change of use development is permitted provided that the proposed use and level of floorspace is within the provisions of the SPZ Scheme and is in accordance with the planning conditions.

### CONSTRUCTION

New build and extensions development is permitted provided the proposed use and level of floorspace is within the provisions of the SPZ Scheme and is in accordance with the planning conditions, the Design and Landscape Framework (Appendix 1), Transport Design Guidance (Appendix 2) and Transport Statement (Appendix 3).

### INFRASTRUCTURE

Development of infrastructure to support the functioning of the Business Park is permitted subject to compliance with the planning conditions, the Design and Landscape Framework (Appendix 1), the Transport Design Guidance (Appendix 2) and Transport Statement (Appendix 3). For the purposes of this SPZ Scheme, infrastructure proposals includes:

- New roads and pathways/cycleways and alterations to existing roads and pathways/cycleways, in both the private and public realms.
- New external lighting in both the private and public realm, and alterations to existing lighting.
- Infrastructure associated with the delivery of sustainable transport measures (examples include but are not limited to cycle parking, cycle docking stations, electric charging points, inductive charging points and bus stops/shelters).
- New waste storage and collection facilities, where these are strictly ancillary to the main use, or for the purpose of collecting waste in the public realm.

### MINOR OPERATIONAL DEVELOPMENT

Minor operational development is permitted subject to compliance with the planning conditions and Design and Landscape Framework. For the purposes of the SPZ Scheme, minor operational development includes:

- Changes to the external appearance of buildings, including recladding, alterations to access, doors and windows
- Installation of plant to serve the existing or proposed building(s)
- Landscaping (including hard and soft materials) of individual plots
- Landscaping (including hard and soft materials, street furniture and public art)

### DESIGN AND LANDSCAPE FRAMEWORK

The SPZ Scheme does not remove the requirement for good design or consideration of the built and natural environment. The Design and Landscape Framework (Appendix 1) for the SPZ is appended to this Scheme and must be considered in all development proposals, in accordance with the planning conditions.

## STAGE 1 | WHAT TYPES OF DEVELOPMENT ARE PERMITTED?

### WHAT STILL REQUIRES CONSENT?

#### Proposals Not Permitted by the Scheme

Proposals falling outside of the SPZ Scheme that require planning consent will be considered by way of a planning application and determined by the Council. Scottish Borders Council continue to welcome such submissions.

#### Permitted Development Rights

This Scheme does not affect existing permitted development rights afforded under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). The amended order, subject to specified criteria, allows for certain alterations and extensions to commercial properties and minor developments such as access ramps and the installation of vehicle recharging electrical outlets.

Any alterations or extensions to permitted development rights which may subsequently emerge through future regulatory change would also be available.

#### Other Consents

The SPZ Scheme relates only to planning permission. It is the developer's responsibility to ensure compliance with all other relevant legislation and requisite fees. **For example, separate approval will be required from the Local Authority for, if applicable, Building Warrants. Refer to page 19 for further guidance.**

#### Advertisement Consent

Proposals for signs and advertisements, unless having deemed consent, will require approval under the terms of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) or its replacement.

Certain types of advertisement do not need permission under the regulations. As a guide you will normally need to apply for permission for most illuminated signs, advertisements using special structures for display such as poster hoardings and large signs or those positioned high up on buildings.

For a full list of advertisements which can be displayed without consent please see Schedule 4 of the Advertisement Regulations. The Advertisement Regulations are complex and it is always advisable to check the position with the Council's Development Management Section before proceeding.

## STAGE 2 | CONDITIONS AND INFORMATIVES

### PLANNING CONDITIONS AND INFORMATIVES

Development permitted by this SPZ Scheme is subject to planning conditions as shown in SPZ Table 3. Developers should note that some of the conditions are pre-commencement conditions, requiring details to be approved prior to development starting.

Where conditions require further details to be submitted to the Local Authority, Scottish Borders Council will endeavour to provide a response regarding the acceptability of the submitted information within 21 days of receipt.

**It is the developer's responsibility to ensure that development is fully in compliance with these conditions and informatives.**

### VARIATION OR REMOVAL OF PLANNING CONDITIONS

Development carried out under the provisions of the SPZ must adhere to any relevant, applicable condition contained within the SPZ Scheme. There is no scope to vary or remove planning conditions attached to the SPZ Scheme other than in the circumstances when the Council choose to alter the Scheme.

Where developers wish to carry out development without complying with a condition contained within the SPZ Scheme, an application for planning permission must be submitted for consideration by the Council.

## STAGE 2 | CONDITIONS AND INFORMATIVES

SPZ TABLE 3—SPZ CONDITIONS

1	All development shall comply with the parameters of the SPZ Scheme as set out in SPZ Table 2.	Reason: To ensure the development accords with the provisions of this Scheme.
2	All development shall accord with the terms of the SPZ Design and Landscape Framework, the Transport Design Guidance and Transport Statement as set out in Appendices 1, 2 and 3.	Reason: To ensure that all development accords with the terms of this Scheme.
3	For the avoidance of doubt, there shall be no retail from the Class 4, 5 and 6 units in the SPZ area. Any ancillary trade sales should be no more than 20% of the ground floor area of the unit.	Reason: To ensure that the main purpose of the site is retained for business and industrial uses.
4	Waste and recycling storage areas must be located away from principal frontages and be screened from the road.	Reason: To maintain and enhance the visual amenity of the area.
Page 52 9	<b>Car and Cycle Parking</b>	
	Car parking shall be provided in accordance with non-car accessibility Level D in the SEStran Parking Standards publication.	Reason: To ensure that adequate parking provision is made whilst encouraging the use of public transport.
	Provision shall be made for in the design of the development for the parking of cycles. This provision shall be safe, sheltered and secure in accordance with para 7.4 of Appendix 2—Transport Design Guidance. The cycle parking shall be available for use before the development is occupied and thereafter retained.	Reason: To ensure that cycle parking is available for the users of the development and to reduce reliance on the private car.
7	Car parking area(s) shall be permeable hardstanding with water attenuation, or other SUDS treatment as promoted in the SUDS For Roads Guide by SCOTS and SUDS Working Party. Loose material is not acceptable for any car park surface. Car parking spaces (each space measuring 2.5 x 5.0 metres) and aisles (6 metres wide) shall be clearly delineated on the ground. The car parking area(s) shall be available for use before the development/ the part of the development served by the car parking in question is occupied.	Reason: To attenuate drainage from the site in the interest of flood control; to keep the road free of loose material in the interests of pedestrian and vehicular safety; and to ensure that car parking is available for the occupiers/users of the development.
<b>Contamination</b>		
8	No development shall commence within Zone A until a detailed scheme to identify and assess potential contamination on site has been submitted to and	Reason: To Ensure that the potential risk to human health, the water environment, property and ecological systems arising from any identified land



agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the approved scheme. The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version (s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

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

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are

contamination have been adequately addressed.

## STAGE 2 | CONDITIONS AND INFORMATIVES

	required as part of the development construction detail, commencement must be agreed in writing with the Council.	
	<b>Roads and Access</b>	
9	No work shall commence on any works in respect of the formation, alteration or reconfiguration of a junction without the prior written approval of the planning authority. Fully detailed drawings of all proposed works shall be submitted for prior written approval and shall be developed in accordance with the design principles detailed in Appendix 2—Transport Design Guidance. The scheme thereafter agreed shall be implemented in full and in the approved manner.	Reason: To ensure that the standard of junction layout complies with the current standards and to minimise interference with the safety and free flow of traffic on the road network.
10	No fences or walls more than 900mm high which would affect driver visibility shall be erected within the visibility splay of a vehicular access.	Reason: To ensure that the access complies with approved standards in the interests of pedestrian and vehicular safety.
Page 54	Provision shall be made within the site for pedestrians and cyclists, in accordance with the Transport Statement (Appendix 3) of the Simplified Planning Zone Scheme and in agreement with the Local Planning Authority. The timeline for such provision shall be agreed in writing by the Local Planning Authority before the development is commenced.	Reason: To ensure a satisfactory level of provision for pedestrians and cyclists.
	<b>Environment</b>	
12	All development shall comply with the Design and Landscape Framework as set out in Appendix 1.	Reason: In the interests of the visual amenity of the area.
13	External lighting shall be provided in accordance with BS.5489, 1977. The lighting shall be installed for use before the development is occupied and shall thereafter be maintained.	Reason: In order to help make the site more secure.
14	The trees on this site which are covered by the Tree Preservation Order (SPZ Plan 3), shall be protected at all times during construction and building operations, by the erection of substantial timber fences around the trees, together with such	Reason: To ensure that adequate precautions are taken to protect trees during building operations.

## STAGE 2 | CONDITIONS AND INFORMATIVES

14	<p>other measures as are necessary to protect the trees and their roots from damage. Details of the methods it is proposed to use shall be submitted by the applicant to the Local Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed.</p>	
	<p><b>Drainage and Flooding</b></p>	
15	<p>No development shall commence within Zones D and E until surface water flood risk is assessed and precise details of surface water disposal have been submitted to and approved in writing by the Planning Authority and thereafter no development shall take place except in strict accordance with the approved details.</p>	<p>Reason: To ensure adequate drainage within the SPZ area and to ensure suitable mitigation of potential future flooding events.</p>
16	<p>The means of surface water disposal to be in accordance with Sustainable Urban Drainage principles to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development then to be implemented in accordance with the approved details.</p>	<p>Reason: To ensure that adequate and appropriate means are used in the disposal of surface water.</p>
	<p><b>Archaeology</b></p>	
17	<p>No development shall take place within the National Inventory Battlefield— Battle of Darnick (part of Zone B and Zone E) until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist (s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If</p>	<p>Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.</p>

## STAGE 2 | CONDITIONS AND INFORMATIVES

	significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority.	
	<b>Noise</b>	
18	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. All plant and machinery 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.
	<b>Odour / Air Quality / Pest Control</b>	
19	No development shall commence until a plan for the management and control of potential nuisances (including odour, air quality, flies and other pests) that would be liable to arise at the development site as a consequence of and/or in relation to the operation or maintenance of plant, has first been submitted to, and approved in writing by the Planning Authority. Thereafter the approved nuisance control management plan shall be implemented as part of the development.	Reason - To ensure that the operation of the plant hereby approved has no unacceptable impacts upon the amenity of the surrounding area or upon the amenity of any neighbouring residential properties, by ensuring that all potential sources of nuisance are appropriately managed and controlled.

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## STAGE 2 | CONDITIONS AND INFORMATIVES

### INFORMATIVES

Developers must note that compliance with the conditions does not remove the requirement to obtain all other statutory consents. Informatives detailed below are a reminder for developers of some of the issues that they may need to consider.

### SEPA

The applicant must consult the Scottish Environment Protection Agency concerning the proposed development, in respect of legislation administered by that organisation which is likely to affect proposed development.

**Developers must be aware that early contact should be made with SEPA in order to ascertain whether the proposed development would be consentable under SEPA's regulatory regime, this is particularly the case for Class 5—General Industrial activities.**

Phone: 03000 99 66 99 (Customer Enquiries)

### Licensing

If you would like advice or help in making a new application for the grant of a license, or you would like to know whether you need a license for a particular purpose, please contact Scottish Borders Council's Licensing section:

Phone: 01835 826662

### Building Standards

If you propose to alter an existing building, erect a building or convert a building it is likely that you will require a Building Warrant. A warrant will be granted if the proposals meet the requirements of the Building (Scotland) Act 2003. Application forms for a Building Warrant as well as guidance is available on Scottish Borders Council's website. For larger or more complex work, Building Standards will also provide preliminary advice in relation to the regulations.

Building Standards cover all aspects of construction as detailed within the Regulations and Technical Handbooks to:

- Secure the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings;
- Further the conservation of fuel and power; and
- Further the achievement of sustainable development.

Some work however, where it complies with the regulations and on certain building types, can be carried out without Building Warrant approval.

For further information please contact Building Standards:

Phone: 0300 100 1800

### Drainage

The developer should consult Scottish Water in respect of legislation administered by that organisation which is likely to affect development.  
Phone: 0800 077 8778 (Customer Helpline)

### Road Construction Consent

Anyone who needs to build a new road or extend an existing road would require Road Construction Consent (RCC) from Scottish Borders Council. Please contact Scottish Borders Council's Roads Planning Service:  
Phone: 01835 826641

### Asbestos

There is a risk that existing buildings may contain asbestos. If asbestos is present, it should be disposed of by a licensed person(s) and the necessary precautions should be undertaken.

### Tree Preservation Order

Trees within the existing Industrial Estate are protected by a Tree Preservation Order (SPZ Plan 3). Consent would be required from the Tree Officer of Scottish Borders Council to undertake work to or fell a protected tree.

Please contact Scottish Borders Council's Tree Officer:  
Phone: 0300 100 1800

### Ecology

Developers are reminded of their obligations under the provisions of the Wildlife and Countryside Act 1981 (as amended) and The Conservation (Natural Habitats) Regulations 1994 (as amended). This includes the requirement to undertake bat surveys prior to works that would affect trees and buildings, to undertake a breeding bird survey prior to any works that could affect vegetation during the bird breeding season, and to implement appropriate measures to control invasive species.

should be obtained prior to the commencement of works on site.

### Scottish Natural Heritage

The developer should consult Scottish Natural Heritage in respect of potential licensing requirements for protected species.

Phone: 01463 725364

Email: [licensing@snh.gov.uk](mailto:licensing@snh.gov.uk)

### Advertisements

Any advertisement, other than that deemed within the terms of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, will require an application for advertisement consent (See page 12).

### Land Ownership

The applicant is advised that the granting of planning permission through this SPZ Scheme does not remove the requirement to obtain consent from the owner to undertake the development and adjacent landowners in respect of any access required. Such consent

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## STAGE 3 | NOTIFICATIONS

### NOTIFICATION REQUIREMENTS

#### Pre-development notification

Prior to the commencement of development under the provisions of the SPZ Scheme, it is the developer's responsibility to notify the local planning authority using the Pre-development Notification Form attached in Appendix 4.

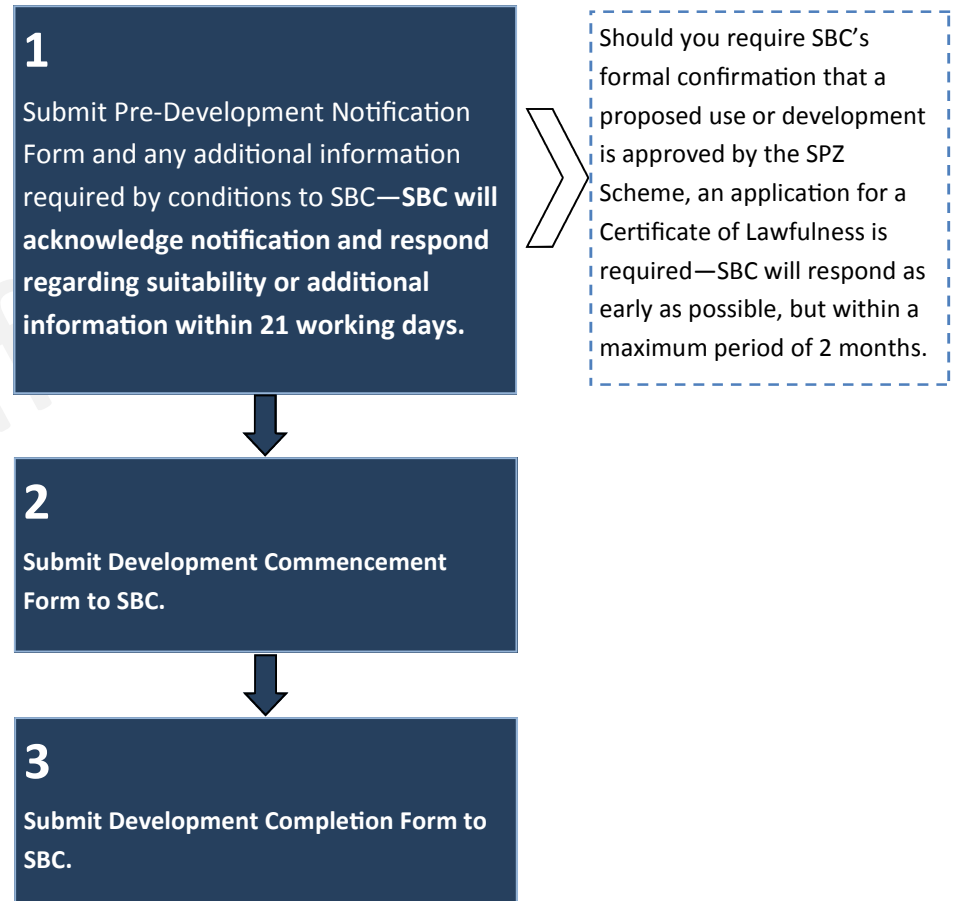
On receipt of a duly completed Pre-development Notification Form, the local planning authority will respond in writing within 21 days to acknowledge the development proposal. Failure to respond in writing within this period, or to request further information (with specified reasons) will be deemed to mean that the pre-notification requirement has been fulfilled.

It is important that accurate information is provided on this form to allow the Council to monitor development activity and ensure that development is in accordance with the SPZ development parameters. Failure to provide accurate information may lead to enforcement action being taken by the Council.

#### Commencement and Completion Notification

In addition to the Pre-development Notification Form developers are required to complete and return notification forms on commencement and completion of a development being carried out under the provisions of this SPZ Scheme (Appendix 4).

### SPZ FIGURE 2—NOTIFICATIONS AND SUBMISSION OF INFORMATION



## Miscellaneous information

### Scheme Compliance and Rights of Appeal

Should prospective developers require SBC's formal confirmation that a proposed use or development is approved by the SPZ Scheme, an application for a Certificate of Lawfulness is required together with the requisite planning fee (Section 151 of the 1997 Act). SBC will endeavour to determine applications for a Certificate of Lawfulness in respect of the SPZ Scheme as early as possible, but within a maximum period of 2 months.

If the application is refused, the applicant will have the normal rights of appeal.

### Environmental Impact Assessment

As set out in Circular 3/2011, any EIA development is explicitly excluded from SPZ Schemes.

### Enforcement

If SBC considers that a development is in breach of the provisions of the SPZ Scheme, or other planning permission, the Council may take enforcement action. This action is undertaken at the discretion of the Council in accordance with SBC's Planning Enforcement Charter March 2014.

### Monitoring Arrangements

For the SPZ Scheme to work efficiently, for outcomes to be measured and for it to achieve its primary objective of encouraging sustainable economic development, it is important that SBC are able to monitor the development activity. Using the information received through the pre-development notification process and the commencement and completion of development forms (Appendix 4).

### Alteration of the SPZ Scheme

SBC intends that the SPZ Scheme will remain unaltered for the entirety of its period of operation (10 years). Under the provisions of Section 53 of the 1997 Act, however, the Council has the right to propose alterations to the Scheme including to add to, remove or otherwise alter the planning controls. In accordance with the regulations, alterations will be subject to further public consultation and will only come into effect 12 months from the date of adoption of the changes.



## APPENDIX 1—Design and Landscape Framework

The Design and Landscape Framework for the Central Borders Business Park sets out criteria, parameters and guidance to deliver a successful place, that is locally distinctive, well designed, interconnected, accessible, a place of diversity, opportunity and a place to invest.

This Framework is designed as a working tool for developers to achieve a high quality built environment that integrates well with the area in terms of pedestrian and transport links. The Design and Landscape Framework sets standards on landscaping, layout and design to foster a dynamic business and commercially attractive environment that can offer opportunities for economic growth.

This framework should be read alongside the SPZ Scheme, with particular attention to its planning conditions.

### Page 28 HOW TO USE THE DESIGN AND LANDSCAPE FRAMEWORK

**All developments must be considered against the guidance set out in this Design and Landscape Framework to ensure that the vision for the SPZ Scheme can be realised and maintained.**

The Design and Landscape Framework is divided into the following sections:

- Sustainability
- Placemaking & Design
- Landscape Framework

### SUSTAINABILITY

- Siting of developments, their orientation and design should be considered to help reduce the energy demand of new buildings in addition to the building standards energy requirements.
- Opportunities for including an element of on-site renewable energy generation and water recycling is encouraged, where it will be in accordance with the development parameters.
- There is capacity for a local energy network by way of a district heating system.
- Buildings and open spaces should have renewables generation capacity. Heat recovery technologies would be key (water and air source) as well as photovoltaic and solar thermal. The potential for heat recovery from waste water should be explored.

### PLACEMAKING & DESIGN

#### Layout

- The position of new or extended buildings should respect existing building lines or establish new strongly defined building lines as set out in the Development Vision (SG Plan 2 of the Supplementary Guidance, page 11).
- The layout and positioning of new or extended buildings should allow for future development and be compatible with existing uses so as not to cause any unacceptable environmental impacts including loss of amenity or adverse effects on neighbouring properties in terms of the use, scale, noise, smell, traffic, hours of operation, vibration, dust or other general disturbance.
- Provision will be made for landscaping, screening and servicing in line with the Landscape Framework.
- Service yards, parking, refuse and storage space will be, where possible, located out of sight of surrounding roads or screened from view.
- Parking provision must meet the standards as set out within Appendix 2, para 8.0.

- Car parking areas will be designed to ensure that they are softened by landscaping but are also visible from the buildings to ensure security and safety.
- Developments should maximise the amount of permeable surfaces with suitable water attenuation measures to minimise surface water run-off.
- New developments will, where possible, ensure access to or connect to walking, cycling and public transport routes.

### Building Design

- The use of distinctive building designs, roofscapes, exemplar quality materials with at least 50% of the frontage glazed is encouraged on the buildings located within the areas identified as 'Key Prominent Buildings', as identified within the Development Vision (SG Plan 2 of the Supplementary Guidance, page 11).
- Buildings will be designed to face the street with main entrances to the buildings visible from the road and adjoining footways.
- All building/structure heights (other than boundary treatments which will comply with the layout criteria) will not exceed two storeys, up to a maximum of 7 metres in height. This is with the exception of the 'key prominent buildings' at the entrances into the industrial estate as identified within the Development Vision of the Supplementary Guidance which could be up to three storeys, up to a maximum of 10 metres in height.
- Roofscapes should be of simple design to ensure consistency of ridge lines and heights throughout.
- The position of chimneys, flues or other external plant and equipment should be located at the least visible locations/positions, screened from view and should not protrude any more than one metre above the roofline.
- All developments will, wherever feasible, consider incorporating renewable or low carbon technology into the building design or layout.
- Elements such as street lighting, paving, landscaping and street furniture should have a unifying theme throughout the SPZ area.
- Boundary walls and fencing along the frontage of developments must not exceed 1.2metres in height (subject to compliance with condition 10) and should be of a material and design appropriate to the area.

- Plaza /shared surface arrangement between the Tapestry Building site and existing Eildon Mill site in order to provide setting to the Tapestry Building.
- Parking for the Tapestry Building to be incorporated within the Eildon Mill site.
- The public realm outside the Tapestry Building should extend across the road to create a large, clear, open and safe high quality public space making a clear connection between the Tapestry Building and it's parking area.

## APPENDIX 2—Design and Landscape Framework

### LANDSCAPE FRAMEWORK

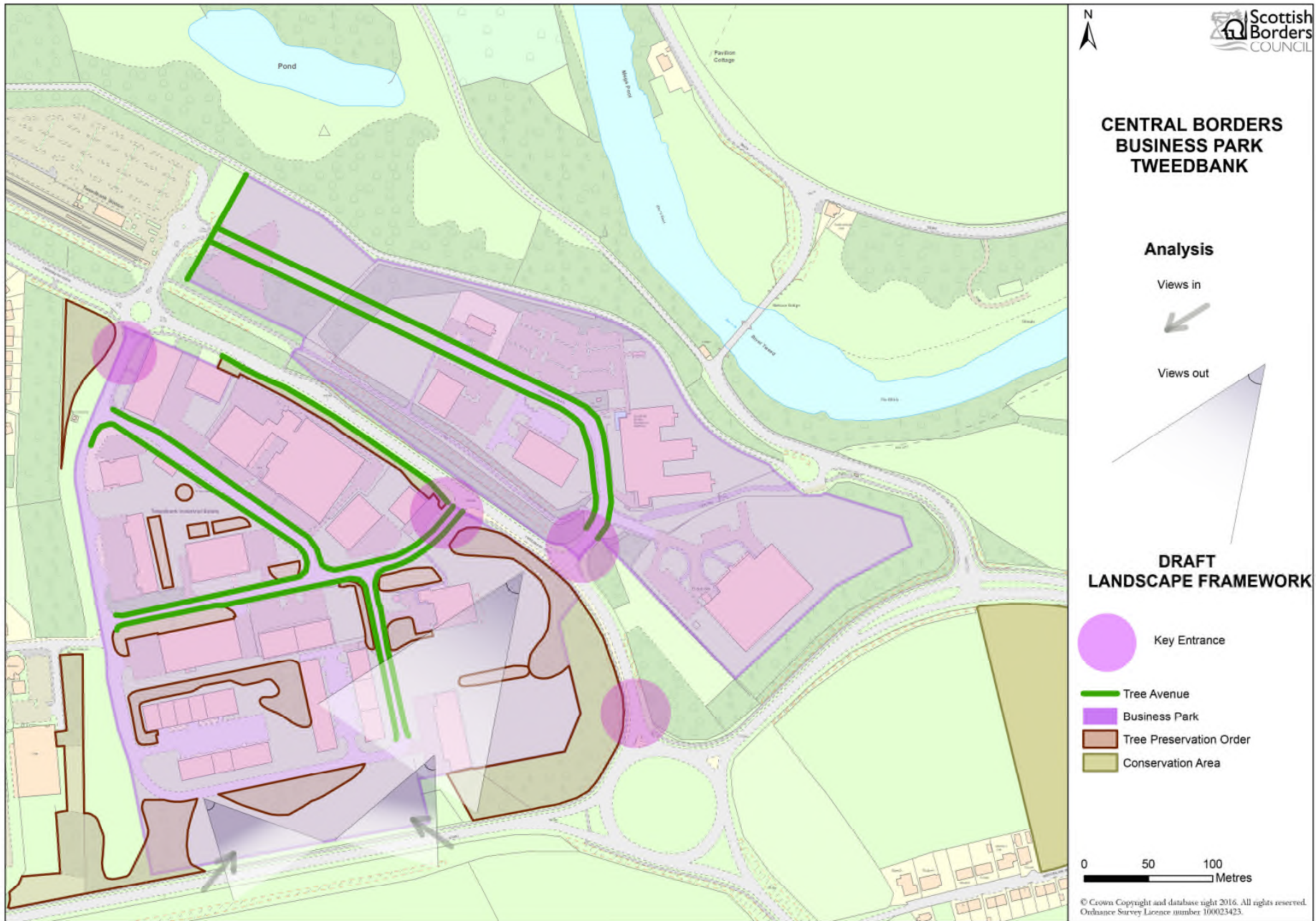
The Landscape Framework will be considered in conjunction with the Design Framework.

The landscape framework includes the following, these will be considered in relation to **all developments** within the SPZ area:

- Trees covered by the Tree Preservation Order (TPO) — consent will be required to undertake any works to the protected trees as detailed in SPZ Plan 3.
- A single entrance feature at the easterly entrance to Tweedbank to raise the profile and prominence of the Central Borders Business Park, as set out within the Development Vision (SG Plan 2 of the Supplementary Guidance, page 11).  
Improved and co-ordinated entrance gateways at the three entrances off Tweedbank Drive as set out in SG Plan 2 of the Supplementary Guidance, page 11.
- In respect of the existing woodland structure, the Tweedbank Industrial Estate and adjacent Tweedside Park benefit hugely from a well-developed woodland structure, much of which is protected by a TPO, which it will be essential to maintain. It should remain a key part of the landscape framework along the edges of the Central Borders Business Park but internally, with the consent of SBC's Tree Officer, there may be scope to undertake works to existing trees.
- A new layer of avenue tree planting along the internal access roads will add another structural landscape element to this business park landscape. The value of avenue tree planting is the relatively limited land take associated with trees, their visual permeability (into site), while still providing a vertical element in the landscape when viewed moving through the landscape. The tree avenues, as set out in SPZ Plan 3, will, where appropriate take into account existing structural tree planting and

build on it rather than replace it e.g. avenue tree planting and beech hedging along both sides of Tweedside Park.

- A subordinate, but no less important, layer of ground cover planting adding a low level horizontal element to the landscape. This groundcover planting will be a simplified version of what has been in place and is now seen as tired and over mature. Beech planted as a single species groundcover will establish through annual maintenance into a block which offers simplicity of form and colour, alternating between a delicate green foliage from May to October and a rich bronze foliage throughout the winter period. The beech block planting can be used strategically, where this is desirable, to limit views and screen at a low level.



## APPENDIX 2—Transport Design Guidance

### 1.0 Introduction

- 1.1 The layout of the existing Business Park is focused primarily on the movement of vehicles. Following the restructuring of the Business Park it is expected there will be a more equal balance between placemaking and movement, where placemaking provides an environment for social interaction and an improved pedestrian setting. Whilst the existing road layout is satisfactory for the most part, there is an opportunity to improve pedestrian/cycle links within the sites.
- 1.2 This guide has been produced to provide advice to prospective developers and occupiers. It does not require a standards based approach to design. Rather it provides a framework which is a guide to development. It refers to **Key Reference Documents** where necessary. Designers are encouraged to consider a design led approach in the context of the ethos for the sites including ensuring the correct balance between place and movement.
- 1.3 Any development which accords with the minimum guidance as set out in this Appendix is acceptable and does not need to be approved by the Local Planning Authority (LPA). If any development departs from this guidance but is in accordance with other local adopted guidance at that time then this does not need to be approved by the LPA. However, if the developer cannot achieve the minimum standards then they will be required to seek specific approval from the LPA.
- 1.4 The Simplified Planning Zone (SPZ) allows permission for the principle of new accesses across the Business Park, where they are required, but the detailed design of the access will need approval under Section 56 of the Roads (Scotland) Act 1984. Vehicular access from a public road or prospective public road should generally be taken via a dropped kerb footway crossing.

#### Key Reference Documents

- 1.5 Established guidance is contained within the following:
- Designing Streets, or its most recent successor
  - The National Roads Development Guide (SCOTS), or its most recent successor
  - Manual for Streets (1 and 2), or the most recent successor of these documents
  - SEStran Parking Standards
  - Cycling by Design 2010 (Transport Scotland)
  - SUDS for Roads and the SUDS Working Party (SCOTS)
  - Roads for All: Good Practice Guide for Roads (Transport Scotland)
- 1.6 The advice set out in this Appendix clarifies the way in which the aforesaid guidance is applied to the land within the SPZ area.

## 2.0 Place and Movement Hierarchy

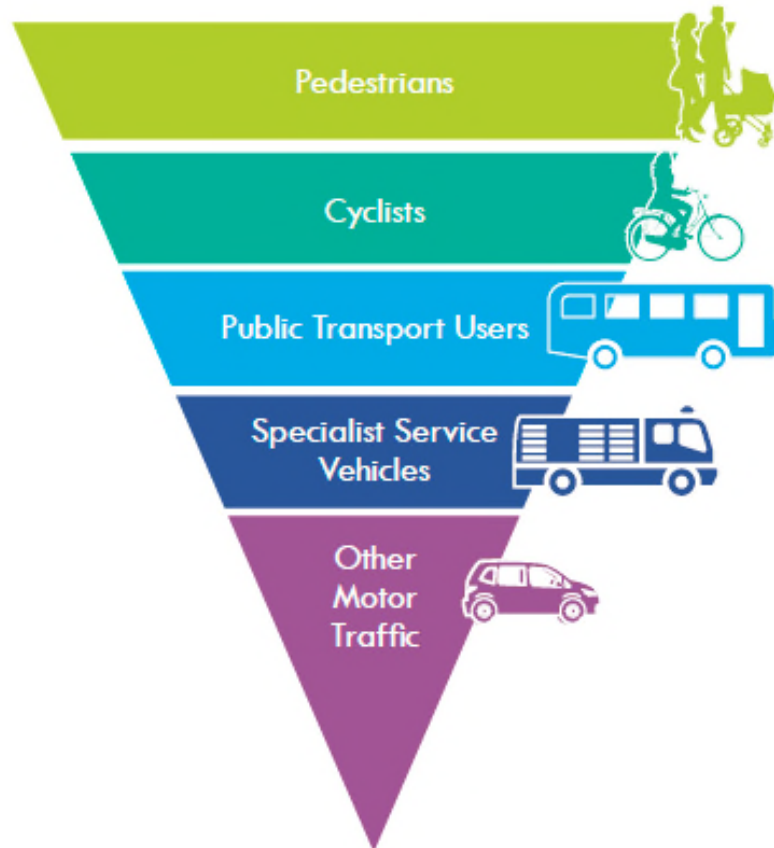
### Place Hierarchy

2.1 The balance between place and movement changes with location, as described within the SPZ Zones on Page 5 of the SPZ.

### User Hierarchy

2.2 The balance between place and movement changes with location however the user hierarchy remains the same and at all times within the Central Borders Business Park pedestrians and cyclists should be a primary consideration in the design of the park. Across the site all streets will be designed according to the user hierarchy shown below.

**SPZ FIGURE 3—Design Hierarchy**



## Movement Hierarchy

2.3 Plan 4 shows the types of street within the Central Borders Business Park and these are described in SPZ Table 4.

### SPZ Plan 4—Hierarchy of Streets



SPZ Table 4—Description of Street Hierarchy

Road Type	Name	Description
<b>Spine Road</b>	Tweedbank Drive	Main road though the Central Borders Business Park, providing the key access to the Railway Terminal from the A6091 and the Business Park itself. Provides access from the main external roads for movement of all modes including Heavy Goods Vehicles and Public Transport.
<b>Inner Primary Street</b>	Railway Station Access Road Tweedside Park	The streets are key routes within the Business Park which provide access to/from key development plots. The inner routes have high levels of pedestrian activity and should be designed at a pedestrian scale to prioritise non-vehicular movement and increase safety within the park.
<b>Secondary Routes</b>	All other streets	These streets are access routes to individual plots but are likely to be used by larger vehicles and are to be designed to prioritise pedestrians and cyclists.

### 3 Street Widths

3.1 The aim is to minimise carriageway width where there will be a significant pedestrian movement. Minimising width will minimise intimidation and contribute to a pedestrian scale. However, roads also need to be functional and serve the industrial and business movements. SPZ Table 5 sets out guidance on minimum carriageway widths for road types for the general areas within the SPZ.

**SPZ Table 5—Street Widths**

Road Type	Minimum Street Widths
Spine Road (Tweedbank Drive)	Existing width (no change)
Railway Station Access Road	Existing width (no change)
Tweedside Park	Existing width (no change). The future road linking Tweedside Park with the Railway terminal would be 7.3m wide as per the existing width of the carriageway.
Secondary routes	All other existing roads are 7.3m wide (carriageway) and there is scope to reduce this width to 6.3m on straight lengths of road and further to 5.5m for identified pedestrian crossing areas. Full detailed drawings of such carriageway narrowing shall be submitted to Scottish Borders Council for prior written approval. Thereafter the Scheme shall be implemented in full in the approved manner.

Page 68

3.2 There will be exceptions to the minimum carriageway widths as shown in SPZ Table 6 below.

**SPZ Table 6—Street Width Exceptions**

	Exceptions
1	Minimum widths are appropriate but when plots are developed the nature of development should be considered.
2	At all junctions and turning areas road widths should be checked using swept path analysis to ensure vehicles do not overrun the footways/cycleways. In areas where overruns are possible then design solutions should be provided.
3	On roads with dedicated on street cycle lanes the carriageway should be wider than the minimums identified above.



#### 4.0 Speed Limits

4.1 SPZ Plan 5 shows the speed limits that are proposed to apply within the SPZ, and on which road design and forward visibility are based.

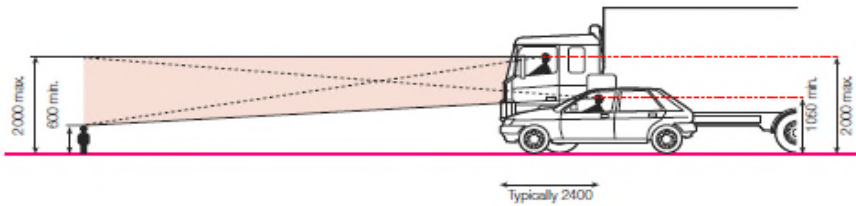
##### SPZ Plan 5—Proposed Speed Limits within Tweedbank Industrial Estate and Tweedside Business Park



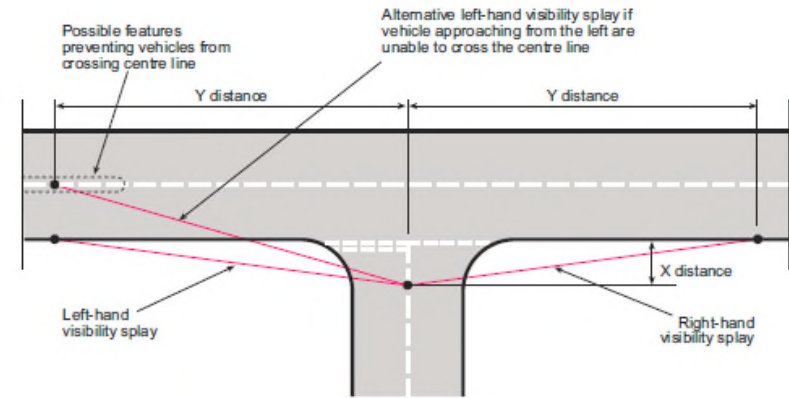
## 5.0 Highway Visibility

5.1 Vertical visibility, forward visibility and visibility at junctions, will be in accordance with SPZ Plans 6, 7 and 8 respectively. The forward visibility distance for bends in the road and Y distance for junction visibility splays will be to the stopping sight distance (SSD) values adjusted for bonnet length in SPZ Table 7. The X distance required for junction visibility splays is 2.4m.

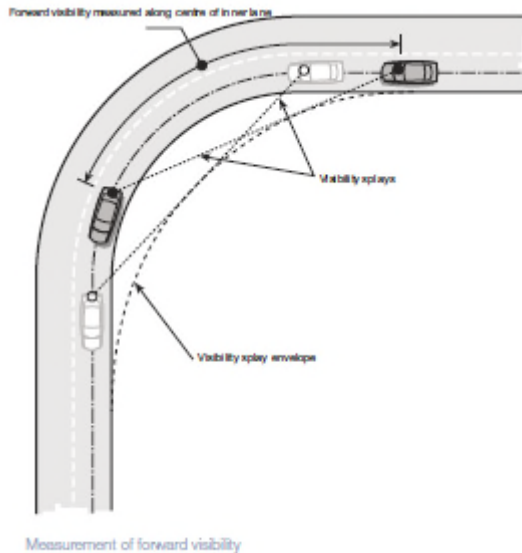
**SPZ Plan 6—Cross Section of Vertical Visibility Envelope**



**SPZ Plan 7—Visibility Splays**



**SPZ Plan 8—Forward Visibility**



**SPZ Table 7—Stopping Sight Distance (SSD)**

Speed	Kilometres per hour	16	20	24	25	30	32	40	45	48	50	60
	Miles per hour	10	12	15	16	19	20	25	28	30	31	37
	SSD (metres)	9	12	15	16	20	22	31	36	40	43	56
	SSD adjusted for bonnet length	11	14	17	18	23	25	33	39	43	45	59

## 6.0 Junction Spacing

- 6.1 On Tweedbank Drive the number of junctions will be limited in the interests of prioritising movement. Away from this street, there is less restriction on the number of junctions, or junction spacing.
- 6.2 The need for junctions will need to consider a range of factors such as need for access, impact of that access, interaction between junctions and the effect on road safety and user delay.
- 6.3 In relation to any new accesses, the SPZ allows permission for the principle of new accesses across the Central Borders Business Park, where new accesses are required, but the detailed design of the access will need approval under Section 56 of the Roads (Scotland) Act 1984.
- 6.4 SPZ Table 8 provides guidance on junction access spacing per area and is based on the visibility splays shown at SPZ Plan 7.

### SPZ Table 8—Junction Spacing

Road Type	Guidance
Tweedbank Drive and the Railway Terminal access	New junctions will only be allowed through consultation with the Local Roads
Tweedside Park	Minimum 43m
All other streets	Minimum 25m

- 6.5 It should be noted that any departures from the minimum junction spacing in SPZ Table 8 above will be allowed as long as the developer accords with the guidance in the Key Reference Documents. If the developer is not able to accord with either the guidance in SPZ Table 8 or the Key Reference Documents then they will be required to reach agreement with the LPA.

## 7.0 Pedestrians and Cyclists Provision

- 7.1 'Roads for All: Good Practice Guide for Roads' by Transport Scotland details requirements for inclusive design in the construction and operation of road infrastructure. This guidance will apply for the road infrastructure in the Central Borders Business Park.
- 7.2 Cyclists should be able to share both road carriageways and pedestrian routes.

- 7.3 New routes for pedestrians and cyclists will be a minimum of 2.5m in a bound surface. Such provision must be made in/adjacent to the road boundary adjacent to the site frontage.
- 7.4 All new buildings should provide secure and weather protected cycle parking at least in accord with the guidance document—Cycling by Design 2010 by Transport Scotland.
- 7.5 The occupants of new buildings should provide for showering facilities for cyclists and pedestrians and storage facilities for cycle equipment. These facilities do not need to be within the occupied building but they do need to be within reasonable reach by foot from the building.

## 8.0 Car Parking

- 8.1 Car parking shall be provided on the basis of Non-car Accessibility Level D in the SEStran Parking Standards publication. Although these are maximum standards of provision they will generally be the expected level of provision with the maximum provision numbers for Level C acting as an absolute minimum provision.

## APPENDIX 3—Transport Statement

A Transport Statement has been undertaken by Mott MacDonald on behalf of Scottish Borders Council to provide traffic and transport related information that will complement and support the SG and SPZ for the Central Borders Business Park.

A detailed review of existing conditions has been carried out in the vicinity of the proposed development and traffic analysis undertaken to predict potential future traffic levels in line with indicative phasing provided by SBC. This has informed the following key recommendations:

### Non-motorised users

- Facilities for pedestrians and cyclists within the Business Park are limited and improvements to infrastructure and facilities will be required as part of the proposed development to better accommodate access for these users.
- Within the industrial estate (south of Tweedbank Drive) it is recommended that where development takes place on both sides of an internal access road, a 2m wide footway should be provided on both sides of the road. Where development is on one side of an internal access road, a 2m wide footway should be provided on that side of the road.
- To improve access for both cyclists and pedestrians using Core Path 7 it is recommended that a 3m wide shared use footway be provided.  
To assist cyclists and pedestrians at the eastern end of Core Path 7 to cross Tweedbank Drive, it is recommended that a controlled crossing be considered on Tweedbank Drive between the priority access on the south side of the road and the Tweedbank Drive/Tweedside Park priority junction.
- As there is no footway on the north side of Tweedbank Drive, a new link should be provided between the proposed new crossing point and the path that runs along the solumn of the former railway line, thus providing a connection to Core Path 189/NCN 1 and the proposed development area on the north side of Tweedbank Drive.
- Should the railway line be extended south of Tweedbank the section of path utilising the solumn of the former railway line could if necessary be replaced by a new section of footway along the northern verge of Tweedbank Drive between the controlled crossing point and the Tweedside Park priority junction. Preliminary investigation suggests that there is sufficient width for this to be accommodated.
- It is recommended that improved pedestrian linkage be provided from Tweedbank Drive into the proposed development area on the south side of Tweedbank Drive at locations between the existing east and west accesses. This will aid permeability for pedestrians along the northern boundary of the site between the two existing vehicular accesses.
- It is recommended that a shared use footway be provided between the Tweedbank Drive/Station Access roundabout and Tweedbank View on the west side of the internal access road. This will also provide enhanced connectivity to Core Path 7 that runs through the site.
- It is recommended that a raised shared use surface area be provided between the Tweedbank Drive/Station Access roundabout and the first priority junction within the site approximately 65m south of the roundabout. This will act as a traffic calming feature and will also assist in discouraging inappropriate vehicular use of this access.

### Public Transport

- Should the railway line be extended south of Tweedbank, it is recommended that buses continue to serve the station, albeit via Tweedside Park, as access via the Tweedbank Drive/Station Access roundabout would be severed. In this event, bus stop infrastructure including bus stops, shelters and passenger information should be provided along Tweedside Park between its junction with Tweedbank Drive and the existing stop at the railway station.

### Vehicular Access

- Should the railway line be extended south towards Hawick, the existing access into the station via the Tweedbank Drive/Station Access roundabout would be severed by the railway and access to the station would be taken via Tweedbank Park.
- The existing access into the Industrial Estate from the north east from Tweedbank Drive should become the priority access to the proposed development for use by business and industrial related traffic and the access via the Tweedbank Drive/Station Access roundabout be used to access the Great Tapestry of Scotland Building and the Tweedbank Sports Complex.

### Junction Assessment

- Full junction capacity analysis at each of the three junctions that currently provide access to the Business Park should be undertaken.

### Parking Arrangements

- Designated spaces for cycle parking should be provided which should be dispersed across the proposed development area. Good visibility and lighting is necessary in these areas to ensure appropriate security.

### Road Signage

- It is recommended that the signing strategy be extended to cover traffic travelling to the proposed Central Borders Business Park and that signing on both the A6091 roundabouts, as well as on Tweedbank Drive be amended to reflect this.
- It is further recommended that signing be provided on Tweedbank Drive to indicate to drivers that general access to the proposed development on the south side of Tweedbank Drive be taken via the priority access, whilst access to the Great Tapestry of Scotland Building and the Tweedbank Sports Complex be taken via the Tweedbank Drive/Station Access roundabout.

### Speed Limits

- The strategy should be kept under review and speeds along Tweedbank Drive should continue to be monitored.

### Traffic Calming

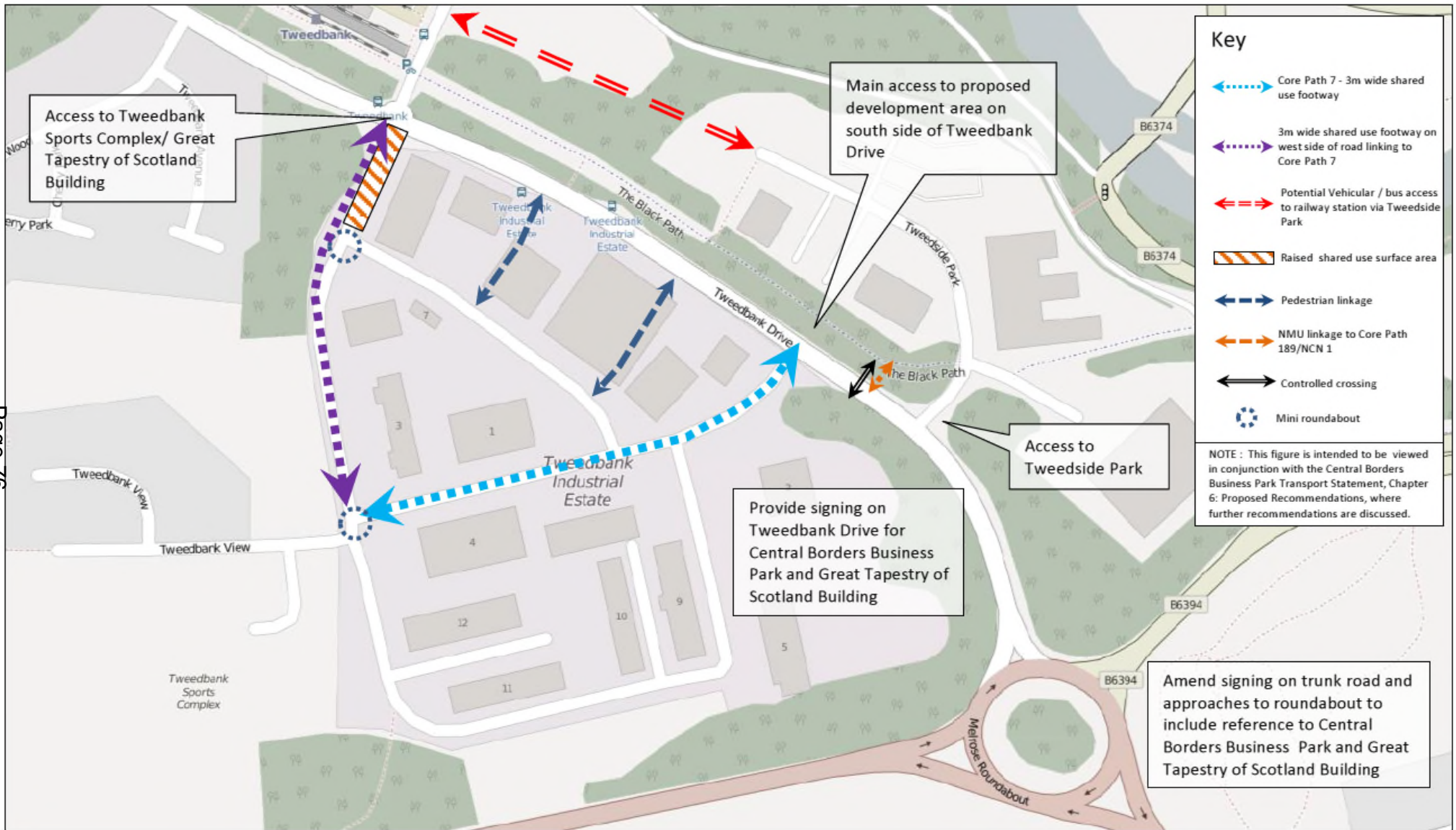
- It is recommended that ongoing monitoring of traffic volumes and speeds be undertaken and for the situation to be kept under review in consultation with the local community.

- Implementation of mini-roundabouts would act as traffic calming/speed reducing features on what is the longest straight length of road within the proposed development area. At mini roundabout at the most southerly of the above two referred junction locations would require the approach arm from Tweedbank View to be realigned in order for the mini-roundabout to be accommodated, within Tweedbank Industrial Estate, the provision of mini-roundabouts between Tweedbank Drive and Tweedbank View should be considered, to help provide traffic calming facilities in the vicinity of the Great Tapestry of Scotland building.

The aforesaid recommendations are reflected in SPZ Plan 6.

Draft

SPZ Plan 6: Proposed Indicative Transport Measures





## APPENDIX 4—Pre-development notification form

### Notes for developers

By submitting this form you are notifying the Local Planning Authority (LPA), Scottish Borders Council, that you intend to carry out works that are permitted under the Central Borders Business Park Simplified Planning Zone (SPZ) Scheme.

Completion of this form is a mandatory requirement if development is undertaken under the provisions of the SPZ Scheme. It is essential that the LPA maintains an accurate record of the development activity so that the terms of the SPZ are not exceeded.

On receipt of this form, the LPA will acknowledge within 21 days to the agent or developer (if no agent is specified).

Acknowledgement of the form does not constitute the local planning authority's confirmation that the proposal is compliant with the SPZ. Developers requiring a formal decision from the LPA about the proposal's compliance with the SPZ must apply for a Certificate of Lawfulness of proposed use or development under section 151 of the Town and Country Planning (Scotland) Act 1997.

Please complete this form and return to the LPA together with the following minimum information:

- Site plan (scale 1:1250 or 1:2500)
- Block Plan (1:500 or 1:200)

All measurements should be provided in metric units and floor areas specified as gross internal area (GIA).

The completed form and plans should be sent by post / email to:

Regulatory Services  
Scottish Borders Council  
Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA  
onlineapplications@scotborders.gov.uk

Central Borders Business Park Simplified Planning Zone (SPZ)

Pre-development Notification Form

**Part A: Developer Details**

**Applicant**

Name	
Company/Organisation	
Address	
Postcode	
Telephone Number	
Email	

**Agent**

Name	
Company/Organisation	
Address	
Postcode	
Telephone Number	
Email	

**Part B: Location of Proposed Development**

**Address/location of proposed development:**

--

**Part C: Details of the Proposed Development**

**Description of development or change of use (and Use Classes):**

--

With reference to SPZ Plan X, which zone (or zones) is the proposed development (please tick):

Zone A  Zone B  Zone C  Zone D  Zone E

Gross floor area and use of existing development (GIA):

Gross floor area and use of proposed development (GIA):

With reference to the Building Heights plan (Plan X), what is the height (metres) of the proposed development at its highest point (excluding plant)?

Does the proposal involve demolition of existing floorspace or other existing development?

Yes  No

Estimated date of the commencement of works:

**Part D: Developer Declaration**

I/we hereby give notice of the intention to carry out the above development under the provisions of the Central Borders Business Park SPZ. I/we shall carry out the proposed works in accordance with the details included on this form and the associated scaled plans. I/we confirm that the development will be undertaken in accordance with the conditions and advisory notes of the SPZ. I/we understand that any material variation from the details I/we have provided will require a revised pre-development notification to be made. I/we also understand that the Local Planning Authority may take enforcement action if it considers that the proposed development is not permitted by the SPZ, or is not in accordance with the details that have been provided herewith.

Name: .....

Signature:.....

Date:.....

**Submitted Information**

I/we submit the following information (please tick):

- Site location plan (scale 1:1250 or 1:2500)
- Block plan (1:500 or 1:200)

**Central Borders Business Park Simplified Planning Zone (SPZ)**

**Development Commencement Form**

A person who has commenced development for which notification has been given under the terms of the SPZ, must, as soon as practicable after starting works, give notice to Scottish Borders Council by returning this completed Notice to: Chief Planning Officer, Regulatory Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, [onlineapplications@scotborders.gov.uk](mailto:onlineapplications@scotborders.gov.uk)

Address	
Reference Number	
Proposal	
Applicant	
Previous notification date	
Full name and address of person(s), company or body carrying out the development (if different from applicant)	
Full name and address of all owner(s) of the land to be developed (if different from applicant)	
Full name, address and contact details of person(s), company or body appointed to oversee the carrying out of the development	
START DATE	

Signed ..... Date .....

Central Border Business Park, Tweedbank

Development Completion Form

A person who completes development for which notification has been given under the SPZ, should, as soon as practicable after completion, give notice of completion to Scottish Borders Council by returning this completed form to: Chief Planning Officer, Regulatory Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, [onlineapplications@scotborders.gov.uk](mailto:onlineapplications@scotborders.gov.uk)

Address	
Reference Number	
Proposal	
Applicant	
Notification Date	
COMPLETION DATE FOR DEVELOP-	

If the development is to be carried out in phases then this Notice must, as soon as practicable after each phase is completed, be returned to the address above.

Phase 1 completion date	
Phase 1 completion date	
Phase 1 completion date	
Phase 1 completion date	

Signed ..... Date .....

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**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**5 SEPTEMBER 2016**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 16/00681/FUL
<b>OFFICER:</b>	Carlos Clarke
<b>WARD:</b>	Galashiels and District
<b>PROPOSAL:</b>	Change of use from Class 4 to Class 10
<b>SITE:</b>	Office, 6A Roxburgh Street, Galashiels
<b>APPLICANT:</b>	Ahmed Mustafa
<b>AGENT:</b>	None

**SITE DESCRIPTION**

The site comprises a two-storey-and-attic traditional building located amongst a range of commercial, residential and industrial properties within Roxburgh Street, and located a short distance south-west of High Street. It backs onto a band hall to the rear, with which it shares the front door entrance onto Roxburgh Street. The building flanks a former dental surgery to the north-east and hairdressers to the south-west. There is no external space associated with the property that has been included in the application site.

**PROPOSED DEVELOPMENT**

This application seeks consent to convert the building from its current office use to a use within Class 10 (non-residential institutions) of the Use Classes (Scotland) Order 1997 (UCO). Specifically, the proposal is to create a base address for the Borders Islamic Society, to be used as an office to organise activities and events which include prayer gatherings and educational uses. The last known use of the property was as general offices (Class 4), and though the property shares an entrance with the band hall, that operates as a separate planning unit. Planning Permission is, therefore, required to convert the Class 4 office use to a use falling within Class 10.

Class 10 of the UCO 1997 includes the following uses (not including residential uses):

- a crèche, day nursery or day centre;
- for the provision of education;
- for the display of works of art (otherwise than for sale or hire);
- as a museum;
- as a public library or public reading room;
- as a public hall or exhibition hall; or
- for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body.

**PLANNING HISTORY**

There is no relevant planning history

## REPRESENTATION SUMMARY

Six representations have been received, though several are on behalf of the same commercial property to the north-east. The key issues raised are:

- Parking, congestion and road/pedestrian safety
- Noise and disturbance

## APPLICANT'S SUPPORTING INFORMATION

A description of the proposed use has been submitted by the applicant, stating that:

- The building will be the base address for Borders Islamic Society who would use it as an office downstairs to organise activities and events, with facilities to welcome visitors. The main regular activity is Friday prayers, around 1pm approx. for about 1 hour. Attendance varies, between 20-30. It may be a little more if their profile increases with a permanent address.
- An open day once a year is planned
- Classes for general subject and Arabic language sessions are proposed. These will be ad hoc sessions
- The rest of the week, someone will be there to check that everything is in order
- They have a large community when it comes to major gathering, at Eid time and Ramadan for example. Most probably, they will rent a bigger hall as the building is too small to accommodate these occasions
- The place will be operated mainly by the Trustees (Chair, Secretary and treasurer) and anyone that they would delegate. All in all, not more than 5-6 persons will be involved in the operation.

## DEVELOPMENT PLAN POLICIES:

### Local Development Plan 2016

PMD2 Quality Standards

PMD5 Infill Development

HD3 Protection of Residential Amenity

EP1 International Nature Conservation Sites and Protected Species

IS7 Parking Provision and Standards

IS8 Flooding

IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

## OTHER PLANNING CONSIDERATIONS:

Scottish Planning Policy 2014

Planning Advice Note 1/2011 Planning and Noise 2011

## CONSULTATION RESPONSES:

Scottish Borders Council Consultees

**Flood Protection Officer:** The site is indicatively at risk of flooding in a 1 in 200 year event. Notwithstanding this, this is a small scale development that is unlikely to have a significant effect on local flooding issues and does not oppose



**Roads Planning Service:** The proposed site is immediately adjacent to the town centre boundary as identified in the LDP. Although the existing building has no dedicated parking provision associated with it, the surrounding streets and car parks in the vicinity of the site, together with other remoter areas for parking are also available for users of this facility. It should also be noted that the town and local service bus stops are located very close to the premises. That said, cognisance must be taken of the concerns of several objectors to the proposal on parking provision alone. The RPS does have some reservations regarding parking as there is very little, and occasionally no spare parking capacity immediately adjacent to the site. Visitors to the facility would be more likely to park and walk, rather than try to park at, or near to the site. There are three car parks relatively nearby which are considerably underused, including Low Buckholmside, Ladhope Vale and High Street, and the applicant should be made aware of them. In summary, due to its central location, the nearby bus stop locations and the availability of parking provision within a reasonable walk (all less than 400m), the RPS does not object.

**Environmental Health Service:** The new planning classification allows for some uses that have the potential to cause noise annoyance. Recommend a condition preventing singing, playing of musical instruments or amplified sound without approval, following agreement of a noise assessment.

#### Statutory Consultees

**Galashiels Community Council:** No reply

#### **KEY PLANNING ISSUES:**

Whether the proposed development would comply with the Local Development Plan 2016, principally with respect to potential amenity impacts on neighbouring properties and on road safety, specifically as regards parking implications

#### **ASSESSMENT OF APPLICATION:**

##### **Principle**

The building is within the town's settlement boundary, located just outside the town centre boundary. The principle is agreeable generally, subject to compliance principally with Policy PMD5, which is covered below, along with the requirements of other relevant policies.

##### **Land use conflict/neighbouring amenity**

Though there are residential uses in the vicinity, there are also office, retail, industrial and other non-residential uses within the area. The rear of the property is currently occupied as a band hall. This proposal will principally involve low key activities and, even with prayer gatherings and educational activity that may generate groups of people, a reasonable level of activity should be expected within such a central location. The Environment Health Service has recommended a condition controlling singing, playing of musical instruments or amplified sound. Proposals for amplified sound would benefit from assessment and control, though it is reasonable to require this by condition in this particular case. This is principally because there is already a band hall here and a range of non-residential uses so there is a reasonable prospect that amplified sound could be controlled to a suitable level. However, in terms of controlling non-amplified sound, this is much more difficult to enforce. More needs to be known about such activities before being able to apply a reasonable level of control. As such, it is recommended that a noise management plan be submitted prior to operation of the use that can identify, assess and propose mitigation for any potentially noisy activities.

There is a risk of conflict between the proposed use and the band hall. For example, band rehearsals/performances taking place at times when the proposed use is running its prayer gatherings etc. These uses would be within the same overall building, sharing the same access, and the band hall has been notified of the application. However, no representation has been made on its behalf. This is effectively a matter between occupiers within the same building, and in the absence of any representation suggesting a particular conflict may arise, it is not possible to ascertain with any certainty that a land use planning conflict would undermine the suitability of the proposed use. The noise management plan can, as far as practicable, seek to manage activities to minimise risk of conflict

### **Roads safety/parking**

In terms of road safety matters, a key concern is that the property has no dedicated parking. It is, however, directly accessible by path from the town centre with on-street parking alongside it. That said, the area is heavily congested during the day since it is so convenient for the town centre. This proposal will principally involve low key activities, but will include education provision and, in particular, prayer gatherings could attract 20-30 people and even more depending on the success of the facility. Numbers associated with the proposed use are unpredictable though the building itself is not particularly large. It also has an established office use that would have generated traffic too. Concerns raised by neighbouring property owners/occupiers are understandable. The centralised location, however, with parking available in the nearby High Street car park in particular, does weigh heavily in favour of the proposal. It may add to existing pressure for parking here, but its potential implications do not lead the Road Planning Service to raise concerns regarding congestion or road or pedestrian safety. An informative note can flag up the availability of local car parks.

### **Ecology**

There are no implications for protected species as no physical alterations are proposed to the external fabric of the building.

### **Visual impacts**

There are no external alterations proposed and signage, if intended, will be controlled separately. An informative note can cover this aspect.

### **Services**

It is understood that mains water and drainage services already exist.

### **Flooding**

The property is potentially at risk of flooding, though this proposal will not alter its footprint or access/egress arrangements. The proposal would not comprise a vulnerable use and our Flood Protection team raise no concerns. An informative note can bring the matter to the applicant's attention.

### **Future uses**

There is no permitted change from a use within Class 10 of the Use Classes Order to other uses outwith the same class under the General Permitted Development (Scotland) Order 1992. However, Class 10 also includes uses such as a crèche, day nursery and other public/community uses. This would potentially allow a later change to uses within the same Use Class without Planning Permission. Given the central location, the range is not a

problem in general principle, but one or more of the other uses may lead, particularly, to specific parking issues that would benefit from individual assessment. It would be reasonable to remove the right to make subsequent changes of use within Class 10 unless subject to a planning application, and so permit this development only for its use as intended by the applicant (or similar occupier). The recommended condition would, however, allow reversion to Class 4 offices without a further planning application since there is no need to reconsider the merits of the existing use.

## **Conclusion**

Subject to compliance with the schedule of conditions, the proposed use is considered acceptable when assessed against the Local Development Plan 2016.

## **RECOMMENDATION BY CHIEF PLANNING OFFICER:**

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

- 1 This consent permits the use of the building within the application site for education, religious and community activities, including office administration, undertaken by the Borders Islamic Society or other religious body, falling within Class 10 (b) and (g) of the Use Classes (Scotland) Order 1997. It does not permit any other activities from being undertaken as part of the approved use, and no subsequent change to any other use within Class 10, notwithstanding the Order or any future revision or other statutory Order, without a planning application having first been submitted to and approved by the Planning Authority. In the event that the approved Class 10 activities cease, the lawful use of the property may revert to a use falling within Class 4 of the Order.

Reason: The proposed use has been assessed on the basis of the submitted specification generally describing the activities associated with it. Other uses would require individual assessment to ensure compliance with planning policies, particularly (but not exclusively) in the interests of ensuring implications for road safety are accounted for. Reversion to the current use (Class 4) does not require assessment by means of a further planning application.

- 2 The use shall not come into operation until a Noise Management Plan has been submitted to and approved by the Planning Authority. The use shall only operate in accordance with the approved plan

Reason: To minimise risk of conflict between the proposed use and neighbouring uses

## **Informatives**

- 1 Condition 2 requires a Noise Management Plan (NMP). This is required to identify, assess and propose mitigation (where necessary) for potentially noisy activities (such as amplified and non-amplified speech, singing and playing of musical instruments) associated with the proposed use that may disturb neighbouring amenity. It should also account (wherever practicable) for activities undertaken within the existing band hall to limit the potential for disturbance affecting either occupier. The reason is to minimise risk of conflict between this use and neighbouring uses. Where amplified sound is proposed, this must be supported by a technical noise assessment as part of the NMP.

- 2 This consent grants a conversion of the property to the approved use only. It does not include external alterations which will require Planning Permission in their own right where these would materially affect the external appearance of the building. In addition, signage may require Advertisement Consent unless of a size, specification and in a location which exempts it under the Control of Advertisement (Scotland) Regulations 1984
- 3 The property is potentially at risk of flooding. The applicant should consider water resilient and resistant materials and methods within the building, and sign up to SEPA's flood warning service 'Floodline'.
- 4 This property has no dedicated parking provision. Parking availability on surrounding streets can be very limited at certain times of the day. The applicant is advised to note (and to make users of the facility aware of) public car parks in the surrounding area which include the High Street (over 100 spaces - pay and display); Ladhope Vale (34 spaces - pay and display) and Low Buckholmside (38 spaces - free).

### DRAWING NUMBERS

Location Plan  
Description of use

### **Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

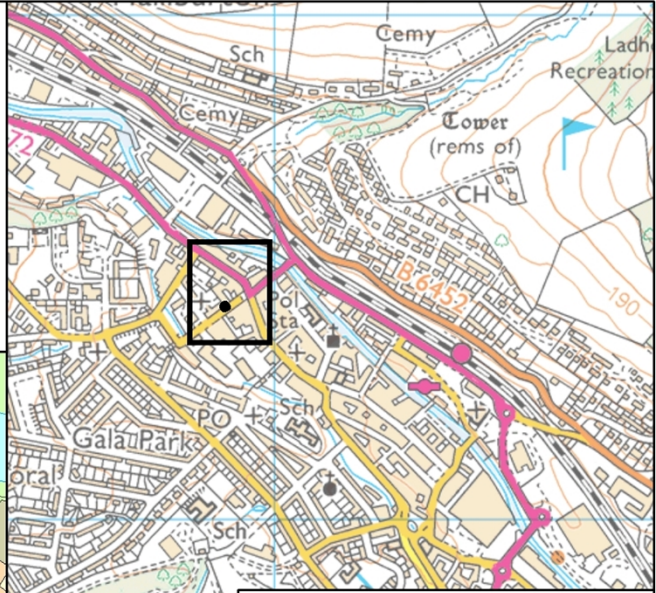
The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

### **Author(s)**

Name	Designation
Carlos Clarke	Lead Planning Officer



16/00681/FUL  
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Inset Map Scale 1:15,000



Scale 1:1,000

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**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**5 SEPTEMBER 2016**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** REFERENCE NUMBER: 16/00747/FUL  
**OFFICER:** Mr C Miller  
**WARD:** Tweeddale West  
**PROPOSAL:** Alterations and extensions to care home  
**SITE:** Peebles Nursing Home, Tweed Green, Peebles.  
**APPLICANT:** Mansfield Care Ltd  
**AGENT:** D & H Farmer

**SITE DESCRIPTION:**

Peebles Nursing Home is situated in Peebles Conservation Area near the River Tweed. It is a substantial detached building, formerly several dwellings converted into a single use some years ago. It is essentially a two-storey traditional stone and slate building with various extensions added incrementally on the front and rear over time.

The western frontage faces onto Tweed Green. The southern end is demarcated by the end of the building and adjoins a pedestrian lane connecting Tweed Green to Tweed Avenue. On the opposite side of the lane is the dwelling known as Priorsford. The eastern walled boundary aligns with Tweed Avenue. On the opposite side of the public road is a private residence (1 Tweed Avenue) and a large hall known locally as the Drill Hall. The northern boundary wall adjoins a long traditional building occupied by a local business.

A range of photographs submitted as part of the application package show in some detail the external appearance of the building which is not statutorily listed.

**PROPOSED DEVELOPMENT:**

The development comprises the following elements:

- alterations to western (frontage) boundary wall comprising:
  - reinstatement of northern section to former height
  - rebuild of southern section to match height of northern section (height to match either side of pedestrian opening)
- demolition of 2 no. existing single storey front extensions
- erection of 2 no. new flat-roofed single storey extensions on front elevation to provide day room and extension to existing day room
- partial downtakings at ground floor level on rear (east) and side (north) elevations, followed by erection of 3 no. single storey extensions to provide a laundry room, additional bedrooms and associated rooms/passages

The building and curtilage of the Nursing Home were heavily flooded when existing flood defences provided by gates and walls were overwhelmed at the end of 2015. A number of properties suffered the same fate in the Tweed Green locality and, like

those other properties, the Nursing Home requires extensive repairs to be undertaken before it can be brought back into use.

The property owners have taken the opportunity to re-evaluate the future requirements of the nursing home, and therefore although in part the works are borne out of an ambition to improve flood resilience, the development also seeks to enlarge and rationalise available rooms/accommodation. The Design and Access Statement explains the rationale, including the reinstatement of the front wall to a previous height and the replacement of the front conservatory which was damaged in the last flood event. Although there is increased demand for places, the owners seek to reduce the number of double rooms in the home and provide additional bedrooms on the ground floor.

#### **PLANNING HISTORY:**

**09/01135/FUL** – Alterations to roof, dormer window and installation of three rooflights – APPROVED

**00/00359/FUL** – Formation of door in boiler room, extension to boundary wall, erection of gates and installation of satellite dish – APPROVED

**93/01473/FUL** – Alterations to building, removal of garage, portakabin units with link corridor – APPROVED

**92/01312/FUL** – Erection of extension – APPROVED

**90/01392/FUL** – Alterations and extension - APPROVED

#### **CONSULTATION RESPONSES:**

##### Scottish Borders Council Consultees

**Roads Planning:** Objects to application as the proposal will result in a loss of parking and turning abilities within the site, resulting in only three remaining spaces on site and the need to reverse out onto a street with restricted parking and boundary walls.

**Social Work:** Supportive as a care home is required in this area. Ensure all flood defences are in place.

**Flood Protection Officer:** The consultee raises an objection to the proposals. A summary of the consultation response is as follows:

- SEPA material indicates that the site is at risk from a flood event with a return period of 1 in 200 years (0.5% annual risk of a flood occurring in any year).
- The property was affected by flooding during December 2015 from the River Tweed, at an estimated 1 in 55 year flood event leading to evacuation.
- The extensions are substantial and will both result in flood plain storage loss and place people and property at further risk of flooding.
- A Flood Risk Assessment could be provided but is advised against as there is no real prospect of compensatory storage close to the site.



- If the reinstatement of the boundary wall is back to an original height, then object as has the potential to increase flood risk to other properties.
- Flood resilient materials are necessary.

**Archaeology Officer:** No known implications.

**Estates Officer:** Response awaited.

Statutory Consultees:

**SEPA:** Objects to the application as it lies within functional floodplain and will place greater numbers of vulnerable residents at risk of flooding, quoting the position of the Nursing Home within the medium flood risk zone of SEPA maps and quoting the recent flood event last December when flood defences were breached and residents had to be relocated/evacuated. Accepts all parts of the application except the extensions which increase the ground floor bedrooms from 9 to 15, exposing to risk increased numbers of vulnerable residents.

Includes a series of photographs to back up objections referring to Storms Frank and Desmond.

If the Council are minded to approve the application, then notification to the Scottish Ministers would be necessary.

**Peebles and District Community Council:** Response awaited.

Non Statutory Consultees:

**Peebles Civic Society:** No objections.

**REPRESENTATION SUMMARY**

None.

**CORRESPONDENCE SUBMITTED DURING CONSIDERATION PERIOD OF THE APPLICATION:**

Members should note the response of the agent dated 28 July with amended plans. It will be noted that further information is intended to be submitted including a detailed evacuation procedure and a Flood Risk Assessment for increased resilience. At the time of writing this report, there has been no information submitted.

**DEVELOPMENT PLAN POLICIES:**

**Proposed Local Development Plan 2016:**

- PMD1 - Sustainability
- PMD2 - Quality Standards
- HD3 – Protection of Residential Amenity
- EP9 – Conservation Areas
- IS7 – Parking Provisions and Standards
- IS8 - Flooding

## **OTHER PLANNING CONSIDERATIONS**

### **National Policy and Advice:**

- Scottish Planning Policy (2014)
- Online planning advice on flood risk (June 2015) – NB this publication supersedes Planning advice Note (PAN) 69
- The Flood Risk Management (Scotland) Act 2009

### **KEY PLANNING ISSUES:**

The key planning issues with this application are whether the proposed development would be compatible with the character of the building in its Conservation Area setting and whether the proposed development would both increase the flood risk to vulnerable residents and materially increase the flood risk to other properties.

### **ASSESSMENT OF APPLICATION**

This application, together with the other applications presented to the Committee in the Tweed Avenue/Green area, would normally have been determined through delegated powers in that the recommendation is one of refusal for a “Local” category of application. However, given the overall flood risk issues in the area and the need to determine the applications on a coherent and consistent basis taking into account cumulative impacts as well as those of potential precedent, it was considered appropriate to present the applications to Committee for determination, enabling full discussion on the matters and allowing applicants the opportunity to state their cases.

#### Policy and Flood Risk

Scottish Planning Policy (SPP) promotes a precautionary approach to flood risk. The planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. The Local Development Plan expands further within Policy IS8 by stating that new development should not be in areas where there is a significant risk of flooding and should not result in reduction or interference with functional flood plain operation.

These aims principally apply to new development. In the case of existing development and properties that already lie within such flood areas, there has to be sympathy with property owners who wish to secure their properties against further flooding and damage. This proposal partly relates to proposed mitigation against flooding of the property, following the floods in December 2015/Jan 2016. A number of properties suffered the same fate in the Tweed Avenue/Green locality and, like those other properties, Peebles Nursing Home has had to undergo extensive repairs in the first half of 2016.

As Members will note, the Council has discussed the flooding with residents of Tweed Green and Tweed Avenue and is working towards a way of providing increased protection to the “at risk” homes in Peebles. This would be designed on the basis of a Property Level Protection Scheme where the aim has to be to stop or reduce the ingress of water into the actual properties themselves – rather than their curtilages. Government money is being made available through this scheme and meetings continue with residents about the solutions available under this scheme.

In terms of this application, and the other two presented to the same Committee meeting, the issue is not whether the Council can support the protection of properties on a case-by case basis, but whether the protection they now seek to their curtilage boundaries will materially increase the probability of flooding to other properties, contrary to SPP and LDP Policy IS8. The Council has a duty to ensure that this would not be the case, especially when faced with accumulation of such curtilage protection schemes at Tweed Green. In addition, this proposal seeks to add new floorspace to the ground floor in several locations, not all being straightforward replacement. This additional floorspace is seen as a reduction in the capacity of the functional floodplain.

Furthermore, both SEPA and the Flood Protection Officer object to the increase in numbers of vulnerable residents within the property and across the ground floor, stating that this is against Scottish Planning and Local Development Plan Policies in terms of siting high sensitivity uses within functional flood plains.

The Council's Flood Protection Officer advises that a recent Flood Risk Assessment showed that increasing the ground level at the Gytes would increase the flood risk at Tweed Green. The advice is that, without a Flood Risk Assessment (FRA) being undertaken to show that this work would not increase the risk to other Tweed Avenue residents, the Council should not be approving such applications.

Although a Flood Risk Assessment has been suggested by the Flood Protection Officer, he is not expecting to lift his objections given the lack of opportunities to create local compensatory storage. In his opinion, the displacement of flood water within the functional floodplain caused by the new and enlarged extensions would be likely to have material consequences on other properties in the Tweed Green area. This may not only lead to flooding of properties not previously flooded but also raise flood water levels in properties previously flooded. It also seems unlikely that SEPA would withdraw their objection as theirs is to the principle of increasing risk to vulnerable residents within a floodplain.

The issue of the raising of the front wall has been mentioned by the applicant for Priorsford but has not been objected to by SEPA. The Flood Protection Officer opposes the raising of the wall back to former levels, consistent with his response to building or raising of walls elsewhere in the vicinity. The wall appears to have been at a lower height for some considerable time and it is difficult to agree with SEPA's acceptance of it being raised again, especially when the application seeks to place a temporary flood gate in the current frontage gap. This is, again, the sort of displacement of flood water and curtilage protection that has concerned the Flood Protection Officer on the other two applications being presented to the Committee and simply contributes to the concerns over material impacts on other properties, on a cumulative basis.

Unless satisfactory information is submitted through a Flood Risk Assessment and responses to the increased vulnerability concerns, then the application must be considered to be against LDP Policy IS8 and cannot be supported. The Council will continue to work with the property owners and residents of the affected area in order to encourage the protection of the buildings themselves from flood risk.

#### Conservation Area and Design

The property is located within the Peebles Conservation Area in a prominent position facing Tweed Green. The removal of the front conservatory garden rooms and

replacement with deeper, more substantial flat roofed extensions are an improvement on the current frontage, being well designed to match in with the parapet and cornice design of the retained front porch. They will be clad in natural whinstone and pre-cast surrounds, finished with double glazed sash windows and dark framed cupolas.

The pitched roof extension to the northern gable has now been redesigned with smaller slated pitched roofs, valleys and grey coloured wet render. The other two extensions to the rear will follow a similar design with sandstone coloured quoins.

All extensions will not harm the general character of the building and, whilst increasing floorspace, are done sensitively and are appropriate in design in the locations intended. The front of the building will benefit from the amended designs compared to the existing lean-to extensions.

The wall increase is intended back to the height that currently exists at the northern edge of the perimeter wall at present. It is explained that this was lowered when the conservatory was erected, suggesting it has been at a lower height since the early 90s. Provided it is carried out in matching stone and copings, there are no concerns with regard to impact on the character of the building or Conservation Area.

Overall, there are no amenity or aesthetic reasons why the proposals would not be considered acceptable in the Conservation Area. Subject to conditions on matching materials, there would be no reason to consider the proposals inconsistent with LDP Policy EP9.

#### Road Safety

The current Nursing Home has access from Tweed Avenue to the rear and provides parking and turning space, continuing along the rear of the building. As a result of the extensions, this parking and turning space will be significantly curtailed, resulting in only three end-in spaces. The Roads Planning Service objects to the application as a result of this reduction in provision, leading to road safety impacts in the vicinity. It is difficult to understand how the facility, in its enlarged state, could operate safely with such limited provision, especially taking into account the narrow and restricted roads in the area and the regular full occupation of public parking space in the immediate vicinity. The application is, therefore, considered to be contrary to Local Development Plan Policy IS7 on adequacy of parking provision.

### **CONCLUSION**

Subject to conditions on matching materials, the proposals would comply with Policy EP9 on works within a Conservation Area. However, in the absence of any Flood Risk Assessment, the application must be considered to be against LDP Policy IS8 and cannot be supported. The appropriate approach to flood protection should be a holistic and consistent one which does not raise the possibility of increased flood risk to other properties in the vicinity.

As a result of the extensions, on-site parking and turning spaces will be significantly reduced, leading to road safety impacts in the vicinity. The ability of the facility, in its enlarged state, to operate safely with such limited provision would be significantly compromised, especially taking into account the narrow and restricted roads in the area and the regular full occupation of public parking space in the immediate vicinity.

**RECOMMENDATION BY CHIEF PLANNING OFFICER:**

I recommend the application is refused for the following reasons:

The application is contrary to Policies IS7 and IS8 of the Scottish Borders Local Development Plan in that the proposal is likely to increase the flood risk to vulnerable residents, materially increase the incidences and levels of flooding to other properties within the Tweed Avenue/Green area of Peebles and proposes insufficient parking and turning space within the site to the detriment of road safety in the vicinity.

DRAWING NUMBERS

Design and Access Statement  
Photographs  
Existing Ground Floor Plan D004  
Proposed Ground Floor Plan D005 Rev B  
Location Plan D006  
Proposed Elevations D007 Rev A  
Existing Elevations D008

**Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

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

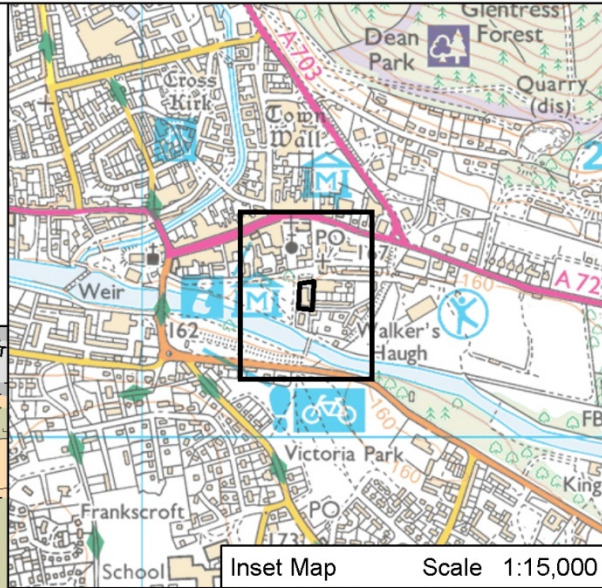
**Author(s)**

Name	Designation
Craig Miller	Planning Officer

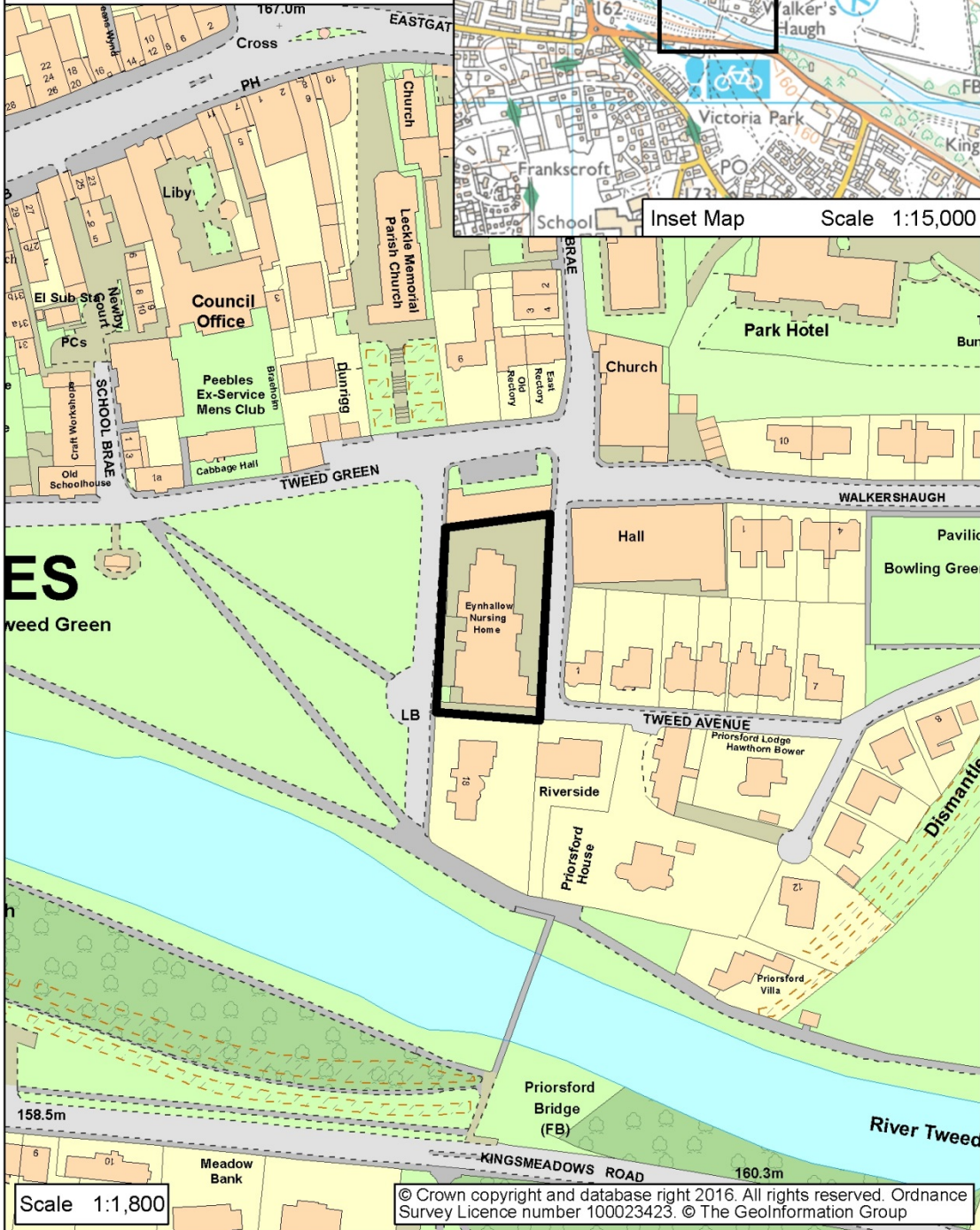


16/00747/FUL

Peebles Nursing Home  
Tweed Green  
Peebles  
EH45 8AR



Inset Map Scale 1:15,000



Scale 1:1,800

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**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**5 SEPTEMBER 2016**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** REFERENCE NUMBER: 16/00317/FUL  
**OFFICER:** Mr C Miller  
**WARD:** Tweeddale West  
**PROPOSAL:** Erection of boundary wall with timber fence over and gates.  
**SITE:** Hawthorn Bower, Tweed Avenue, Peebles  
**APPLICANT:** Mr & Mrs Fleming  
**AGENT:** D & H Farmer Architects

**SITE DESCRIPTION:**

Hawthorn Bower is a large single storey dwelling on Tweed Avenue, in the Conservation Area near the River Tweed. It is situated centrally to its plot and has substantial perimeter boundaries on all sides. Its western boundary is defined by a brick wall approximately 1.6m in height and its southern boundary a brick wall of around 3m in height. The north boundary wall is the entrance side and includes a pedestrian access. This is a whinstone wall of changing heights, but with the main section being approximately 1m high over a length of around 35m. The remaining eastern boundary comprises a mature (mainly evergreen) hedgerow; the vehicular access to the curtilage is located at the southern end of this eastern boundary.

The property adjoins the public road on the northern and eastern boundaries, and private gardens on the western and southern boundaries.

**PROPOSED DEVELOPMENT:**

The development comprises the following elements:

- erection of a brick wall (1.093m) with a vertically slatted timber fence on top (0.727m) along the length of the east boundary, following removal of existing hedgerow
- erection of 2 no. 1.2m height gate posts

It should be noted that the proposals were revised on 20 April 2016, in that the height of the fence proposed on top of the new wall has been reduced so that the overall height of this new boundary would be 1.8m instead of 2m as originally proposed. The timber fence has been revised so that the timbers would run horizontally instead of vertically.

The development are the applicant's proposals for mitigation against flooding of the property, following the floods in December 2015/Jan 2016. The dwelling and curtilage of Hawthorn Bower were heavily flooded at the end of 2015. A number of properties suffered the same fate in the Tweed Green locality and, like those other properties, Hawthorn Bower has had to undergo extensive repairs in the first half of 2016.

#### Erection of brick wall/fence wall on northern boundary

The applicants wish to provide an impermeable perimeter structure to prevent further flood water from entering the curtilage. The existing hedgerow does not provide a barrier to flooding, whereas the other boundaries do perform this function to greater and lesser extents.

#### Erection of gate posts in south-east corner of perimeter:

These are proposed to provide attachments for a demountable flood barrier, which would be installed in front of the existing large vehicular access gate.

#### **PLANNING HISTORY:**

There is no planning history relevant to consideration of this application.

#### **CONSULTATION RESPONSES:**

##### Scottish Borders Council Consultees

##### **Flood Protection Officer:**

The consultee raises an **objection** to the proposals. A summary of the consultation response is as follows:

- SEPA material indicates that the site is at risk from a flood event with a return period of 1 in 200 years (0.5% annual risk of a flood occurring in any year).
- current and previous flood risk issues are acknowledged and understood
- as discussed during public consultation with residents of Tweed Green and Tweed Avenue, the Council is working towards a holistic way of providing increased protection to the at risk homes in Peebles (to be discussed at further public meeting)
- SBC does not presently have enough information to show that building walls or creating an opening within a wall that holds back flood waters would not impact detrimentally on residents elsewhere within Peebles (in this instance there is the potential for detrimental effects for other residents)
- duties of SBC require that any development that would potentially increase the flood risk at another property is not permitted
- (as an example) a recent Flood Risk Assessment showed that increasing the ground level at the Gytes would increase the flood risk at Tweed Green
- without a Flood Risk Assessment (FRA) being undertaken to show that this work would not increase the risk to other Tweed Avenue residents, an objection is raised on the grounds of flood risk
- applicant encouraged to wait until next public discussion and the suggestions that the Council make within this before employing a consultant to undertake a Flood Risk Assessment, if they choose to do so.



**Roads Planning Service:** No objection on road safety grounds, although provides commentary on existing/proposed visibility concerns.

**Archaeology Officer:** No known archaeological implications.

Statutory Consultees:

**Royal Burgh of Peebles Community Council:** No response.

Non Statutory Consultees:

**Peebles Civic Society:** No objection.

## **REPRESENTATION SUMMARY**

There has been one letter of support submitted by a Peebles Community Resilience group, and no letters of objection.

A summary of the matters covered in the letter of support would be:

- urgent repairs and improvements to flood defences in area badly flooded in December 2015.

## **DEVELOPMENT PLAN POLICIES:**

### **Proposed Local Development Plan 2016:**

PMD1 - Sustainability  
PMD2 - Quality Standards  
HD3 – Protection of Residential Amenity  
EP9 – Conservation Areas  
IS8 - Flooding

## **OTHER PLANNING CONSIDERATIONS**

### **National Policy and Advice:**

- Scottish Planning Policy (2014)
- Online planning advice on flood risk (June 2015) – NB this publication supersedes Planning advice Note (PAN) 69
- The Flood Risk Management (Scotland) Act 2009

## **KEY PLANNING ISSUES:**

The key planning issues with this application are whether the proposed development would be compatible with the Conservation Area setting and whether the proposed development would materially increase the flood risk to other properties

## **ASSESSMENT OF APPLICATION**

This application, together with the other applications presented to the Committee in the Tweed Avenue/Green area, would normally have been determined through delegated powers in that the recommendation is one of refusal for a “Local” category

of application. However, given the overall flood risk issues in the area and the need to determine the applications on a coherent and consistent basis taking into account cumulative impacts as well as those of potential precedent, it was considered appropriate to present the applications to Committee for determination, enabling full discussion on the matters and allowing applicants the opportunity to state their cases.

### Policy and Flood Risk

Scottish Planning Policy (SPP) promotes a precautionary approach to flood risk. The planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. The Local Development Plan expands further within Policy IS8 by stating that new development should not be in areas where there is a significant risk of flooding and should not result in reduction or interference with functional flood plain operation.

These aims principally apply to new development. In the case of existing development and properties that already lie within such flood areas, there is, of course, sympathy with property owners who wish to secure their properties against further flooding and damage. This proposal seeks to mitigate against flooding of the property, following the floods in December 2015/Jan 2016. The dwelling and curtilage of Hawthorn Bower were heavily flooded at the end of 2015. A number of properties suffered the same fate in the Tweed Green locality and, like those other properties, Hawthorn Bower has had to undergo extensive repairs in the first half of 2016.

As Members will note, the Council has discussed the flooding with residents of Tweed Green and Tweed Avenue and is working towards a way of providing increased protection to the “at risk” homes in Peebles. This would be designed on the basis of a Property Level Protection Scheme where the aim has to be to stop or reduce the ingress of water into the actual properties themselves – rather than their curtilages. Government money is being made available through this scheme and meetings continue with residents about the solutions available under this scheme.

In terms of this application, and the other two presented to the same Committee meeting, the issue is not whether the Council can support the protection of properties on a case-by case basis, but whether the protection they now seek to their curtilage boundaries (including cumulatively) will materially increase the probability of flooding to other properties, contrary to SPP and LDP Policy IS8. The Council has a duty to ensure that this would not be the case, especially when faced with accumulation of such curtilage protection schemes at Tweed Green.

The Council’s Flood Protection Officer advises that a recent Flood Risk Assessment showed that increasing the ground level at the Gytes would increase the flood risk at Tweed Green. The advice is that, without a Flood Risk Assessment (FRA) being undertaken to show that this work would not increase the risk to other Tweed Avenue residents, the Council should not be approving such applications. The applicant, himself, has objected to part of the Priorsford application for the same reasons of heightened flood risk.

Although it is appreciated that, for one domestic property carrying out some boundary walling work, the requirement for a Flood Risk Assessment may seem onerous, no technical information has been submitted to enable the Flood Protection Officer to lift his objections. In his opinion, securing such a large curtilage from flood risk (as opposed to just the house itself) would be likely to have material consequences on

other properties in the Tweed Green area. This may not only lead to flooding of properties not previously flooded but also raise flood water levels in properties previously flooded.

Unless this can be demonstrated not to be the case through the submission of a Flood Risk Assessment, then the application must be considered to be against LDP Policy IS8 and cannot be supported. The Council will continue to work with the residents of the affected area in order to encourage the protection of the buildings themselves from flood risk.

#### Conservation Area

The property is located within the Peebles Conservation Area and the proposed wall and fencing will certainly provide a harsher visual boundary to the small cul-de-sac it borders onto compared to the current hedging. Nevertheless, there are high brick walls already along the southern rear of the property and this proposal; is not for a 1.8m high wall but a combination of brick walling and fence topping. Provided the brick is selected carefully and there is an appropriate timber stain on the fencing, there do not appear to be any amenity or aesthetic reasons why the proposals would not be considered acceptable. It is being carried out at the side of the dwellinghouse and not along the main elevation onto Tweed Avenue where such boundary treatment and height would be less acceptable. Subject to conditions, there is no reason to consider the proposals inconsistent with LDP Policy EP9.

#### **CONCLUSION**

Subject to conditions, the proposals would comply with Policy EP9 on works within a Conservation Area. However, in the absence of any Flood Risk Assessment, the application must be considered to be against LDP Policy IS8 and cannot be supported. The appropriate approach to flood protection should be a holistic and consistent one which does not raise the possibility of increased flood risk to other properties in the vicinity.

#### **RECOMMENDATION BY CHIEF PLANNING OFFICER:**

I recommend the application is refused for the following reasons:

The application is contrary to Policy IS8 of the Scottish Borders Local Development Plan in that the proposal is likely to materially increase the incidences and levels of flooding to other properties within the Tweed Avenue/Green area of Peebles.

#### DRAWING NUMBERS

Boundary Wall Elevation D002 Rev A  
Site Plan D003  
Location Plan D004  
Photographs

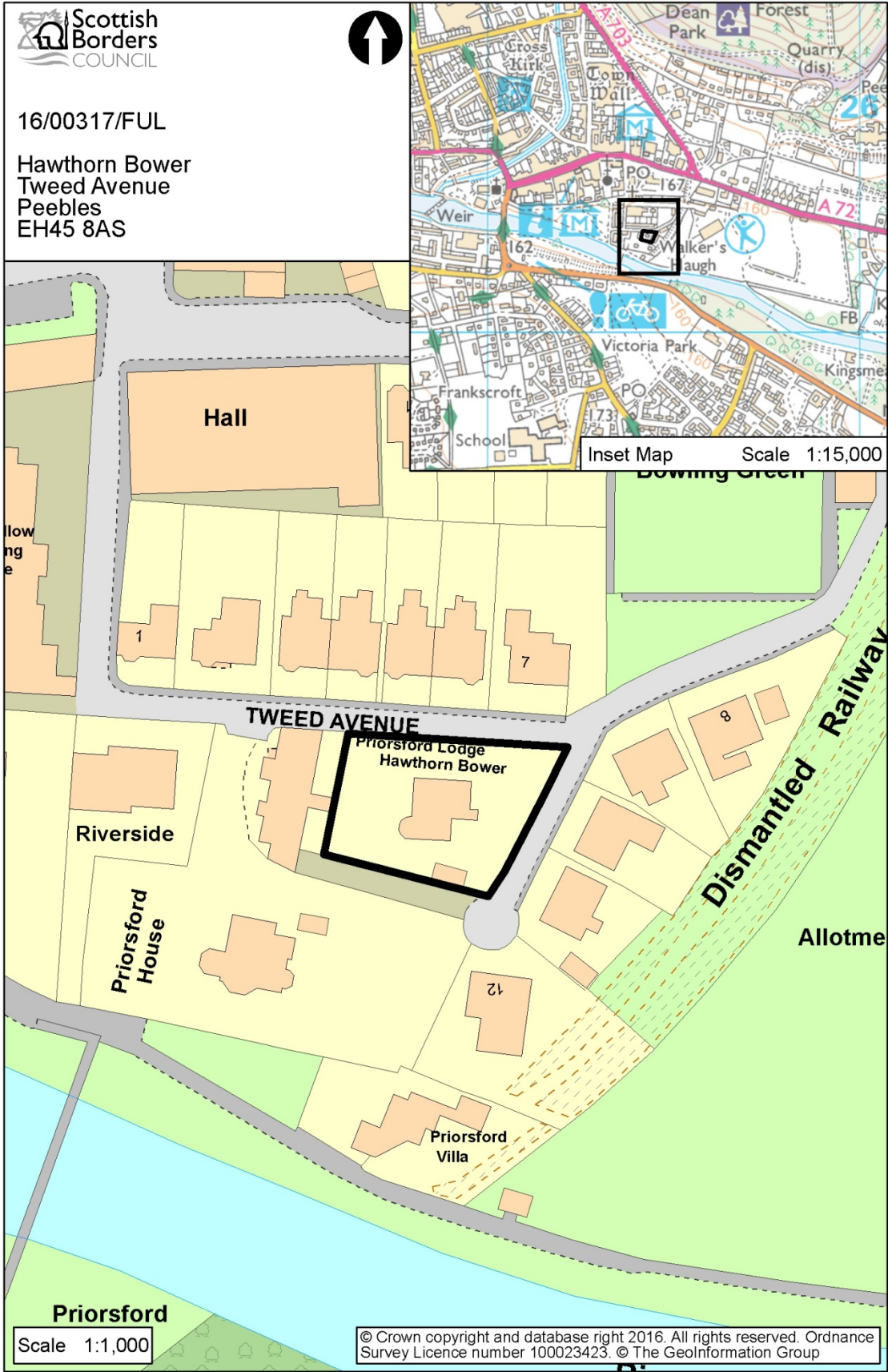
#### **Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

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

**Author(s)**

Name	Designation
Craig Miller	Lead Planning Officer



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**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**5 SEPTEMBER 2016**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** REFERENCE NUMBER: 16/00343/FUL  
**OFFICER:** Mr C Miller  
**WARD:** Tweeddale West  
**PROPOSAL:** Increase in height of front (west) boundary wall, formation of opening in north boundary wall and installation of gates  
**SITE:** Priorsford, Tweed Green, Peebles  
**APPLICANT:** Mr Alan Packer  
**AGENT:** n/a

**SITE DESCRIPTION:**

Priorsford is a substantial two-storey dwelling facing onto Tweed Green in Peebles Conservation Area. The River Tweed is situated close to the property's southern boundary. To the east are situated the curtilages to Riverside and Priorsford Villa, two substantial detached dwellings. To the north, beyond a pedestrian lane, is the Peebles Nursing Home (currently in a state of disrepair and unoccupied following December/January floods). Tweed Green is to the west, a formal area of public space with paths and trees.

Priorsford is situated fairly centrally to its own curtilage. The southern boundary is a substantial whinstone wall, approximately 1.7-1.8m in height. The eastern boundary comprises a block wall with fence panelling above, giving an overall height of approximately 2m. The north wall is a substantial whinstone wall approximately 1.8m in height. The front boundary is formed by a low section of stone wall with a pedestrian gate to the centre and vehicular access towards the southern corner of the plot. The dwelling has been modernised and extended recently.

**PROPOSED DEVELOPMENT:**

The development comprises the following elements:

- increase in height of stone wall on western boundary from 850mm to 1250mm – a 400mm increase;
- installation of gates in the pedestrian and vehicular accesses
- retention of a new pedestrian opening in the north curtilage wall

The development all relates to proposed mitigation against flooding of the property, following the floods in December 2015/Jan 2016. The dwelling and curtilage of Priorsford were heavily flooded when existing flood defences provided by gates and walls were overwhelmed. A number of properties suffered the same fate in the Tweed Green locality and, like those other properties, Priorsford has had to be undergo extensive repairs in the first half of 2016.

### Increase to height of boundary wall on west elevation

The applicants wish to increase the likelihood of the western boundary wall keeping floodwater out of the curtilage of the property. The existing 850mm wall did not deflect the floodwater in December and it is therefore hoped that adding 400mm to the height, bringing the overall height to 1250mm, would be sufficient to keep floodwater out in future flooding events.

### Installation of gates in the west elevation

New gates to match existing wall heights would be installed in the 3 openings. These would all be specialised flood-resistant gates intended to supplement the boundary walls in keeping water out of the curtilage. To date, drawn details of the gates have not been provided. However, if the principle of installation of gates in all 3 openings is accepted, it would be appropriate to require details to be submitted and approved through a planning condition.

### Retention of new pedestrian opening in the north wall:

The intention of this new opening is to permit escape from the curtilage for pedestrians if the property becomes inundated with flood water in the future. The intention is to enable a temporary flood gate to be installed if flooding appears likely; it is also intended that the gate would be removed to enable pedestrian escape (the flood gate would have to be removed if swift evacuation became necessary).

Members may note that this element of the development has already been undertaken and is applied for in retrospect. All other elements have not yet been carried out.

### **PLANNING HISTORY:**

**12/00103/FUL** – Change of use from day care centre to dwellinghouse – APPROVED and implemented. An Informative Note in the Decision Notice advises the applicants to implement flood risk strategies due to the situation of the building in the flood plain.

**12/01138/FUL** – Alterations and extension to dwellinghouse – APPROVED and implemented as part of the change of use/conversion consented under 12/00103/FUL. An Informative Note again referred to management of flood risk in undertaking the development.

**93/01473/FUL** – Alterations to building and removal of garage - APPROVED

**92/01413/FUL** - Alterations to existing building to form 4, 2 bedroom flats & extension to form 8, 2 bedroom flats - REFUSED

### **CONSULTATION RESPONSES:**

#### Scottish Borders Council Consultees

#### **Flood Protection Officer:**

The consultee raises an **objection** to the proposals. A summary of the consultation response is as follows:



- SEPA material indicates that the site is at risk from a flood event with a return period of 1 in 200 years (0.5% annual risk of a flood occurring in any year).
- current and previous flood risk issues are acknowledged and understood
- as discussed during public consultation with residents of Tweed Green and Tweed Avenue, the Council is working towards a holistic way of providing increased protection to the at risk homes in Peebles (to be discussed at further public meeting)
- SBC does not presently have enough information to show that building walls or creating an opening within a wall that holds back flood waters would not impact detrimentally on residents elsewhere within Peebles (in this instance there is the potential for detrimental effects for other residents)
- duties of SBC require that any development that would potentially increase the flood risk at another property is not permitted
- (as an example) a recent Flood Risk Assessment showed that increasing the ground level at the Gytes would increase the flood risk at Tweed Green
- without a Flood Risk Assessment (FRA) being undertaken to show that this work would not increase the risk to other Tweed Avenue residents, an objection is raised on the grounds of flood risk
- applicant encouraged to wait until next public discussion and the suggestions that the Council make within this before employing a consultant to undertake a Flood Risk Assessment, if they choose to do so.

**Roads Planning Service:** No objection on road safety grounds.

Statutory Consultees:

**Royal Burgh of Peebles Community Council:** No response.

Non Statutory Consultees:

**Peebles Civic Society:** No objection.

## **REPRESENTATION SUMMARY**

There has been one detailed letter of objection to the application submitted by a nearby resident, and one letter of support submitted by a Peebles Community Resilience group. It should be noted that the letter of objection also includes an indication of support for part of the scheme and objection to another.

A summary of the issues raised in the letter of objection would be as follows:

- application seeks planning permission for both (i) raising the existing boundary wall separating the property from Tweed Green and (ii) creating a new opening in the existing northern boundary wall; support is offered for part (i) of the application and to objection is raised to part (ii)

- understand and support increase of flood defences by raising height of the west boundary wall and installing higher and stronger flood barriers in that wall
- object to part (ii) due to serious concerns about the creation of the opening in the northern boundary wall because of its siting and the potential increased flood risk to the houses in Tweed Avenue
- northern boundary wall of Priorsford, which separates the property from the public pend, is an integral part of the flood defence for the Tweed Avenue properties.
- new pedestrian opening is east of the location of the public flood gate.
- to protect Tweed Avenue and ensure the public flood gate in the pend is as effective as originally envisaged the opening should either (i) not be allowed and the wall reinstated to its original configuration or (ii) if it is to be permitted, should be moved to the western (i.e. upstream) side of the public flood gate and the present opening built up.
- in December 2015 floods, floodwater was held back from entering Tweed Avenue by Priorsford's northern boundary wall.
- if the opening is given permission and is allowed to remain, the same level of flood protection for Tweed Avenue will only be achievable if the Priorsford demountable barriers on Tweed Green are in place. The protection of the houses in Tweed Avenue should not depend on the action or inaction of the owners of one property
- to mitigate flooding into Tweed Avenue from the new opening the applicants have said they would install a flood gate across this opening. This however would be another privately owned and operated flood gate which will be outwith the control of those most affected by any failure to erect it.
- if the opening is to be permitted any demountable flood barriers need to be erected on the pend side of the opening and be controlled by the local residents or the local flood resilience group (i.e. in the same manner as the existing public flood gate in the pend)

A summary of the matters covered in the letter of support would be:

- urgent repairs and improvements to flood defences in area badly flooded in December 2015.

## **DEVELOPMENT PLAN POLICIES:**

### **Proposed Local Development Plan 2016:**

PMD1 - Sustainability  
 PMD2 - Quality Standards  
 HD3 – Protection of Residential Amenity  
 EP9 – Conservation Areas  
 IS8 - Flooding

## **OTHER PLANNING CONSIDERATIONS**

### **National Policy and Advice:**

- Scottish Planning Policy (2014)
- Online planning advice on flood risk (June 2015) – NB this publication supersedes Planning advice Note (PAN) 69

- The Flood Risk Management (Scotland) Act 2009

### **KEY PLANNING ISSUES:**

The key planning issues with this application are whether the proposed development would be compatible with the Conservation Area setting and whether the proposed development would materially increase the flood risk to other properties

### **ASSESSMENT OF APPLICATION**

This application, together with the other applications presented to the Committee in the Tweed Avenue/Green area, would normally have been determined through delegated powers in that the recommendation is one of refusal for a “Local” category of application. However, given the overall flood risk issues in the area and the need to determine the applications on a coherent and consistent basis taking into account cumulative impacts as well as those of potential precedent, it was considered appropriate to present the applications to Committee for determination, enabling full discussion on the matters and allowing applicants the opportunity to state their cases.

#### Policy and Flood Risk

Scottish Planning Policy (SPP) promotes a precautionary approach to flood risk. The planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. The Local Development Plan expands further within Policy IS8 by stating that new development should not be in areas where there is a significant risk of flooding and should not result in reduction or interference with functional flood plain operation.

These aims principally apply to new development. In the case of existing development and properties that already lie within such flood areas, there is, of course, sympathy with property owners who wish to secure their properties against further flooding and damage. This proposal relates to proposed mitigation against flooding of the property, following the floods in December 2015/Jan 2016. The dwelling and curtilage of Priorsford were heavily flooded at the end of 2015. A number of properties suffered the same fate in the Tweed Avenue/Green locality and, like those other properties, Priorsford has had to undergo extensive repairs in the first half of 2016.

As Members will note, the Council has discussed the flooding with residents of Tweed Green and Tweed Avenue and is working towards a way of providing increased protection to the “at risk” homes in Peebles. This would be designed on the basis of a Property Level Protection Scheme where the aim has to be to stop or reduce the ingress of water into the actual properties themselves – rather than their curtilages. Government money is being made available through this scheme and meetings continue with residents about the solutions available under this scheme.

In terms of this application, and the other two presented to the same Committee meeting, the issue is not whether the Council can support the protection of properties on a case-by case basis, but whether the protection they now seek to their curtilage boundaries (including cumulatively) will materially increase the probability of flooding to other properties, contrary to SPP and LDP Policy IS8. The Council has a duty to ensure that this would not be the case, especially when faced with accumulation of such curtilage protection schemes at Tweed Green.

The Council's Flood Protection Officer advises that a recent Flood Risk Assessment showed that increasing the ground level at the Gytes would increase the flood risk at Tweed Green. The advice is that, without a Flood Risk Assessment (FRA) being undertaken to show that this work would not increase the risk to other Tweed Avenue residents, the Council should not be approving such applications.

Although it is appreciated that, for one domestic property carrying out some boundary walling work, the requirement for a Flood Risk Assessment may seem onerous, no technical information has been submitted to enable the Flood Protection Officer to lift his objections. In his opinion, securing such a large curtilage to flood risk (as opposed to just the house itself) would be likely to have material consequences on other properties in the Tweed Green area as well as the creation of an opening in the north wall. This may not only lead to flooding of properties not previously flooded but also raise flood water levels in properties previously flooded.

The applicant has been in dialogue with the Department and the Flood Protection Team on the issues and his written supporting statements are listed above in this report and available to view online. The most recent and detailed response from the applicant is dated 12 July and lists the reasons why he considers the application should be approved. Members should be aware of his comments which explain two main reasons for protecting the property at the curtilage boundary, not at the house itself.

Of these reasons, it is not accepted that the original planning permission contained any conditions or Informatives explicitly stating that flood protection had to be at the property boundary. Indeed, the Informative stated that water resilient materials had to be used on the ground floor of the property, indicating an acknowledgement on the part of the Council that flood waters may reach the building itself. In terms of the other reason in relation to the benefits of Property Level Protection, the applicant argues that whilst important, the defence of the property as substantial as Priorsford would be extremely difficult at the face of the building itself.

The Flood Protection Officer has seen the applicant's reasons but maintains a position of objection for the reasons previously mentioned. Unless it can be demonstrated not to be the case through the submission of a Flood Risk Assessment, then the application must be considered to be against LDP Policy IS8 and cannot be supported. The Council will continue to work with the residents of the affected area in order to encourage the protection of the buildings themselves from flood risk.

#### Conservation Area

The property is located within the Peebles Conservation Area and the proposed increase in wall height from 850mm to 1250mm will cause no aesthetic issues provided it is carried out with matching stone and coping. The wall height has context along the southern boundary and elsewhere in Tweed Green, steppings in height being a local feature. Although there are no details of the enhanced flood barriers intended to the current openings, these can be controlled by planning condition. The opening to the northern wall has already been carried out, the applicant explaining that the works were necessary due to the wall becoming unstable after the last flood. It would be the intention to install a temporary flood gate in this wall.

There are no amenity or aesthetic reasons why the proposals would not be considered acceptable in the Conservation Area. Subject to conditions on matching

materials and details of the flood gates, there is no reason to consider the proposals to be inconsistent with LDP Policy EP9.

## **CONCLUSION**

Subject to conditions, the proposals would comply with Policy EP9 on works within a Conservation Area. However, in the absence of any Flood Risk Assessment, the application must be considered to be against LDP Policy IS8 and cannot be supported. The appropriate approach to flood protection should be a holistic and consistent one which does not raise the possibility of increased flood risk to other properties in the vicinity.

## **RECOMMENDATION BY CHIEF PLANNING OFFICER:**

I recommend the application is refused for the following reasons:

The application is contrary to Policy IS8 of the Scottish Borders Local Development Plan in that the proposal is likely to materially increase the incidences and levels of flooding to other properties within the Tweed Avenue/Green area of Peebles.

## DRAWING NUMBERS

Supporting Statement  
Elevations  
Location Plan

## **Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

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

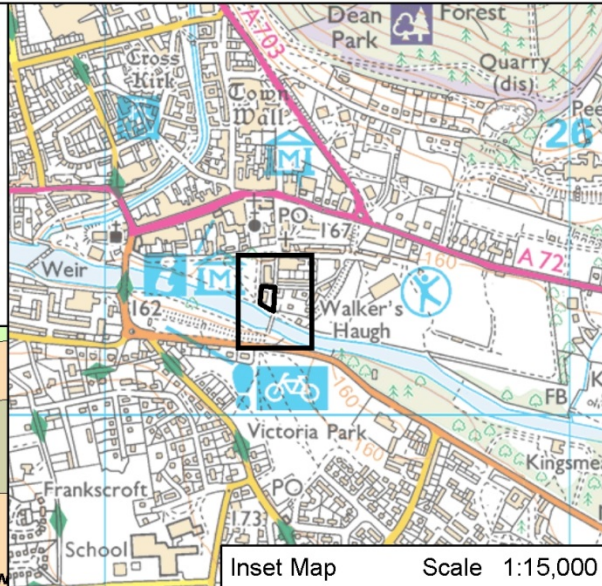
## **Author(s)**

Name	Designation
Craig Miller	Lead Planning Officer

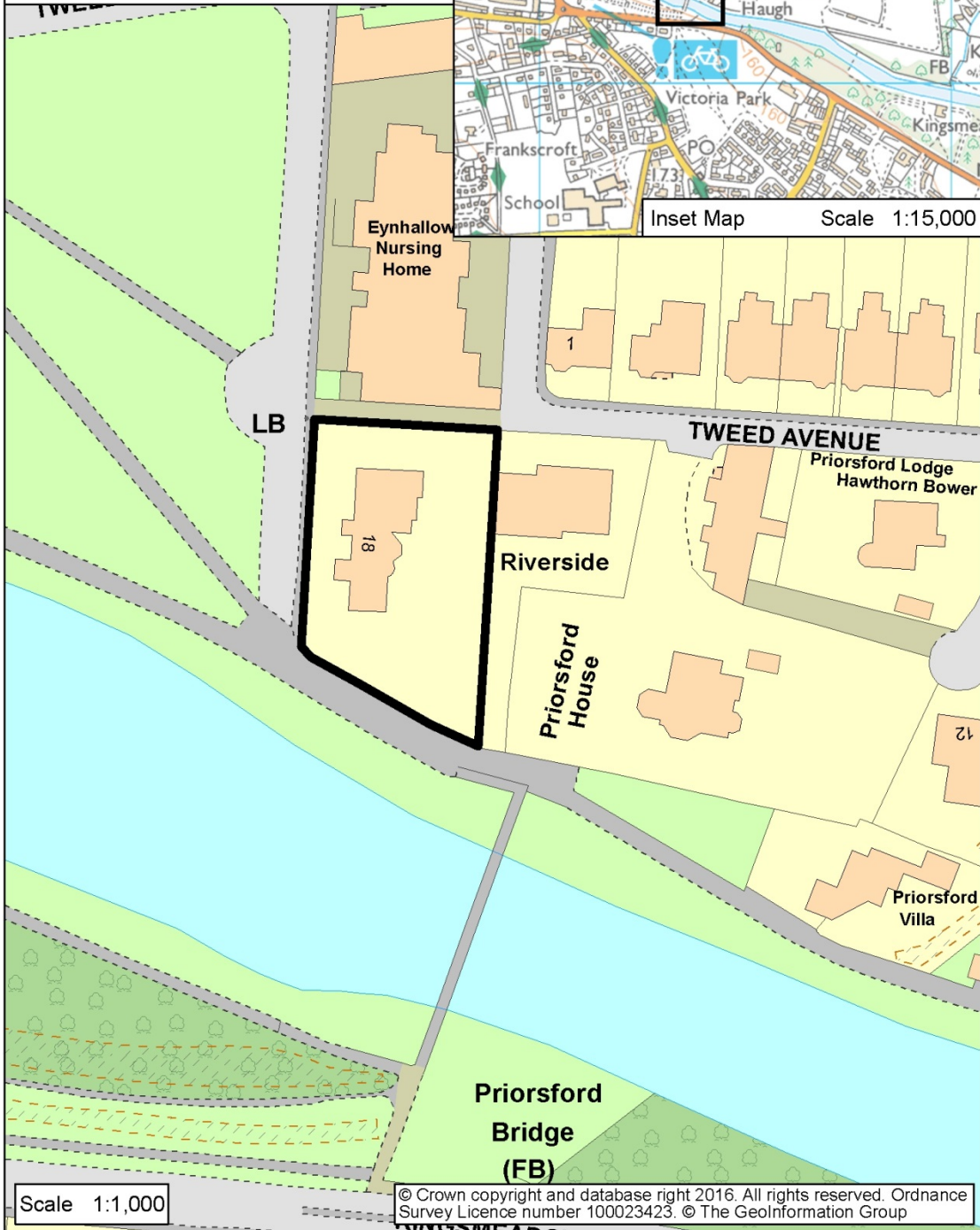


16/00343/FUL

Priorsford  
18 Tweed Green  
Peebles



Inset Map Scale 1:15,000



**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**5 SEPTEMBER 2016**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 16/00083/FUL
<b>OFFICER:</b>	Stuart Herkes
<b>WARD:</b>	Mid Berwickshire
<b>PROPOSAL:</b>	Change of use of land to form playing field and erection of boundary fence
<b>SITE:</b>	Land North West Of Village Hall, Westruther
<b>APPLICANT:</b>	Robert Douglas Virtue
<b>AGENT:</b>	n/a

**SITE DESCRIPTION**

The application site is agricultural land just beyond the northern edge of the Development Boundary at Westruther. It is the southeast corner of a field, which is delimited to the east by a deciduous shelter belt, and to the south by a maturing avenue of silver birch trees, which frame the northern side of The Loaning, an agricultural track which runs to the immediate south of the site and to the immediate north of Westruther.

The site is open and relatively level. Surrounding land within the same field slopes downwards from the site to the north and west, at first gently but then more discernibly. While open to the remainder of the field to the north and west, the site is generally well-contained visually, particularly to the south and east where trees and hedging on surrounding land constitute an effective screen, in views from those directions.

The Loaning to the immediate south is the route of a Core Path (74) and Right of Way (BB118). It joins the public road to the southwest (Edgar Road). Its southern side, delineated by beech hedging, largely defines Westruther's Development Boundary at this point. The Core Path/Right of Way also continues through the shelter belt to the immediate east of the application site.

The Village Hall lies to the south of The Loaning, within the Development Boundary. It is accessible to and from The Loaning via a pedestrian footpath link, and it includes parking provision for Hall users, which lies within around 50m of the application site.

The nearest dwellinghouse to the application site is 'Maryville Cottage'. This lies around 40m to the southwest, and fronts The Loaning behind the beech hedge which defines the southern side of this track (as well as Maryville's own property boundary). Screening between 'Maryville Cottage' and the application site is limited to the beech hedge and avenue of birches which contain The Loaning. While this screen is relatively low and

uneven, the application site's off-set positioning relative to 'Maryville Cottage' means that inter-visibility is oblique and intermittent.

## **PROPOSED DEVELOPMENT**

The proposal is that the use of the land within the site should be changed from agriculture, to accommodate a new playing field. The latter would consist of a single pitch, some 60m by 30m, with goal-posts, of a size suitable for use by younger children both resident within the community and/or attending the local primary school.

This pitch would be enclosed, firstly, by a 3m high chain-link perimeter fence; and then to the outside of this, on the western, northern and eastern sides, a new beech hedge. The hedge would itself in turn, be contained within an outer stock-proof fence on its western and northern sides, defending the site's boundaries with the reduced field.

There are no indicated proposals to level, drain or otherwise improve the ground surface of the playing field pitch itself.

## **PLANNING HISTORY**

The site has no previous planning application history.

## **REPRESENTATION SUMMARY**

Two different sites have been the subject of the current planning application (16/00083/FUL). These have in turn, been the subject of three public consultations. The first and third consultations related to the current application site; the second to a revised siting which has now been superseded by the reinstatement of the original proposal.

### **First Public Consultation – Original/Now Reinstated Version of the Proposal**

No objections were received to this version of the proposal at the time of the first public consultation.

The Community Council has subsequently queried why the planning application was not simply progressed to determination at this point in time given an ostensibly favourable response from the community.

The application was not progressed to determination at this point in time because the applicant proposed an alternative siting for the facility (as described below).

### **Second Public Consultation – Revised/Now Superseded Version of the Proposal**

In response to the Planning Officer's query to establish why the original (now reinstated) site was orientated perpendicularly to the Development Boundary and The Loaning, rather than orientated parallel to these, the Applicant proposed an amended site for the proposal. This was to be within the southwest corner of the same field as the original site, but now orientated parallel to the Development Boundary.

Rather than seek a new planning application for this version of the proposal, it was considered that the planning application should instead be revised and continued, with



all neighbours and statutory consultees fully re-notified of the proposed amendment to the siting of the proposal.

At the time of the subsequent second public consultation, twelve objections were received from nine different households, as well as an objection from the Community Council, to this proposed revised siting of the facility.

The Community Council's objection is summarised in the 'Consultation Responses' section below.

Excepting one objector who considered that the facility should be located in closer proximity to the school, all other objectors considered that the revised siting a poorer proposal than the original and was unacceptable in its own right. This was principally because: (a) the facility would have been in closer proximity to Maryville Cottage, and would have therefore have impacted more significantly upon its residential amenity, both in terms of noise impacts and impacts upon the outlook of that property, or because (b) if it were so sited, the proposal would have been more intrusive in terms of its landscape and visual impacts upon the setting and character of Westruther.

Notwithstanding an expressed preference for the site that had been the subject of the first public consultation, reference was made within all the objections specifically to the proposed use of a 3m high perimeter chain-link fence. This was considered liable to have (i) adverse landscape and visual impacts owing to its height and stark appearance; (ii) potential unacceptable noise nuisance impacts resulting from balls striking it during matches; and (iii) unacceptable impacts upon the outlook from the dwellinghouse at 'Maryville Cottage'.

Since this represented a relatively strong response from the public, and community, to the proposed revised proposal, and since the original siting had not attracted any objections at the time of the first public consultation and had been compared favourably by most objectors to the proposed revised siting at the time of the second consultation, it was considered appropriate to pursue the option with the Applicant of reinstating the original siting, to which the Applicant was agreeable.

### **Third Public Consultation – Current Arrangement**

While the views of statutory consultees had previously been gathered with respect to the original proposal at the time of the first public consultation, the reinstatement of the original location still required public consultation.

At the time of this third public consultation, eleven objections were received from the same nine households which had responded at the time of the second public consultation.

The objections to the current (reinstated) version of the proposal are principally to the use of the proposed 3m chain-link, (i) firstly, on the grounds that this would not have an acceptable landscape and visual impact upon a site in the countryside and setting of Westruther on account of its height, stark (even urban) appearance and visibility from the surrounding area, and (ii) secondly, on the grounds that it would be a source of unacceptable noise nuisance to neighbouring residential properties, and principally the

occupants of 'Maryville Cottage', as a consequence of the sound of balls striking or rattling off the fence during matches contained therein.

With one exception, the objectors acknowledge an improvement over the repositioned scheme, but essentially maintain their previously expressed concerns with respect to the installation of the proposed perimeter fence. A number propose alternative boundary and landscaping treatments involving a lower fence with more substantial hedging and/or tree planting to form a screen of mixed native species around the facility.

One objector anticipates concerns with respect to ground penetration and drainage at the site, and anticipated with regard to the revised/superseded version of the proposal, that the applicant had not taken full account of what would likely be required in terms of establishing an appropriate playing surface for the facility.

One objector seeks a wider 'village green' area in addition to the proposed playing field.

### **APPLICANTS' SUPPORTING INFORMATION**

Beyond the proposals described by the layout drawing and brochure detail of the proposed chain-link fence, only limited details have been presented in support of the proposal.

A brief supporting statement advises that: (i) the proposed siting has been chosen because of its proximity to the Village Hall, whose Committee would be responsible for managing and maintaining the facility; (ii) the site is level and free-draining, making it suitable for sport activities; and (iii) the site is safely accessible on foot – via The Loaning – from both the Village Hall and Primary School.

### **CONSULTATION RESPONSES:**

In the interests of clarity and brevity, only consultation responses relating to the use and operation of the proposed playing field at the current application site, are summarised in this section.

#### **Scottish Borders Council Consultees**

**Roads Planning Section:** advises that it has no objections to the siting and operation of the proposed playing field, notwithstanding the remoteness of the site from the public road and limited parking provision at the Village Hall. This is because the site has good pedestrian connectivity to the Village Hall and the Primary School; most users would be expected to be local residents able to access the facility on foot; and existing parking provision at the Village Hall, coupled with some on-street provision, would be able to cope with what is anticipated to be a generally low parking demand.

**Landscape Section:** considers that there are no 'significant adverse' landscape or visual effects associated with this proposal, but it would be preferable if the proposed hedge were established to minimise the local impact of the fencing. To this end, a planning condition is sought to require the planting of the proposed hedge, and it is advised that this should be guided by Landscape Guidance Note 3. With respect to the establishment of this hedge, it is noted that there may be some difficulty in trying to grow a hedge under the canopy of existing beech trees on the eastern side. However, since

these trees are themselves almost certainly of hedgerow origin, it is considered that one option may be to cut them back to stumps which would then allow these to regenerate, with the gaps between them infilled with new hedge plants. It is further advised that consideration would also need to be given to the protection of new planting from rabbits as well as from livestock. Bark mulch would assist with weed control. The plastic-coated chain link fence, coloured dark green, described by the brochure detail, is considered to be acceptable but it is recommended that this (acceptable) appearance should be required by condition.

**Outdoor Access Section:** does not object because there are no known Core Paths/Promoted Paths/Rights of Way directly affected by this proposal. However, because Core Path 74 (Right of Way BB118) runs to both the east and south of the application site, it is requested that a planning condition be imposed to require that this path should be maintained open and free from obstruction during the course of development to protect general rights of responsible access.

**Archaeology Officer:** was consulted at the time of the second public consultation, and at that time, identified the presence of a particular crop mark within the southern section of the field, in close proximity to both the original/reinstated and revised/superseded sites. Given the Archaeology Officer's consideration that this has potential to be a prehistoric feature, it is recommended that the site should be subject to a developer-funded field evaluation ahead of all ground works required to establish the playing pitch and fence. Particular guidance is given with respect to the focus and progress of this field evaluation. Following verbal discussions with the Planning Officer, agreement has been reached that would allow that the works specifically described by the Proposal Drawing to take place without an archaeological evaluation (or watching brief) provided there were no groundworks at or deeper than 40cm below the existing ground surface (the anticipated depth of the top soil). However, the Archaeology Officer maintains the requirement for an archaeological evaluation in the event that any such ground works were to be required. He also maintains a concern that the Applicant should be made aware of the potential for significant archaeology to be encountered at the site in the event of any future works or operations.

**Forward Planning Section:** considers that the principle of the proposal complies with Policy PMD4: Development Outwith Settlement Boundaries of the Adopted Local Development Plan in that the latter allows for development out with the Development Boundary where this *'is considered to offer significant community benefits that outweigh the need to protect the Development Boundary'*. The Forward Planning section considers that this is met in this particular case. The proposed sports pitch would provide a community facility, which is not currently provided for within the village. Policy PMD4 further requires that development must represent a logical extension to the built-up areas of the settlement. However, taking account of the character of existing development, and orientation of existing buildings out with and within Westruther, The Forward Planning section does not consider that the proposal would adversely impact upon the village or its wider landscape setting because: it is of an acceptable scale in respect of the surrounding development pattern; would not be readily visible from within the wider landscape or from the approach roads to Westruther; would be self-contained within its landscape surroundings; would not result in any adverse effect on the natural heritage of the surrounding area; and would not prejudice any sites identified for longer-term development. It notes in respect of Policy HD3 - Protection of Residential Amenity that cognisance should also be had to the amenity of surrounding residential properties.

Overall, and taking into consideration the nature and scale of the proposal, Forward Planning considers that the proposal would provide significant community benefits, which outweigh the need to defend the Development Boundary.

### **Statutory Consultees**

**Gordon and Westruther Community Council:** responded at the time of the original public consultation to the version of the proposal that has been reinstated, to advise that it is very much in favour of this much needed facility. At the time of the second public consultation on the revised, and now superseded, proposal to re-site the playing field, the Community Council objected to the then proposed revised siting and advised of its strong preference for the reinstatement of the first (now current) site on the grounds that this: (i) is well away from local housing; (ii) is closer to the Village Hall where school-children may change/use the toilet facilities etc; and (iii) has less impact on the site. Beyond this, it asks that noise and visual amenity impacts be taken into account when considering the installation of proposed three-metre high chain-linked fence because it is aware of concerns regarding noise having been raised in connection with similar fencing installed at a site in Lauder. The Community Council was aware of the third public consultation on the reinstatement of the original site and wrote to request that its previous advice be taken into consideration at the time of the application's determination.

### **DEVELOPMENT PLAN POLICIES:**

#### **Adopted Scottish Borders Local Development Plan 2016**

Policy PMD1: Sustainability

Policy PMD2: Quality Standards

Policy PMD4: Development Outwith Development Boundaries

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

Policy HD3: Residential Amenity

Policy EP13: Trees, Woodlands and Hedgerows

Policy IS5: Protection of Access Routes

Policy IS7: Parking Provision and Standards

### **OTHER PLANNING CONSIDERATIONS:**

None.

### **KEY PLANNING ISSUES:**

The main determining issues with this application are compliance with Development Plan Policies on the siting of development out with the Development Boundary and consideration of impacts on the amenity of adjoining residential properties, impacts on the appearance of the wider landscape setting of Westruther, and the potential for impacts upon significant archaeology which may be present at the site.

With respect to the appropriate conservation of residential amenity and the acceptability of landscape and visual impacts, it needs to be considered whether or not the installation of the proposed 3m high chain-link fence in particular, would be an acceptable component within this development.

## **ASSESSMENT OF APPLICATION:**

### **Planning Policy and Planning Principle**

The site lies outwith the Development Boundary at Westruther, and therefore the principle of the proposal requires to be assessed under Adopted Scottish Borders Local Development Plan Policy PMD4. Although this policy requires that development out with settlement boundaries should normally be refused, it also explicitly allows for exceptional approvals, including in the circumstance that the proposal would offer significant community benefits that would outweigh the need to protect the Development Boundary.

In line with Forward Planning's assessment, it is considered that the proposal would in principle be appropriately considered a community facility with potential to offer significant community benefits. There is no existing equivalent facility for outdoor sports and leisure activities within Westruther, or in fact any dedicated facility that might appeal particularly to younger children and encourage their participation in sporting activities.

Although the proposal represents a development that would offer significant community benefits that might outweigh the need to protect the Development Boundary, Policy PMD4 still requires that the proposal should not otherwise have any unacceptable impacts upon the environment and amenity of the site and surrounding area, or otherwise prejudice the future development of Westruther.

Furthermore, and beyond the need to meet the primary requirements of Policy PMD4, the proposal could only be supported if its siting and operation at the site were also capable of complying with the requirements of all other policies within the Statutory Development Plan; including the need to ensure that there would be no unacceptable impacts upon the amenity of surrounding residential properties. These matters are considered in turn, in the sections below.

### **Site Selection**

The Applicant has not provided any justification for the specific site selected, or advised as to what, if any, alternative sites were considered, although this has been to some extent tested by the earlier revision. However, in this instance, it is readily apparent that there are no more suitable areas within the Development Boundary that could physically accommodate this proposal.

The proposed siting would, furthermore, be well-related to the Village Hall from which the proposal would be managed, and where any parking generated by its operation might reasonably be expected to be accommodated.

The site would also be within relatively easy reach of the school for the Hall's organised sporting activities, and would generally be accessible to all parts of the village by foot.

Neither the site nor any surrounding land is allocated for any proposed use within the statutory development plan. Accordingly the accommodation of the facility as proposed, would not conflict directly with any other identified long-term use of the land.

An additional consideration with respect to siting, has been the level of objection to the applicant's (now superseded) revised proposal that the facility might be sited in the southwest corner of the same field. Since this is a community facility, the level of support from the public and Community Council for the original, and now reinstated, siting, reasonably carries significant weight within this assessment.

In summary, the site would be well-related to the village and to the specific facilities with which it would be inter-related, and of the two options presented to the public, the current site is that which is preferred by the majority of those who responded to the public consultations. Accordingly, the basis of the selection of the current application site raises no concerns in itself, and no further justification is considered to be required.

### **Design and Layout**

The applicant has not addressed directly the reason for the proposed north-south orientation of the facility, but this has not in itself, been identified as objectionable by any members of the public. Most of those who responded to the public consultation, either do not appear to consider the facility's orientation to be a particularly significant issue in itself, or give positive support to the north-south orientation as being more conducive to an acceptable accommodation of the facility within the setting of Westruther. Again, given that the proposal would be a community facility, significant weight can be given to the views of the community as to the facility's best accommodation on the site.

Ultimately any concern to align the pitch to the Development Boundary, while preferable in terms of helping to minimise the depth of projection of a non-rural land use into the countryside setting of Westruther, is not in this case a significant point. This is largely because of the character of the proposal, which would be a fairly low and transparent development when viewed from the surrounding landscape. It would also be liable to be viewed against a backdrop of trees in more distant views from the north and west. It is also a reasonably modest facility in its size and scale with no unnecessary inclusions of land that would not contribute directly to the sports field use.

### **Road Safety, Access and Parking**

The facility would be appropriately accessible from the village and from the Village Hall in particular.

While most users would be local residents or school children expected to access the facility on foot, Roads Planning Section is content that the provision for parking at the Village Hall, in association with opportunities for on-street parking in surrounding streets, would be sufficient to accommodate the facilities' parking needs.

There are consequently anticipated to be no unacceptable impacts upon the local road network or road safety within the surrounding area.

### **Landscape and Visual Impacts**

The proposal has only limited landscape impacts due to its modest size and low profile relative to its surroundings. As the Landscape Section notes, the indicated green-finish of the perimeter fence would contribute to a visually recessive appearance within more

distant views to the north and west. Surrounding trees and hedging soften and interrupt, if not screen out completely, views from the surrounding area, particularly to the south and east. This appearance would be appropriately required and regulated by planning condition to ensure as recessive an appearance for the fence as possible.

Notwithstanding this potential, objectors seek the removal of the 3m high perimeter fence and its substitution by a lower fence and/or by new substantial hedge and tree planting. While the latter would undoubtedly improve the appearance of the facility from afar, any extensive new planting would not only appear unreasonable because of the low landscape and visual impacts of the facility, but would also result in the loss of a practical and effective barrier to contain balls within the designated sports field thereby reducing potential for disturbance to livestock and nuisance to neighbouring land and properties.

Furthermore, it is questionable whether any substantial landscaping around the site would actually be desirable in this particular context. The transparency of the enclosing fence would be liable to facilitate surveillance of the playing field from outwith the site, thereby encouraging the safe and responsible use of the facility.

For all practical reasons, the specific proposed fence is reasonably considered to be an inherent part of the proposal, with its height and transparency being integral to its function and the optimum operation of the playing field facility. Such visual impacts as there would be are likely to be very localised.

### **Residential Amenity**

Most concerns with respect to impacts upon residential amenity cite the potential for balls striking the chain-link fence to generate unacceptable levels of noise nuisance at 'Maryville Cottage' and other surrounding residential properties. The residents of 'Maryville Cottage' have also raised concerns with respect to their amenity being unacceptably impacted by the raised voices of the proposed facility's users either on-site or on their way to or from the site.

The location and operation of a formal playing field liable to be used by community groups and the local school has the potential to result in an increased level of noise at the site relative to that which currently prevails there.

The proposed site is not directly opposite Maryville Cottage, which is also separated by the existing track and hedge. Its private garden area lies to the south, away from the site. Any view of the site from this house is likely to be oblique and, as no floodlights are proposed, any potential for noise is likely to be limited to daylight hours. The potential risk in terms of noise nuisance during protected hours is therefore unlikely to be significant.

Within a planning assessment, it is ultimately only necessary to anticipate the impacts that would result from a responsible use of the facility. The Village Hall Committee would itself, by virtue of the perimeter fence, retain some measure of control over the use, and critically over the time of use, of the facility if it chose to regulate access. Given this potential, there would appear to be ways that the facility's operators could ensure

the sympathetic operation of the facility if it were advised of any concerns by neighbours or the police.

Overall, the wider benefit to the community is considered to outweigh the limited potential for noise or other nuisance.

### **Cultural Heritage and Archaeology**

The Archaeology Officer responded to the consultation to seek a developer-funded field evaluation encompassing not only the archaeological investigation of the site, but also the investigation of a nearby crop-mark which he anticipates may be a prehistoric feature..

Given that the Applicant has not indicated any proposed ground works at the site to accommodate the playing field on what is already a relatively level area of land, the need for the archaeological evaluation has been referred back to the Archaeology Officer who has confirmed verbally that there would only be a concern were any groundworks to impact deposits below the top soil; that is, below a depth of around 30 to 40cm. The Archaeology Officer has no objection to the erection of the fencing or goal-posts per se, since these would have minimal impacts upon any archaeological deposits or remains present at the site. However, he maintains that any excavation works liable to occur below the level of the topsoil would be at risk of impacting underlying archaeological deposits and remains.

Since the land at the site is already relatively level and consistent, and does not appear to be poorly drained, it is not anticipated that there is any inherent requirement for any substantial ground works to accommodate a playing field. However, clearly some improvement of the surface would be required to accommodate an appropriate playing field for sports. It is considered reasonable to suppose that the Applicant would not need to excavate below a depth of 40cm in order to accommodate the proposal at the site, and that there are no reasons to suppose that there would in any event be unacceptable impacts upon the archaeological record as a consequence of the siting and operation of the proposal in the form in which it has been described.

Ideally the site should be made the subject of a full archaeological field evaluation, but in planning terms, this appears disproportionate to what has actually been proposed by the Applicant. Accordingly, the pragmatic approach would be to require, by planning condition, that there should be no ground works carried out in relation to the accommodation of the playing field itself to any depth greater than 40cm below the level of the existing ground surface itself. It might be allowed by the same condition any works below that depth could go only ahead with the Planning Authority's explicit written approval. An informative note could then advise the Applicant that such authorisation would only be forthcoming subject to appropriate provision for the archaeological investigation and recording of the site by way of an archaeological evaluation, first having been secured and implemented.

### **Existing Trees and Proposed Hedge Planting**

While there are trees to the south and east of the site, there are already agricultural fences in closer proximity to these than the line of the proposed perimeter fence. With



respect to impacts upon tree roots, sufficient set back appears achievable in most instances, but the installation of the proposed fencing would in any case, reasonably be expected to be altogether less intrusive than other types of development. The younger trees to the south at least, are also extremely unlikely to be rooting under the site of the fencing. Accordingly, the potential for damage to trees appears to be minimal.

The Applicant proposes a new beech hedge around the site. At least on the west and north sides of the site, such a feature would soften as far as reasonably possible, the appearance of the facility in views from the wider landscape.

The Landscape Architect's recommendation that existing beech trees to the east might be reduced and retained for inclusion within a new hedge, is noted, but these trees do not coincide with the boundary adjacent to the site (those referred to by the Landscape Architect are further to the north). Accordingly, a new section of hedge to the east would be entirely preferable to any works to the larger trees immediately adjacent to the site along its eastern boundary.

It would be reasonable to require by planning condition the planting and maintenance of the low hedge in the form in which it has been proposed. A related informative could address critical concerns with respect to the planting and maintenance requirements, and address the advice of the Landscape Architect with respect to good practice in hedge establishment and management.

### **Other Concerns**

The Outdoor Access Section is concerned that a planning condition should be imposed to ensure that public access should be maintained along the Core Path/Right of Way during the course of any development works. However, this requirement is enshrined in law and is therefore not reasonably or necessarily made the subject of a planning condition. An informative would therefore suffice to alert the Applicant to the statutory requirement that Core Path and Right of Way access should be maintained at all times.

One of the objections seeks the establishment of a larger 'village green' area within the wider field area, but this is neither allocated within the statutory development plan nor the subject or context of the current proposal.

While the playing field and fencing would require maintenance, there is no logical or reasonable basis in planning terms, for seeking to restrict planning consent to any specifically limited period of time. In the event that the facility was not used, or if in time it were to fall out of use, the land would most logically and reasonably revert to being farmland again. A reversion to agricultural use could occur as a permitted change of use, and is therefore not necessarily or reasonably required by planning condition. Any subsequent alternative proposal for the site would require to be considered on its own planning merits at the time of any future planning application.

### **CONCLUSION**

Subject to appropriate planning conditions being imposed to regulate the concerns identified above with respect to the potential for impacts upon archaeological deposits and with respect to measures required to ensure an appropriate finished appearance of the proposed fencing and to facilitate its accommodation within the landscape setting of

Westruther (planting of hedge), the proposal is considered to comply with the full requirements of Policy PMD4 and also with those of all other policies of the statutory development plan.

**RECOMMENDATION BY CHIEF PLANNING OFFICER:**

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

1. Other than fence-posts and goal-posts, no development shall take place on the site (or any part thereof) to any depth greater than 0.4m (40cm) below the level of the existing ground surface, unless otherwise agreed in writing by the Planning Authority. (Please see Informative Note 1 for further information with respect to the archaeological interest at the site and the operation of this same planning condition).

Reason: Any ground works at the site below the level of the top soil, are at risk of damaging or destroying significant archaeological remains unless appropriate arrangements are first put in place for the investigation and recording of the site by professional archaeologists ahead of any such ground works occurring.

2. Unless otherwise agreed in writing by the Planning Authority, the finished appearance of the proposed boundary fencing shall accord in full with the description Approved Photograph 1, including the dark green finish to the frame and mesh described by that same photograph.

Reason: To ensure that the finished appearance of the boundary fence is as visually recessive as possible within views from the surrounding area, in the interests of ensuring an appearance that is as sympathetic as possible to the countryside location of the site and the rural landscape setting of Westruther.

3. The development hereby approved shall not take place except in strict accordance with a scheme of landscaping works describing the planting and maintenance of the beech hedge which is described by the Approved Site Plan Drawing, which shall first have been submitted to, and approved in writing by, the Planning Authority before the commencement of development. The details of the scheme shall take full account of the advice and guidance of Informative Note 2, and shall include a planting schedule and programme for subsequent maintenance.

Reason: To ensure that appropriate landscaping arrangements are in place to deliver a satisfactory form, layout and assimilation of the development in association with the operation of Planning Condition No 4 attached to this planning permission.

4. Unless otherwise agreed in writing and in advance by the Planning Authority, all planting comprised in the approved details of the new beech hedge shall have been carried out by no later than the end of the first full planting season following the completion and/or first use of the playing field facility hereby approved (whichever occurs soonest). This same planting shall thereafter be maintained in accordance with the details approved under requirements of Planning Condition No 3, and any and all failures of individual plants shall be replaced by a new plant of the same species for a period of five years from the date of completion of the initial planting.

Reason: To ensure that the proposed landscaped boundary treatment is carried out as approved, and is thereafter given sufficient opportunity to become established through maintenance, including if necessary, the replacement of any plants that fail during this same period.

## **Informatives**

### **INFORMATIVE NOTE 1:**

The Council's Archaeology Officer has advised that aerial photography suggests potential at the site for the survival of archaeological remains of prehistoric date, and highlights the potential for this buried archaeology to be damaged or destroyed by ground works carried out in relation to the creation of a playing field.

With respect to the operation of Planning Condition No 1 attached to this planning permission, and in response to any subsequent request by the Applicant or Operators to carry out excavations at the site to any depth greater than 40cm below the level of the existing ground surface, please note that the Planning Authority may request a full archaeological evaluation of the site in line with that sought by the Council's Archaeology Officer within his consultation response provided at the time of the public consultation on this planning application (16/00083/FUL). It would only be once appropriate provision had been made for the conservation (by record if necessary) of any significant archaeological remains present, that the Planning Authority would be agreeable to the carrying out of any ground works at the site to any depth greater than 40cm below the level of the existing ground surface.

### **INFORMATIVE NOTE 2:**

Please refer to "Landscape Guidance Note 3 – Hedge Detail" when preparing the information required by Planning Condition No 3. The details required by Planning Condition No 3 must provide sufficient information to be enforceable by including a Planting Plan which addresses the following:

- i.) Plan is to an identified true scale (e.g. 1:200);
- ii.) Boundary of the application site is clearly marked;
- iii.) Site orientation is indicated by a North point or OS grid lines;
- iv.) All existing trees, shrubs and hedges to be retained are clearly marked;
- v.) Take account of site factors such as slope, aspect, soil conditions, proximity of buildings and minimum distances from pipe and cable runs, when choosing planting positions. Where necessary, seek professional landscape advice;
- vi.) Planting positions are clearly marked showing individual trees and shrubs and / or planting area boundaries using dimensions as necessary;
- vii.) All species of plants identified using their full botanical name (e.g. oak - *Quercus robur*);
- viii.) All plant numbers to be identified individually or by group or area as appropriate. Species mixes can be identified by percentages and an overall number or a specified area and a planting density (e.g. *Betula pendula* 30%, *Quercus robur* 70%, 120 square metres @ 1 plant per 4 square metres = 9 *B. pendula* & 21 *Q. robur*);
- ix.) A planting schedule identifies all the proposed planting by species and specification indicating size and nature of plants to be used (e.g.: Extra heavy standard tree 14-16cms girth or shrub 60-75cms high in 2 litre pot.);

x.) Notes on the plan describe how the planting is to be carried out and maintained to ensure successful establishment; and  
 xi.) The plan indicates when the work will be completed and ready for inspection taking account of planting seasons (e.g. November to end March each year for bare rooted plants.).  
 N.B. Planting conditions are only discharged following an inspection of the completed work.

**INFORMATIVE NOTE 3:**

Core Path 74 (Right of Way BB118) runs to the east and south of the site.

Please note that it is a statutory requirement that this Core Path/Right of Way must be maintained open and free from obstruction at all times, including during the course of development. This is to protect general rights of responsible access.

DRAWING NUMBERS

<b>Plan Ref</b>	<b>Plan Type</b>
Village Hall Playing Field	General
Chain-Link Fence Detail	Photos

**Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

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

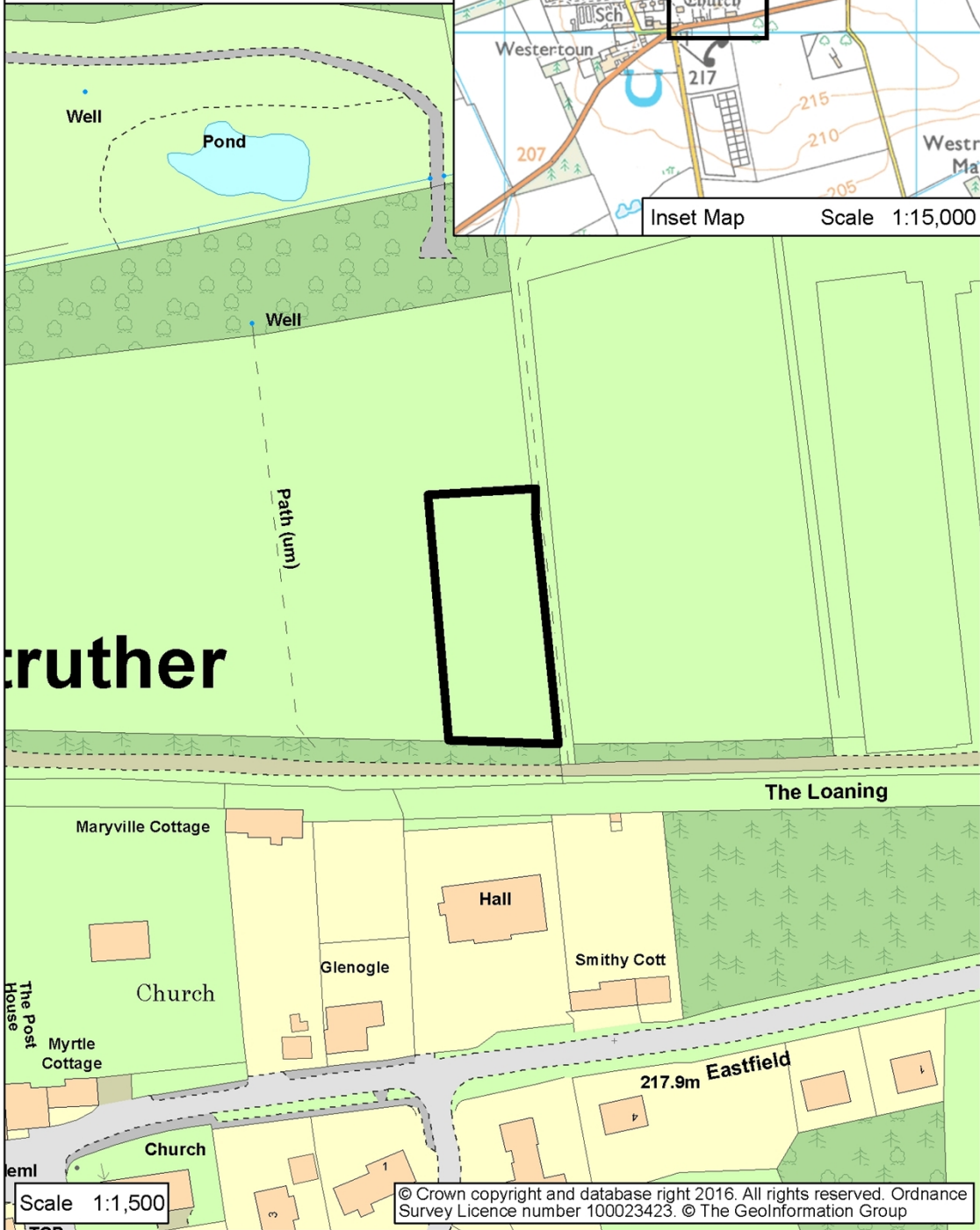
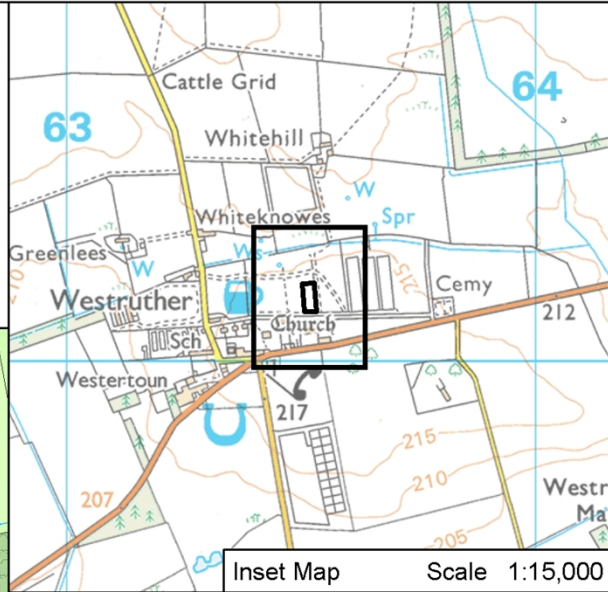
**Author(s)**

Name	Designation
Stuart Herkes	Planning Officer



16/00083/FUL

Land North West Of Village Hall  
Westruther



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## **PLANNING APPEALS & REVIEWS**

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### **Briefing Note by Chief Planning Officer**

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## **PLANNING AND BUILDING STANDARDS COMMITTEE**

**5<sup>th</sup> September 2016**

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### **1 PURPOSE**

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

### **2 APPEALS RECEIVED**

#### 2.1 Planning Applications

- 2.1.1 Reference: 14/00848/PPP  
Proposal: Erection of 19 holiday lodges with proposed access and land treatment  
Site: Land North West of Whitmuir Hall, Selkirk  
Appellant: Mr Alan Williams

Reason for Refusal: The proposed development is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been established that there is sufficient economic justification to establish a case for the development that would outweigh concerns over the harm to the amenity and the character of the scenic landscape and surrounding Whitmuirhall Loch, which is sensitive to change and which contributes to the attractiveness of the area.

Grounds of Appeal: 1. The reference to economic justification in Policy D1 applies to "Other Business or Employment generating Uses" and it is contended that the Council acted unreasonably in using economic justification as the reason for refusal of this proposed tourism and leisure development. 2. The Appellant maintains their stance and the assessment arrived at by the previous Reporter and appraisal of the amended proposals by Council officers more than adequately prove that there is sufficient economic justification to establish a case for the development. 3. The current proposals have been substantially scaled down from 28 to 19 lodges, and the layout has respected concerns about landscape context and has significantly reduced the proposed development footprint and has increased areas for screen planting and landscaping. 4. SBC have not given due consideration to their own adopted Local Plan policy, and have seen fit to ignore it and the recommendations of their officers. They have wrongly concluded that this proposed development is contrary to Local Plan policy when it is clearly not.

Method of Appeal: Written Representations

2.1.2 Reference: 16/00125/LBC  
Proposal: Replacement windows and door  
Site: 62 Castle Street, Duns  
Appellant: Alan John Redpath

Reason for Refusal: 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.

Grounds of Appeal: The Heritage & Design Officer has not supported the application after verbal guidance and a site visit. The existing door is not the original door as stated in the refusal, it is hollow not solid. The existing sash and case windows are not the same. Historic Environment Scotland have no objections.

Method of Appeal: Written Representations

## 2.2 Enforcements

2.2.1 Reference: 15/00141/ADVERT  
Proposal: Provision of illuminated sign  
Site: 22 Bridge Street, Kelso  
Appellant: Tony Huggins-Haig

Reason for Notice: An illuminated Projective advertisement sign has been erected without the benefit of either deemed or express Advertisement Consent. The owner has failed on two separate occasions to submit an advertisement application to retain the signs, or have them removed.

Grounds of Appeal: 1. The enforcement notice was only sent to the Owner of the building at his home address. It was not sent to the lease holder who is a limited company. 2. The reason for issuing the notice is incorrect, it is stated that 'The owner has failed on two separate occasions to submit an advertisement application to retain the signs, or have them removed', this is incorrect because a) The owner has not received any correspondence at his home address. b) a letter was received at 22 Bridge Street, Kelso (address to the owner not the lease holder) dated 28 January 2016 but the owner was out of the country until the end of March 2016. No other letter was received. c) The enforcement notice contradicts the letter. Why would an application be submitted when SBC stated that the application would not be supported. 3. The sign is not illuminated and never has been. 4. The sign adheres to the Consolidated Local Plan.

Method of Appeal: Written Representations



### 3 APPEAL DECISIONS RECEIVED

#### 3.1 Planning Applications

3.1.1 Reference:	14/00738/FUL
Proposal:	Construction of wind farm consisting of 8 No turbines up to 100m high to tip with associated external transformers, tracking, new site entrance off A701, borrow pit, underground cabling, substation and compound and temporary construction compound
Site:	Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge
Appellant:	Stevenson Hill Wind Energy Ltd

Reasons for Refusal: 1. The proposed development would be contrary to Policies G1, BE2 and D4 of the Scottish Borders 2011 Local Plan, and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan) and the Council's Supplementary Planning Guidance on Wind Energy in that the development would unacceptably harm the Borders landscape including Historic Landscape due to: (i) the prominence of the application site and the ability of the turbines to be seen as highly prominent and poorly contained new components of the landscape from a wide area, as represented by viewpoints and ZTV information within the ES (ii) the unacceptable vertical scale of the turbines in relation to the scale of the receiving landscape and absence of good topographical containment, causing the underlying landscape/landform to be overwhelmed (iii) the impacts on landscape character arising from a high level of intervisibility between several landscape character areas/types with recognised landscape quality (including the Upper Tweeddale National Scenic Area) (iv) the appearance of the development resulting from its placement on a line of hills ridges, linear layout design, its scale in relation to other wind energy development with which it has cumulative landscape effects and the potential visual confusion caused by the proximity of the proposed Cloich Wind Farm to Hag Law, there being no visual coherence between the two windfarms (v) the siting and prominence in a Historic Landscape, within which the development would appear as an incongruous and anachronistic new item; and (vi) the introduction of a large commercial wind farm in an area which does not have the capacity to absorb it without causing overriding harm, and which is presently wind farm free. 2. The proposed development would be contrary to Policies G1, D4, BE2 and H2 of the Scottish Borders 2011 Local Plan, and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan) and the Council's Supplementary Planning Guidance on Wind Energy in that the development would give rise to unacceptable visual and residential amenity effects due to: (i) the high level of visibility of the development and lack of good topographical containment (ii) the adverse effects experienced by users of the public path network, in particular the Scottish National Trail, and areas generally used for recreational access (including vehicular access routes to such areas) (iii) the potentially unacceptable level of visual impact caused by the design of the development, in particular the dominance of the turbines in proximity to sensitive receptors (residences, school, public buildings), within the settlements at Romannobridge/Halmyre, Mountain Cross and West Linton (iv) the lack of certainty relating to the application of noise limitations in relation to certain noise sensitive receptors, in particular because it has not been demonstrated that it is possible to meet recommendations within ETSU-R-97 due to the potential cumulative noise effects from Hag Law and Cloich

Wind Farms; and (v) the overriding harmful visual impacts relating to settings of a range of scheduled monuments within a culturally rich landscape.

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

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

Reporter's Decision: Dismissed

Summary of Decision: The Reporters, Stephen Hall and Karen Heywood, concluded that the development would make a meaningful contribution towards meeting Scotland's renewable energy targets. However it does not comply with the development plan, principally due to its landscape and visual impacts; and its impact on the setting of the Wether Law Cairn ancient monument. The Cloich Forest and Hag Law proposals are not compatible and therefore should not both be built. A comparison between Cloich Forest and Hag Law gives the balance of advantage to Cloich Forest. National planning policy does not support the Hag Law scheme because its adverse impacts would outweigh its benefits. There are no other material considerations which are sufficient to justify granting planning permission.

### 3.2 Enforcements

Nil

## 4 APPEALS OUTSTANDING

4.1 There remained one appeals previously reported on which a decision was still awaited when this report was prepared on 26<sup>th</sup> August 2016. This relates to a site at:

<ul style="list-style-type: none"><li>Land North of Upper Stewarton, (Kilrubie Wind Farm Development), Eddleston, Peebles</li></ul>	<ul style="list-style-type: none"><li></li></ul>
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## 5 REVIEW REQUESTS RECEIVED

5.1 Reference: 16/00126/FUL  
Proposal: Replacement windows and door  
Site: 62 Castle Street, Duns  
Appellant: Alan John Redpath

Reason for Refusal: 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.

- 5.2 Reference: 16/00162/PPP  
Proposal: Erection of dwellinghouse and garage  
Site: Garden Ground of Lindisfarne, The Loan, Gattonside  
Appellant: Mr H Armstrong

Reasons for Refusal: 1. The development would fail to comply with Policy PMD5(e) of the Local Development Plan 2016 because it would not be served by adequate access and the implications of the development would potentially be detrimental to road and pedestrian safety. 2. The development would fail to comply with Policy PMD2(q) of the Local Development Plan 2016 because it would lead to an adverse impact on road safety. In particular, the development would lead to increased traffic on The Loan, which is significantly constrained as regards gradient, visibility and passing opportunities, and this increased traffic would lead to an unacceptable risk to the safety of vehicular drivers and pedestrians using the route.

- 5.3 Reference: 16/00205/FUL  
Proposal: Erection of timber processing building incorporating biomass plant room and staff welfare provision  
Site: Field No 0328 Kirkburn, Cardrona  
Appellant: Cleek Poultry Ltd

Reasons 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 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 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 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. It has not been demonstrated that the design, layout and scale of the building are appropriate or suited for the proposed use and the use is not supported by any Business Plan or practical details.

- 5.4 Reference: 16/00233/FUL  
Proposal: External re-decoration (retrospective)  
Site: Shop, 1 Leithen Road, Innerleithen  
Appellant: Martha Gibson

Reason for Refusal: The development conflicts with Policies G1 and BE4 of the Scottish Borders Consolidated Local Plan 2011, and with adopted Supplementary Planning Guidance from 2011, in that due to: - the poor relationship of the chosen paint colour on the shopfront with the colours and tones of surrounding materials in conservation area buildings and structures; and - the prominence of the shopfront in the conservation area

and street scene due to its position at the end (focal point) of the High Street; the inappropriate colour stands out as an incongruous and eye-catching item, harming both the character and the appearance of the conservation area, to the detriment of public amenity.

- 5.5 Reference: 16/00397/FUL  
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  
Appellant: Wilson G Jamieson Ltd

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.

- 5.6 Reference: 16/00494/FUL  
Proposal: Erection of poultry building and erection of alter, sacred well and stance for statue  
Site: Field No 0328, Kirkburn, Cardrona  
Appellant: Cleek Poultry Ltd

Reasons 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.

- 5.7 Reference: 16/00495/FUL  
Proposal: Extension to form animal flotation unit  
Site: Field No 0328 Kirkburn, Cardrona  
Appellant: Cleek Poultry Ltd

Reasons 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.

## 6 REVIEWS DETERMINED

- 6.1 Reference: 15/00769/FUL  
 Proposal: Siting of caravan for permanent residence (retrospective)  
 Site: Land South of Camphouse Farmhouse, Camptown, Jedburgh  
 Appellant: Kerr Renwick

Reasons for Refusal: 1. The proposal would be contrary to Policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 and the Supplementary Planning Guidance on New Housing in the Borders Countryside 2008 as the caravan is not located within any settlement or an established building group of three or more dwellinghouses or building(s) capable of conversion to residential use and the agricultural and operational requirement for the use of the caravan for permanent residential occupation has not been adequately demonstrated. The retention of the caravan on this site would lead to an unacceptable and unjustified sporadic development in the countryside. 2. The proposal would result in an unacceptable form of development that would not be in accordance with the criteria contained within Policy G1 of the Scottish Borders Consolidated Local Plan Adopted 2011 and Supplementary Planning Guidance: Placemaking and Design 2010. The unit is not physically suited for permanent retention for residential use, due to its size, design and construction. The development is not in keeping with the scale or architectural character of the existing buildings at Camptown to the detriment of the visual amenities of the area.

Method of Review: Review of Papers & Further Written Submissions

Review Decision: Decision of Appointed Officer Overturned (Temporary Permission Granted for 4 Years)

- 6.2 Reference: 15/01521/PPP  
 Proposal: Erection of three dwellinghouses  
 Site: Land North of Bonjedward Garage, Jedburgh  
 Appellant: Lothian Estates

Reasons for Refusal: 1. The proposal is contrary to Policy D2: Housing in the Countryside of the Scottish Borders Consolidated Local Plan Adopted 2011, Policy HD2: Housing in the Countryside of the Proposed Local Development Plan 2013 and Supplementary Planning Guidance on New Housing in the Borders Countryside 2008 in that the site is not within the recognised building group at Bonjedward and it does not relate well to this group and would therefore not be an appropriate extension to the existing pattern of development. The development would result in sporadic development within the countryside harming the character and appearance of the area. 2. The proposal is contrary to Policy H2 of the Scottish Borders Consolidated Local Plan Adopted 2011 and policy HD3 of the Proposed Local Development Plan 2013 relating to the protection of residential amenity in that siting residential housing adjacent to industrial buildings and three main public roads would have a significant adverse impact on the residential amenity of occupiers of the proposed houses.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.3 Reference: 15/01552/FUL  
Proposal: Erection of two dwellinghouses  
Site: Land South of Primary School, West End, Denholm  
Appellant: Mr and Mrs N Ewart

Reasons for Refusal: 1. The proposed development is contrary to policies G7, BE4 and BE6 of the Consolidated Scottish Borders Local Plan (2011) in that it would result in the loss of open space to the detriment of the amenity and character of the village, its western approach and to the detriment of the character and appearance of the Denholm Conservation Area. 2. The proposed development set forth in this application is considered contrary to policy G1 of the Consolidated Scottish Borders Local Plan (2011), and contrary to adopted supplementary planning guidance on Placemaking and Design in that the proposed dwellings would not reflect the neighbouring built form and density.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions and a Section 75 Legal Agreement)

- 6.4 Reference: 16/00114/FUL  
Proposal: Erection of cattle court incorporating storage areas and staff facilities and erection of animal feed silo  
Site: Field No 0328 Kirkburn, Cardrona  
Appellant: Cleek Poultry Ltd

Reasons 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 building and silo 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 the submitted Business Plan does not adequately demonstrate that there is an overriding justification for the building and silo of the scale and design proposed that would justify an exceptional permission for them in this rural location and

the building does not appear to be designed for the purpose intended. The development would appear, therefore, as unwarranted development in the open countryside. 3. The application is contrary to Policy BE2 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that the building and silo would not have an adverse impact on the setting of the archaeological site of Our Lady's Church and Churchyard adjoining the application site.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.5 Reference: 16/00136/FUL  
Proposal: Change of use from storage barn, alterations and extension to form dwellinghouse  
Site: Land and Storage Barn East of Flemington Farmhouse, West Flemington, Eyemouth  
Appellant: Mr And Mrs J Cook

Reason for Refusal: The proposed development is contrary to Policy D2 of the Consolidated Local Plan 2011 in that the building has no architectural or historic merit which would justify its retention by means of securing a non-rural agricultural use. In addition the level of intervention proposed to the fabric of the structure exceeds what would be regarded as a conversion of a non-residential building to dwellinghouse.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.6 Reference: 16/00205/FUL  
Proposal: Erection of timber processing building incorporating biomass plant room and staff welfare provision  
Site: Field No 0328 Kirkburn, Cardrona  
Appellant: Cleek Poultry Ltd

Reasons 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 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 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 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. It has not been demonstrated that the design, layout and scale of the building are appropriate or suited for the proposed use and the use is not supported by any Business Plan or practical details.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.7 Reference: 16/00233/FUL  
Proposal: External re-decoration (retrospective)

Site: Shop, 1 Leithen Road, Innerleithen  
Appellant: Martha Gibson

Reason for Refusal: The development conflicts with Policies G1 and BE4 of the Scottish Borders Consolidated Local Plan 2011, and with adopted Supplementary Planning Guidance from 2011, in that due to: - the poor relationship of the chosen paint colour on the shopfront with the colours and tones of surrounding materials in conservation area buildings and structures; and - the prominence of the shopfront in the conservation area and street scene due to its position at the end (focal point) of the High Street; the inappropriate colour stands out as an incongruous and eye-catching item, harming both the character and the appearance of the conservation area, to the detriment of public amenity.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

## 7 REVIEWS OUTSTANDING

7.1 There remained one review previously reported on which a decision was still awaited when this report was prepared on 26<sup>th</sup> August 2016. This relates to a site at:

- |                              |   |
|------------------------------|---|
| • 5 East High Street, Lauder | • |
|------------------------------|---|

## 8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

## 9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

9.1 Reference: 12/01283/S36  
Proposal: Wind farm development comprising of 18 wind turbines of up to 132m high to tip and associated access  
Site: Cloich Forest Wind Farm, Land West of Whitelaw Burn, Eddleston  
Appellant: Cloich Wind Farm LLP (a subsidiary of Partnerships for Renewables Ltd.)

Reasons for Objection: 1. Impact on Landscape Character - The proposed development would be contrary to Policies G1, BE2 and D4 of the Scottish Borders 2011 Local Plan, and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan), in that the development would unacceptably harm the Borders landscape including Historic Landscape due to- i. the prominence of the application site and the ability of the turbines to be seen as highly prominent and poorly contained new components of the landscape from a wide area, as represented by viewpoints and ZTV information within the ES. ii. the unacceptable vertical scale of the turbines in relation to the scale of the receiving landscape and absence of good topographical containment, causing the underlying landscape/landform to be overwhelmed. iii. the impacts on landscape character arising from a high level of intervisibility between several landscape character areas/types with recognised landscape quality (including the Upper



Tweeddale National Scenic Area. iv. the appearance of the development resulting from its massing, spread and layout design and its scale in relation to other wind energy development with which it has cumulative landscape effects. v. the siting and prominence in a Historic Landscape, within which the development would appear as an incongruous and anachronistic new item; and vi. the introduction of a large commercial wind farm in an area which does not have the capacity to absorb it without causing overriding harm, and which is presently wind farm free.

2. Diverse Visual and Amenity Impacts - The proposed development would be contrary to Policies G1, D4, BE2 and H2 of the Scottish Borders 2011 Local Plan, and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan), in that the development would give rise to unacceptable visual and residential amenity effects due to-

- i. the high level of visibility of the development and lack of good topographical containment.
- ii. the adverse effects experienced by users of the public path network and areas generally used for recreational access (including vehicular access routes to such areas).
- iii. the potentially unacceptable level of visual impact caused by the dominance of the turbines in relation to a number of private residences within 2km of the development, in particular Upper Stewarton
- iv. the lack of certainty relating to the application of noise limitations in relation to certain noise sensitive receptors, in particular Upper Stewarton, and the intent to impose an unacceptable higher noise limit than endorsed elsewhere in Borders; and
- v. the adverse visual impacts relating to settings of a range scheduled monuments within a culturally rich landscape.

Reporter's Decision: Sustained

Summary of Decision: The Reporters, Stephen Hall and Karen Heywood, concluded that there are some limited adverse impacts on the matters in Schedule 9 of the Electricity Act 1989, but that these do not outweigh the clear benefits of the proposed development. National energy policy is supportive of the scheme, as is national planning policy, given the limited impacts identified. Overall the development complies with the development plan (particularly balancing the factors contained in Policy D4) and with the proposed local development plan (particularly balancing the factors contained in Policy ED9). The Cloich Forest and Hag Law proposals are not compatible and therefore should not both be built. A comparison between Cloich Forest and Hag Law gives the balance of advantage to Cloich Forest.

## 10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

10.1 There remained 2 S36 PLIs previously reported on which decisions were still awaited when this report was prepared on 26<sup>th</sup> August 2016. This relates to sites at:

<ul style="list-style-type: none"> <li>• Land North of Nether Monynut Cottage (Aikengall IIa), Cockburnspath</li> </ul>	<ul style="list-style-type: none"> <li>• (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir</li> </ul>
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**Approved by**

**Ian Aikman**  
**Chief Planning Officer**

**Signature .....**

**Author(s)**

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

**Background Papers:** None.

**Previous Minute Reference:** None.

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

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