

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS TD6 0SA on MONDAY, 26TH MARCH, 2018 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,

19 March 2018

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	<p>Minute. (Pages 3 - 12)</p> <p>Minute of Meeting of 5 February 2018 to be approved and signed by the Chairman. (Copy attached.)</p>
5.	<p>Applications.</p> <p>Consider the following application for planning permission:-</p>
	<p>(a) Glentress, Peebles - 17/01625/FUL and Kittlegairy Hill North of Linnburn Farmhouse, Peebles -17/01633/FUL (Pages 13 - 44)</p> <p>17/01625/FUL - Improvement and construction of mountain bike trails, extension to existing car parking facilities, demolition of buildings and associated works 17/01633/FUL - Erection of holiday complex comprising of 56 timber cabins, central hub, cycle store, managers accommodation, new access and associated works. (Copy attached.)</p>
	<p>(b) Workshop and Yard for Caravan Storage, Huddersfield Street, Galashiels - 17/00695/FUL (Pages 45 - 60)</p> <p>Residential development comprising of 34 no flats with associated parking and retaining wall works. (Copy attached.)</p>
	<p>(c) Land South of Abbotsbank, Gattonside - 16/01403/FUL (Pages 61 - 76)</p> <p>Erection of dwellinghouse. (Copy attached.)</p>
	<p>(d) Land South of Rossleigh, Horndean - 17/01602/PPP (Pages 77 - 90)</p> <p>Erection of dwellinghouse. (Copy attached.)</p>
	<p>(e) Land South West and South East of Bowbank Cottages, Bellfield Road,</p>

	Eddleston - 17/00767/PPP (Pages 91 - 106) Residential development. (Copy attached.)
(f)	Land South West of 6 Lamberton Holding, Lamberton - 17/01348/FUL (Pages 107 - 122) Erection of 2 No wind turbines 11.8m high to tip. (Copy attached.)
(g)	Land East of Craigpark Court, Galashiels - 17/01709/FUL (Pages 123 - 134) Erection of four dwellinghouses. (Copy attached.)
(h)	Land adjacent to Craigpark Gardens, Galashiels - 17/01757/MOD75 (Pages 135 - 140) Modification of planning obligation pursuant to planning permissions 12/00811/FUL, 13/01109/FUL, 14/00412/FUL and 14/01227/FUL. (Copy attached.)
6.	Appeals and Reviews. (Pages 141 - 144) Consider report by Service Director Regulatory Services. (Copy attached.)
7.	Any Other Items Previously Circulated.
8.	Any Other Items which the Chairman Decides are Urgent.

NOTE

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

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

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

Membership of Committee:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small.

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

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

MINUTE of Meeting of the PLANNING AND
BUILDING STANDARDS COMMITTEE held
in Scottish Borders Council, Council
Headquarters, Newtown St Boswells TD6
0SA on Monday, 5 February 2018 at
10.00 am

Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small.
In Attendance:- Depute Chief Planning Officer, Lead Planning Officer (Development Management and Enforcement), Senior Roads Planning Officer (Alan Scott), Solicitor (Emma Moir), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 8 January 2018.

DECISION

APPROVED for signature by the Chairman.

DECLARATION OF INTEREST

Councillor Fullarton declared an interest in Application 17/00993/FUL and 17/00994/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

2. **APPLICATIONS**

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

DECISION

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

3. **PLANNING PERFORMANCE FRAMEWORK ANNUAL REPORT**

The Depute Chief Planning Officer made a presentation on the 2016/17 Planning Performance against Key markers, which he likened to a report card. The assessment had been undertaken in December 2017 and covered the 15 key markers. It was highlighted that there were no red markers with 4 amber and 11 green. In terms of decision making timescales, it was explained that residential applications had improved and householder applications were currently 6-8 weeks, which was slower than the previous year but faster than the Scottish average. Re-introduction of the pre-application service would improve the key marker for this service. In terms of marker 14 it was explained that a number of legacy records were overdue but there was no legal provision to remove these. There had been some criticism in terms of information supplied for developer contributions compared to other years but it was hoped to that this would be eliminated in the next 12 months. The general direction was very good and illustrated an improvement year on year performance since 2012/13. The Chairman congratulated the entire team on their performance and their professionalism.

DECISION

NOTED.

4. **APPEALS AND REVIEWS**

There had been circulated copies of a briefing note by the Chief Planning Officer on Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED that:-

- (a) An Appeal had been received in respect of the Construction of wind farm comprising 7 No turbines up to 149.9m high to tip, 5 No turbines up to 130m high to tip and associated infrastructure on land South West of Lurgiescleuch (Pines Burn), Hawick – 17/00010/FUL; and**
- (b) Enforcement Notices had been issued in respect of :-**
 - (i) Painting of exterior of building within conversation area and listed building at 13 St Ella's Place, Eyemouth - 17/00006/UNDEV;**
 - (ii) Erection of scaffolding structure and metal panel fence structure on land North West of Kirkburn Church, Peebles – 17/00089/UNUSE**
- (c) an Appeal Decision to dismiss had been received in respect of Erection of Class 6 storage and distribution buildings, associated Class 5 use and erection of ancillary dwellinghouse and associated development and landscaping works on Land North East of 3 The Old Creamery, Dolphinton – 17/00087/FUL**
- (d) there remained six appeals outstanding in respect of:-**
 - Land North of Howpark Farmhouse, Grantshouse
 - Poultry Farm, Marchmont Road, Greenlaw
 - Land South West of Easter Happrew Farmhouse, Peebles
 - Hutton Hall Barns, Hutton
 - Land East of Knapdale, 54 Edinburgh Road, Peebles
 - Land North West of Gilston Farm, Heriot
- (e) review requests had been received in respect of:-**
 - (i) variation of planning condition 9 of planning consent 10/00172/FUL relating to occupancy of building at the Pavilion, Coldingam, Eyemouth – 17/01007/FUL;**
 - (ii) Erection of replacement dwellinghouse on derelict Dwelling Land West of Glenkinnon Lodge, Peelburnfoot, Clovenfords – 17/01008/FUL;**
 - (iii) Erection of boundary fence and formation of parking area (retrospective) at 1 Eildon Terrace, Newtown St Boswells – 17/01230/FUL;**
 - (iv) Erection of dwellinghouse with attached garage on Land North West of Alderbank, Macbiehill, West Linton – 17/01406/FUL**
- (f) the Local Review had upheld the Appointed Officers decision in respect of variation of planning condition 9 of planning consent 10/0017/FUL relating to occupancy of building – 17/01007/FUL;**
- (g) there remained two reviews outstanding in respect of:-**
 - Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlston
 - Land South West of Kirkburn Parish Church, Cardona

The meeting concluded at 12.30 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/00993/FUL and 17/00994/FUL	17/00993/FUL - Erection of 41 dwellinghouses and associated works 17/00994/FUL - Erection of 34 dwellinghouses and associated works	Land North West of Springfield Avenue Duns

17/0993/FUL

Decision: Approved, subject to additional conditions covering boundary treatments, position of dwellings within plots and amendments to elevations and the informative as follows:-

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The residential units hereby approved shall meet the definition of "affordable housing" as set out in the Scottish Borders Local Development Plan 2016 and Scottish Borders Council approved supplementary planning guidance on Affordable Housing (January 2015) and shall not be used for any other purpose.
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools and development outwith the Development Boundary.
- 3 No development shall commence until full details of all external materials for the approved dwellings, and full details of the surfacing of all shared surfaces and footways have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.
Reason: To maintain effective control over the development.
- 4 No development shall commence until full details of the road construction, makeup, material and road surfaces are submitted to and approved in writing by the planning authority. A scheme of further refinements to the detail of the parking bays shown on the approved site layout plan shall also be submitted to and approved in writing by the planning authority before commencement of development. Thereafter the development is to be completed in accordance with the approved details.
Reason: To maintain effective control over the development.
- 5 At least 6 weeks prior to the development commencing operations the applicant must prepare and submit a construction method statement for approval by the Planning Authority. Once approved this document will form the operational parameters under which the development will be operated and managed. The plan must address the following:
 - Hours of operation
 - Vehicle movement
 - Protection and monitoring of private water supplies
 - Noise mitigation/ equipment maintenance
 - Dust - mitigation and management
 - Lighting - prevention of nuisance
 - Complaints procedure/ communication of noisy works to receptorsReason: To protect the amenity of nearby residential properties.
- 6 No drainage system other than the public mains sewer shall be used to service the property without the written consent of the Planning Authority.

Reason: To ensure adequate provision is made for the disposal of foul water drainage and that the development does not have a detrimental effect on public health.

- 7 Prior to occupation of the first dwellinghouse hereby approved written evidence shall be supplied to the planning Authority that the development has been connected to the public water drainage network.
Reason: To ensure that the development does not have a detrimental effect on public health.
- 8 No development shall commence until a detailed report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.
Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
- 9 No water supply other than the public mains shall be used to supply the Development hereby approved without the written agreement of the Planning Authority.
Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
- 10 The Air Source Heat Pump equipment shown on the drawings hereby approved shall be installed in accordance with the details approved with this application, unless otherwise agreed in writing with the planning authority.
Reason: In the interests of residential amenity within and adjoining the site.
- 11 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 all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2
Reason: To protect the residential amenity of nearby properties.
- 12 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.
- 13 An equipped play area shall be provided on site within 6 months of the occupation of the first dwellinghouse, the precise details of which shall first be submitted to and agreed in writing by the planning authority. Details shall include a scheme for ongoing future maintenance of the equipped play area.
Reason: To ensure provision of suitable recreation space within the development.
- 14 All landscaping shown on drawing DU09_LP-004 Rev E shall be completed within 12 months of the occupation of the first dwellinghouse hereby approved, unless a subsequent phasing scheme has been submitted to and agreed in writing with the planning authority.
Reason: To ensure the development is suitably landscaped and integrated with its surroundings.
- 15 Prior to commencement of development, a scheme for future maintenance of all landscaped areas shall be submitted to and approved in writing with the planning authority. Thereafter the landscaping will be maintained in accordance with the approved details.
Reason: To ensure suitable maintenance of all landscaped areas.

- 16 All new selected standard tree planting as shown on the Planting Schedule attached to approved drawing DU09_LP-004 Rev E should use root balled tree stock as per SBC Landscape Guidance Note 7.
Reason: To ensure the development is suitably landscaped and integrated with its surroundings.
- 17 No development shall commence until a scheme of details setting out arrangements and locations for domestic waste and recycling storage and collection are submitted to and approved in writing by the planning authority. Thereafter the development is to be completed in accordance with the approved details, unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure suitable provisions are made for the provision and storage of domestic waste and recycling within the site.
- 18 No development shall commence until precise details of all proposed means of enclosure 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.
Reason: To ensure a satisfactory form of development, and to enable the effective assimilation of the development into its wider surroundings.
- 19 No development shall commence until a scheme of amendments to the design and exterior finishes of the dwellinghouses hereby approved has been submitted to and approved in writing by the planning authority. Thereafter no development shall take place except in strict accordance with the approved scheme unless otherwise agreed in writing with the planning authority.
Reason: Further variation to the external appearance of the dwellings is required, to achieve a suitable placemaking and design standard.
- 20 No development shall commence until a scheme of amendments to the precise location of the dwellinghouses hereby approved have been submitted to and approved in writing by the planning authority. Thereafter no development shall take place except in strict accordance approved scheme unless otherwise agreed in writing with the planning authority.
Reason: Further variation in the positioning of the dwellings within individual plots is required, to achieve a suitable placemaking and design standard.

Informative

It should be noted that the existing Roads Construction Consent for the site has expired and an application will be required from the developer to have the consent extended.

Note: Both applications subject to S75 agreement requiring provision of footpath link between the development site and Bridgend Place.

17/00994/FUL

Decision: Approved, subject to additional condition covering boundary treatments and adjustment to conditions 19 and 20 to remove specific plot numbers and the informative as follows:-

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The residential units hereby approved shall meet the definition of "affordable housing" as set out in the Scottish Borders Local Development Plan 2016 and Scottish Borders Council approved supplementary planning guidance on Affordable Housing (January 2015) and shall not be used for any other purpose.

Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools and development outwith the Development Boundary.

- 3 No development shall commence until full details of all external materials for the approved dwellings, and full details of the surfacing of all shared surfaces and footways have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.

Reason: To maintain effective control over the development.

- 4 No development shall commence until full details of the road construction, makeup, material and road surfaces are submitted to and approved in writing by the planning authority. A scheme of further refinements to the detail of the parking bays shown on the approved site layout plan shall also be submitted to and approved in writing by the planning authority before commencement of development. Thereafter the development is to be completed in accordance with the approved details.

Reason: To maintain effective control over the development.

- 5 At least 6 weeks prior to the development commencing operations the applicant must prepare and submit a construction method statement for approval by the Planning Authority. Once approved this document will form the operational parameters under which the development will be operated and managed. The plan must address the following:

- Hours of operation
- Vehicle movement
- Protection and monitoring of private water supplies
- Noise mitigation/ equipment maintenance
- Dust - mitigation and management
- Lighting - prevention of nuisance
- Complaints procedure/ communication of noisy works to receptors

Reason: To protect the amenity of nearby residential properties.

- 6 No drainage system other than the public mains sewer shall be used to service the property without the written consent of the Planning Authority.

Reason: To ensure adequate provision is made for the disposal of foul water drainage and that the development does not have a detrimental effect on public health.

- 7 Prior to occupation of the first dwellinghouse hereby approved written evidence shall be supplied to the planning Authority that the development has been connected to the public water drainage network.

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

- 8 No development shall commence until a detailed report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

- 9 No water supply other than the public mains shall be used to supply the Development hereby approved without the written agreement of the Planning Authority.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

- 10 The Air Source Heat Pump equipment shown on the drawings hereby approved shall be installed in accordance with the details approved with this application, unless otherwise agreed in writing with the planning authority.
Reason: In the interests of residential amenity within and adjoining the site.
- 11 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 all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2
Reason: To protect the residential amenity of nearby properties.
- 12 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.
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Reason: To ensure provision of suitable recreation space within the development.
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Reason: To ensure the development is suitably landscaped and integrated with its surroundings.
- 15 Prior to commencement of development, a scheme for future maintenance of all landscaped areas shall be submitted to and approved in writing with the planning authority. Thereafter the landscaping will be maintained in accordance with the approved details.
Reason: To ensure suitable maintenance of all landscaped areas.
- 16 All new selected standard tree planting as shown on the Planting Schedule attached to approved drawing DU09_LP-004 Rev E should use root balled tree stock as per SBC Landscape Guidance Note 7.
Reason: To ensure the development is suitably landscaped and integrated with its surroundings.
- 17 No development shall commence until a scheme of details setting out arrangements and locations for domestic waste and recycling storage and collection are submitted to and approved in writing by the planning authority. Thereafter the development is to be completed in accordance with the approved details, unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure suitable provisions are made for the provision and storage of domestic waste and recycling within the site.
- 18 No development shall commence until a scheme of amendments to the design and exterior finishes of the dwellinghouses hereby approved has been submitted to and approved in writing by the planning authority. Thereafter no development shall take place except in strict accordance with the approved scheme unless otherwise agreed in writing with the planning authority.
Reason: Further variation to the external appearance of the dwellings is required, to achieve a suitable placemaking and design standard
- 19 No development shall commence until a scheme of amendments to the precise location of the dwellinghouses hereby approved have been submitted to and approved in writing by the

planning authority. Thereafter no development shall take place except in strict accordance approved scheme unless otherwise agreed in writing with the planning authority.

Reason: Further variation in the positioning of the dwellings within individual plots is required, to achieve a suitable placemaking and design standard.

- 20 No development shall commence until precise details of all proposed means of enclosure 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.

Reason: To ensure a satisfactory form of development, and to enable the effective assimilation of the development into its wider surroundings.

Informative

It should be noted that the existing Roads Construction Consent for the site has expired and an application will be required from the developer to have the consent extended.

Note: Both applications subject to S75 agreement requiring provision of footpath link between the development site and Bridgend Place.

NOTE

Mr Ravey, Springfield Homes PLC spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/01403/FUL	Erection of dwellinghouse	Land South of Abbotsbank Gattonside

Decision: Continued to allow a site Visit to be held.

NOTE

Mrs Helen Johnson, Local Resident spoke against the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/01502/MOD75	Discharge of planning obligation pursuant to planning permission R273/94	Parklands Oxnam Road Jedburgh

Decision: Approved discharge of the S50 Agreement subject to the following applicant informative:

The applicant should be aware that a planning condition restricting occupancy of the dwelling would also require removal from Parklands planning permission – Reference: 94/00995/FUL (Alternative Reference: R273/94).

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

26 MARCH 2018

APPLICATIONS FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 17/01625/FUL : 17/01633/FUL
OFFICER:	Mr C Miller
WARD:	Tweeddale West
PROPOSAL:	17/01625/FUL - Improvement and construction of mountain bike trails, extension to existing car parking facilities, demolition of buildings and associated works 17/01633/FUL - Erection of holiday complex comprising of 56 timber cabins, central hub, cycle store, managers accommodation, new access and associated works
SITE:	17/01625/FUL – Glentress, Peebles 17/01633/FUL - Kittlegairy Hill North Of Linnburn Farmhouse, Peebles
APPLICANT:	17/01625/FUL – Forest Enterprise Scotland 17/01633/FUL - Forest Holidays Ltd
AGENT:	17/01625/FUL – Ferguson Planning

SITE DESCRIPTION

The site which is the subject of application 17/01625/FUL is located within the lower southern part of Glentress Forest and Visitor Centre, east of Eshiels and north of the A72. The complex is a major tourist attraction serving over 300,000 visitors per annum and is part of the 7Stanes cycle trail network. The site is accessed from the A72 adjoining the Glentress Hotel, the access road serving several car parks, the facilities operated by Forest Enterprise, three houses, a separate wig wam/camping business and the upper reaches of the main Glentress Forest, which includes Go Ape. Glentress Peel is operated by Forest Enterprise and includes a café, bike shop, toilets, offices and a number of storage buildings at the overspill car parking areas.

Current parking provision consists of 134 spaces at the main centre, 92 spaces within the upper and lower car parks and 121 spaces some distance to the north at Buzzard's Nest within the site covered by application 17/01633/FUL. There are 70km of trails within the forest which contribute to the attraction of the facility, offering a different range of experiences, levels of difficulty and terrain.

The application site stretches across 248 hectares and includes the main entrance area from the A72, all car parks (except Buzzard's Nest), a range of existing buildings to the west of the access road, rising agricultural land and forest around and to the north of Glentress Peel and open land to the east of the current car park. The site lies within the Tweed Valley Special Landscape Area and is in proximity to a number of Scheduled Monuments.

The site which is the subject of application 17/01633/FUL largely consists of the mixed

coniferous forest area around Kittlegairy Hill, 1.5km north of the Glentress Visitor Centre and covering 29 hectares of ground, including access road. The site includes the current Buzzard's Nest car park, a quarry and the current bike skills area, together with a number of forest tracks and trails through the site. The site is accessed via a forest road from the main Glentress Centre. The ground generally drops to the south and west although there is a ridgeline passing through the site, containing the current bike skills area. The site lies within the Tweed Valley Special Landscape Area and is in proximity to a number of Scheduled Monuments. The Soonhope Valley lies to the west and south-west of the site containing holiday huts, a farmhouse and kennels.

PROPOSED DEVELOPMENT

Both applications relate to the development of land within the ownership of Forest Enterprise Scotland, 17/01625/FUL reorganising and re-designing car parking, paths and biking trails as a result of Forest Holidays Ltd occupying the upper part of Glentress Forest and the Buzzard's Nest car park with the chalet development 17/01633/FUL. The applications are presented to Committee together as there are phasing and timing links to ensure recreational facilities and parking remain and are improved at the site. Both applications are aimed at maintaining and enhancing the reputation of the visitor attraction at Glentress, diversifying the attraction, delivering the vision of the Glentress Masterplan and benefitting the local economy and further investment at the complex through facilitating holiday cabin development.

17/01625/FUL proposes the following:

- Demolition of existing buildings in the area of the overspill car parks – the Dutch Barn and “Howff” buildings will be removed and replaced with additional parking, increasing the upper car park especially from 39 – 152 spaces. The lower car park will increase from 53 – 65. This total increase is offset by the loss of 121 spaces deeper in the forest at the Buzzard's Nest car park which will become dedicated to the chalet development.
- Entrance barrier system at the main entrance to Glentress – designed to be more effective in capturing income from the use of the car parks and facilities. Would employ number plate recognition and only allow exit from the facility once payment has been made on site – but there will be no prevention of entry and a 30 minute period will allow free visit and drop-off.
- New mountain biking trails and a replacement bike skills area - this will involve 16.5km of four different trails of varying difficulty to the north of the application site and ending around Glentress Peel, involving works to approximately 3.9HA of the 248HA site, the vast majority of the forest remaining untouched. Taster trails will also be provided as replacement for the Freeride facility being lost at the Buzzard's Nest car park. The skills area will be relocated from the site within the holiday cabin development, positioned on land to the east of the Peel car park and closer to existing facilities.
- Multi-use path – 1.5km of easy access path will allow use by non-bikers to spectate the repositioned trails and skills areas with seating, looping around Glentress Peel and linking many of the facilities.
- Additional fencing, planting and infrastructure works – including fencing within the upper car park, improvements in linking paths and new planting, especially around Glentress Peel and the skills/trails areas.

17/01633/FUL proposes the following:

- 56 timber holiday cabins providing 1-4 bedroomed units plus three with tree house bedrooms – the mix will be predominantly two and three bed cabins (41) with seven one-bed cabins and seven four-bed cabins, three of those with tree houses. All are single storey in height except the seven four-bed cabins which are 1.5 storey. The design uses a stepped pitched roof in tiles, full timber wall cladding and gable glazed areas with decking. Information is also provided on ground treatment which is tree-friendly involving pile foundations. The cabins will be timber clad utilising low impact lighting on and around the cabins, motion triggered. Each cabin will have a bike store and there will be occasional laundry pod structures throughout the layout.
- Three cabins providing staff accommodation, two within the quarry and one to the north-east of the site. The cabins within the quarry will be caravans clad to look like cabins whilst the larger one will be a standard four-bed cabin design.
- Central Hub building to the north of the Buzzard's Nest car park - will contain a reception, small shop and café/bar. Designed to match with timber cabins.
- Maintenance yard within existing quarry with plant and ancilliary buildings, storage and refuse collection point. Open Ranger Station at the car park with Cycle Store. Quarry to be selectively restored.
- Buzzard's Nest car park reused but reduced in size to 40 spaces with landscaping and access improvements.
- Bike skills area relocated to Glentress Peel and replaced with landscaped picnic area.
- Allocated parking spaces for each cabin. Roads and parking spaces same crushed stone as forest tracks.
- Entrance barrier system immediately north of the Go Ape facility with number plate recognition barrier.

Application 17/01625/FUL was supported by the following notable documents which are all available to view on Public Access, with the exception of a Protected Species Survey Report, badger report and three bat surveys and reports:

- Pre Application Consultation Report
- Planning Statement
- Design and Access Statement
- Agent response letter 20 February 2018
- Landscape and Visual impact Assessment with Appendices
- Economic Impact Report
- Transport Statement
- Existing Car Parking
- Archaeology Assessment
- Breeding Birds Survey
- Amphibian Survey

Application 17/01633/FUL was supported by the following documents which are all available to view on Public Access, with the exception of an Ecological Procedural Method Statement, Protected Species Report and badger report:

- Pre Application Consultation report
- Design and Access Statement
- Transport Statement
- Transport Assessment and Outline Travel Plan

- Landscape and Visual Impact Assessment with Appendices
- Woodland Enhancement and Management Plan
- Habitat Survey Report
- Ecology Summary
- Archaeological Desk Based Assessment
- Demand and Economic Benefit Assessment
- Community Benefits Plan
- Lighting Management Strategy
- Noise Statement
- Tree Survey, Arboricultural Constraints and Method Statement
- Review of Ancient Woodland
- Operational Management Plan
- Construction Management Plan
- Energy Efficiency Report
- Air Quality Assessment
- Drainage Strategy
- Borehole Feasibility Review
- Flood Risk, Drainage Impact and Water Quality Assessment
- Heating Specifications

PLANNING HISTORY

17/01625/FUL

98/01044/FUL – Erection of dwellinghouse - approved
 01/00488/CGD – Alterations to form cold store - permitted
 02/00058/FUL – Erection of portakabins and decking for use as café and cycle hire - approved
 02/01439/OUT – Erection of visitor services building - approved
 03/00395/FUL – Formation of car parking area - approved
 03/01042/COU – Change of use of barn for sales, storage and osprey viewing - approved
 04/01652/OUT – Formation of garden centre - refused
 04/02097/FUL – Erection of portaloos and decking - approved
 05/01174/FUL – Erection of lean-to and siting storage container - approved
 05/01865/FUL – Extension of consent re 02/00058/FUL - approved
 06/01890/FUL – Change of use from house to visitor centre, staff accommodation, café, bike hire and car parking - approved
 06/02337/FUL – Extension to consents 03/01042/COU and 05/01174/FUL - approved
 07/00493/OUT – Erection of dwellinghouse - refused
 08/01766/FUL – Alterations to form kitchen, replacement toilet block and car parking - approved
 09/00469/FUL – Demolition of dwelling and erection of office and facilities – approved
 11/00079/ADV – Installation of non-illuminated signage - approved
 14/01136/FUL – Siting of temporary storage container – approved

17/01633/FUL

No planning history

CONSULTATION RESPONSES:

17/01625/FUL

Scottish Borders Council Consultees

Roads Planning: No objections in principle, the Transport Assessment demonstrating that following traffic counts, some car parks are over capacity but others have spare capacity, there being a slight increase in the number of overall spaces but all now being located at the Glentress centre dealing with peak demand more effectively. However further information is needed before the scheme can be supported, mainly related to the crossing arrangements for the A72 between the main Glentress entrance and the existing multi-use path. Other details needed include the phasing of parking upgrading to replace the loss of the Buzzard's Nest car park.

Forward Planning: Supports the application but consideration must be given to compliance with LDP Policy ED7, the proposals meeting with those strategic aims in terms of the Scottish Borders Tourism Strategy and supporting local towns and services. Glentress Masterplan has been produced as Supplementary Guidance and proposals should be assessed against this. Sees this application as the first in a series aimed at delivering the aims of the Masterplan. Raises the need for additional landscaped screening to the south of the current car parking when viewed from the A72. The Masterplan also sought a rendezvous point for emergency vehicles. All road safety related matters should be considered by the Roads Planning Service, including the crossing of the A72. Upon receipt of agent responses, welcomes the rendezvous point addition but still seeks additional planting.

Landscape Architect: Notes the proposal is supported by the Glentress Masterplan and by the submitted Landscape and Visual Impact Assessment which is in compliance with the Masterplan. No objections but feels that the overflow car parks are the most visible element and should be planted and screened to a greater degree. Also queries whether forest planting could be extended down to more effectively screen the proposed biking skills area from the A72 and seeks a detailed schedule of new planting.

Archaeology Officer: Supports the development and notes the submitted Archaeological Desk Based Assessment which indicates the potential for impacts on previously unknown archaeology, resulting from proximity to Scheduled Monuments at Eshiels and Castle Hill. Also highlights discovery of a Neolithic or Bronze Age settlement at Horsburgh and further evidence of potential medieval archaeology nearby. Finally, the loss of the "Howff" building is of concern as it is potentially listable, dating from 1936 and with a mixed usage history, the main interest being not in its architecture but in its history of inter and post-war labour dynamics.

In terms of recommendations, the "Howff" building should preferably be retained or at least relocated elsewhere. If neither is viable, it should be recorded and interpreted in the car park. Concern over the increased likelihood of Castle Hill monument being impacted by mountain bike trails together with more generalised impacts through increased visitor numbers and seeks planting or other mitigation to resolve this. Recommends a Heritage Interpretation Access and Management Plan. Also concerned over the relationship of the proposed barrier system with the boundary of the Eshiels Roman Camp Scheduled Monument and seeks temporary fencing protection during construction. An Archaeological Written Scheme of Investigation will be required by condition which can also cover the linked application by Forest Holidays Ltd.

Economic Development: Development complies with the strategic target of the Scottish Borders Tourism Strategy 2013-2020. It will provide authentic experiences, increasing levels of visitors and spending to the area. It will enhance visitor attractions and build on the success of mountain biking in the Tweed Valley area. Also complies with a Visit Scotland Consultation Paper on a National Tourism Development Plan for Scotland.

Ecology Officer: No objections subject to a Construction Environmental Management Plan being submitted. Satisfied with Protected Species Surveys Report but Species Protection Plans will be required by condition for bats, red squirrels, pine marten, amphibians, reptiles, breeding birds, raptors and badgers. These should include pre-development surveys and incorporate measures outlined in the submitted provisional Protection Plans. Informatives needed in relation to SNH licences for impacts on badgers, red squirrel and bats, as well as no development within breeding bird season unless otherwise agreed. Initially required confirmation of an identified oak being retained or a bat survey undertaken in relation to trees with potential for bat roosts. Subsequently accepted the tree was being retained. In relation to bats in buildings, either a licence or proof that a licence will not be required should be exhibited.

Flood Protection: No objections but part of the site could be at risk of flooding. However, due to topography there is no risk to the development but with proximity of burns, surface water run-off may be of concern. Development should ensure greenfield run-off rates are not exceeded through attenuation and any water crossings should not reduce the conveyance capacity of the watercourses.

Environmental Health: No comments other than former commercial/industrial building usage also requires a contaminated land study before development commences, by condition.

Access Officer: No claimed rights of way on the site but rights of access allowed under Land Reform (Scotland) Act 2003. Concerned that the Multi-Use Trail may become too dominated by mountain bikers and seeks some mitigation to encourage respect for other users. The proposed barrier to the main Centre should not obstruct pedestrians, cyclists and horse riders.

Statutory Consultees

Historic Environment Scotland: Assessed potential effects on three Scheduled Monuments at Eshiels Roman Camp, Horsburgh Castle and Horsburgh Castle Farm but no objections. Some concerns over construction impacts and requires planning conditions to safeguard the Eshiels Roman Camp from construction impacts and provision of interpretative materials for the three Scheduled Monuments. Consult with Council Archaeologist and Heritage Officer on other cultural heritage impacts.

Scottish Natural Heritage: In terms of the Tweed SAC, sediment discharge is likely to be the main impact, together with any works to the main entrance gate system next to the Eshiels Burn. However, considers it unlikely to have an adverse effect on internationally and nationally designated sites. Squirrel dreys and a feeding station are recorded within the development footprint requiring further survey to ascertain if the dreys are used by red squirrel. Impacts on bats is accepted although further protected species surveys still sought on bats, breeding birds and pine marten. Upon submission of entrance repositioning and further information, noted that the offset from the top of the burn bank to the associated barrier on the entrance road has been created, avoiding the need for grey bank reinforcement in the Eshiels Burn. This amendment

significantly reduces the chances of the potential contamination of the SAC. Any CAR licensing will take into account the SAC. Accept the responses on Protected Species.

SEPA: Object on the basis that the new entrance barrier system appears to encroach on the Eshiels Burn, potentially reducing the capacity of the watercourse to convey floodwater efficiently. Given part of the site is within a flood risk area, any new water crossings should also convey the flood risk flows together with freeboard. In the absence of further information, a Flood Risk Assessment may be required.

Direct authorisations may be required from SEPA with regard to any engineering activities in or near watercourses. Surface water should be dealt with via SUDS and pollution prevention mitigation used during construction.

Upon receipt of amended plan, removes objection as there will be no works or impacts on the Eshiels Burn as a result of the entrance barrier.

Peebles and District Community Council: Response awaited.

Innerleithen and District Community Council: Response awaited.

Other Consultees

Visit Scotland: Response awaited.

Scottish Badgers: Response awaited.

Association for the Protection of Rural Scotland: Response awaited.

CONSULTATION RESPONSES:

17/01633/FUL

Scottish Borders Council Consultees

Roads Planning: No objections in principle, the Transport Assessment demonstrating the existing junction with the A72 can safely accommodate the development. The Buzzard's Nest car park is being accommodated within application 17/01625/FUL and the internal layout is acceptable, subject to further gradient and construction details. However further information is needed before the scheme can be supported, mainly related to the crossing arrangements for the A72 between the main Glentress entrance and the existing multi-use path. Other details needed include construction and gradient information for all access roads and parking areas and the phasing of parking upgrading to replace the loss of the Buzzard's Nest car park.

Forward Planning: Supports the application but consideration must be given to compliance with LDP Policies ED7 and ED8, the proposals meeting with those strategic aims in terms of the Scottish Borders Tourism Strategy and supporting local towns and services. Glentress Masterplan has been produced as Supplementary Guidance and proposals should be assessed against this, especially in relation to landscape and visual impacts from outwith the site and the impacts of glazing, especially from the A72. Welcomes the link with the Forest Enterprise proposals. Roads Planning comments should also be taken into account.

Landscape Architect: Notes the proposal is supported by the Glentress Masterplan and by the submitted Landscape and Visual Impact Assessment which is in compliance with the Masterplan. No objections but queries compliance with the tree felling impacts of the Masterplan, site service impacts, details of supplementary planting, quarry restoration, site lighting and woodland management.

Subsequently accepts that such information is now included after further applicant response, albeit proposed new planting specifications still need to be addressed.

Archaeology Officer: Supports the development and notes the submitted Archaeological Desk Based Assessment which indicates the potential for impacts on previously unknown archaeology, resulting from proximity to prehistoric settlements. Welcomes the intention to address this in an Archaeological Written Scheme of Investigation which can also cover the linked application by Forest Enterprise. Concern over the increased visitor numbers impacting on hill forts via tracks and mountain bike trails and, therefore, recommends a Heritage Interpretation Access and Management Plan. Also concerned over the potential to traverse Cardie Hill Fort from the proposed Buzzard's Nest car park and requires clarification of any proposed path and restriction to walkers/interpretation purposes only. Subsequently satisfied with fencing proposals re Cardie Hill subject to condition.

Economic Development: Development complies with the strategic target of the Scottish Borders Tourism Strategy 2013-2020. It will provide authentic experiences, increasing accommodation, visitors and spending to the area. It will enhance visitor attractions and build on the success of mountain biking in the Tweed Valley area.

Ecology Officer: No objections and satisfied with the submitted Phase 1 Habitat report, Ecological Procedural and Management Statements and Protected Species Reports but requires either confirmation of an identified sycamore being retained or a bat survey undertaken in relation to trees with potential for bat roosts. Also Species Protection Plans will be required by condition for bats, red squirrels, pine marten, amphibians, reptiles, breeding birds, raptors and badgers. These should include pre-development surveys and incorporate measures outlined in the submitted provisional Protection Plans. Informatives needed in relation to SNH licences for impacts on badgers, red squirrel and bats, as well as no development within breeding bird season unless otherwise agreed.

Reaffirms that pre-determination information is only required in relation to bat impacts on the identified sycamore tree and that all other protected species information can be dealt with via conditions. Now accept that the sycamore tree will be retained.

Flood Protection: No objections but part of the site could be at risk of flooding. However, due to topography there is no risk to the development but with proximity of burns, surface water run-off may be of concern. Development should ensure greenfield run-off rates are not exceeded through attenuation and any water crossings should not reduce the conveyance capacity of the watercourses.

Environmental Health: Notes that impact assessments have been carried out regarding air quality and noise from heating systems but requires further information on borehole usage for the water supply and impacts on private water supplies. Former quarry usage also requires a contaminated land study before development commences, by condition. No further comments after considering additional borehole report.

Access Officer: No claimed rights of way on the site but rights of access allowed under Land Reform (Scotland) Act 2003. “Janet’s Brae” connects Peebles to the southern site boundary and should be maintained primarily as a walking route. The link to Peebles from the south-west corner requires traffic-calming where it crosses the main track.

Statutory Consultees

Historic Environment Scotland: Assessed potential effects on two Scheduled Monuments at Eshiels Roman Camp and Glenfield Hill Fort but no comments to offer. Consult with Council Archaeologist and Heritage Officer on other cultural heritage impacts.

Scottish Water: No public sewers in the vicinity so no concerns.

Scottish Natural Heritage: Unlikely to have an adverse effect on internationally and nationally designated sites. In terms of the Tweed SAC, sediment discharge is likely to be filtered adequately given the distance and SEPA pollution prevention guidelines should be adhered to. In terms of species protection, further information needed on drainage impact on an existing badger sett. Squirrel dreys are recorded within the development footprint requiring further survey to ascertain if the dreys are used by red squirrel. Impacts on bats is accepted although further surveys still sought on pine marten.

Following further information on the drainage impact on a badger sett, confirm a licence will not be required but still recommend a badger Protection Plan.

SEPA: Object on the lack of clarity and conflict with drainage proposals within the submission, site drawings explaining a gravity connection with the public sewer is intended but the Design and Access Statement advising that a treatment plant will then discharge to drains underneath tracks, including a holding tank. In terms of surface water, this should be dealt with via SUDS. Boreholes for drinking water will require authorisation. Flood risk needs to be assessed by the Council’s Flood Protection Team and whilst there are parts of the site that are at risk, they are well below the level of any development. Run-off rates should not be increased from the site. Pollution prevention is addressed in the Construction Management Plan but further advice is recommended.

Following supplementary drainage information being submitted which shows foul drainage being discharged into a holding tank before reaching a public sewer, remove objection.

Peebles and District Community Council: No objections but require foul drainage to be addressed to meet SEPA requirements which has also been raised by a neighbour. Welcomes holiday usage but should ensure no reversion to permanent residences via a planning condition. Condition also to ensure any permanent residences are staff-only.

Innerleithen and District Community Council: Response awaited.

Other Consultees

Visit Scotland: Response awaited.

Scottish Badgers: Response awaited.

Association for the Protection of Rural Scotland: Response awaited.

17/01625/FUL

REPRESENTATION SUMMARY

Letters of objection have been received to the application from two individuals, including the following grounds:

- Construction impacts in relation to noise, light and air pollution
- Obtrusive barrier positioning
- Request for sound barriers and noise/air pollution monitoring by Environmental Health
- Request for construction vehicle movement restrictions and working hours

Three letters of support have also been received including the following grounds:

- The proposals will boost local tourism to the Tweed Valley area.
- The existing tourism service providers will benefit from increased visitor numbers.
- The mountain biking tourism sector will be strengthened via the investment of the development and the support to Forest Enterprise.
- Provision of needed facilities to the area at a safer and more accessible site
- Better located parking.

17/01633/FUL

REPRESENTATION SUMMARY

Letters of objection have been received to the application from four individuals, including the following grounds:

- Overdevelopment
- Impacts on a forest and green space.
- Concerns over sufficiency of water and impact on existing private water supplies
- Sewage treatment issues and excessive trenching
- Increased conflict with a working farm.
- Impact of light pollution at an elevated site.
- Increased litter and nuisance
- Access can be shut in winter months causing an issue of reaching the cabins.
- Destruction of wildlife habitat and trees.

Two letters of support have also been received including the following grounds:

- The proposals will boost local tourism to the Tweed Valley area.
- The existing tourism service providers will benefit from increased visitor numbers.
- The mountain biking tourism sector will be strengthened via the investment of the development and the support to Forest Enterprise.
- Provision of needed facilities to the area.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD1 Sustainability
Policy PMD2 Quality Standards
Policy HD3 Protection of Residential Amenity
Policy ED7 Business, Tourism and Leisure Development in the Countryside
Policy EP2 National Nature Conservation Sites and Protected Species
Policy EP3 Local Biodiversity
Policy EP5 Special Landscape Areas
Policy EP8 Archaeology
Policy EP10 Gardens and Designed Landscapes
Policy EP12 Green Networks
Policy EP13 Trees, Woodlands and Hedgerows
Policy EP15 Development Affecting the Water Environment
Policy EP16 Air Quality
Policy IS5 Protection of Access Routes
Policy IS6 Road Adoption Standards
Policy IS7 Parking Provisions and Standards
Policy IS8 Flooding
Policy IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS

SESplan Strategic Development Plan 2013
Scottish Planning Policy
National Planning Framework

“Glentress Masterplan” Feb 2016
“Biodiversity” SPG
“Green Space” SPG
“Trees and Development” SPG
“Placemaking and Design” SPG
“Landscape and Development” SPG
“Local Landscape Designations” SPG
“Scottish Borders Woodland Strategy” SPG

KEY PLANNING ISSUES

The main determining issues with these applications are whether the development is in compliance with Local Development Plan Policies and Supplementary Planning Guidance on landscape and environmental impacts and also with policies supporting recreation and economic development.

ASSESSMENT OF APPLICATIONS

Planning Policy

The sites are located at Glentress Forest which is one of eight forests in the Tweed Valley Forest Park, recognised as a high quality environment for outdoor activities. Glentress is at the

centre of Forest Enterprise Scotland's (FES) proposals to ensure important forest resources continue to be available to the public, offering a range of activity from passive enjoyment of the landscape to active pursuits such as walking, horse riding and mountain biking. The Planning and Economic Statements submitted with these planning applications indicate that the current centre attracts over 300,000 visitors per year. The overall aim of both applications is to enhance the facilities at Glentress and encourage longer stays through the provision of high quality accommodation, enhancement and rationalisation of existing facilities and car parking. This is envisaged to create significant economic benefit to the area and also allow further investment in the centre reflecting the vision contained within the approved SPG "Glentress Masterplan". Whilst only reflecting the first stages of improvement and enhancement at Glentress, these proposals are still fundamental to the progress of the development and the delivery of the overall objectives. The cabin accommodation is necessary to deliver facility enhancements and the improvements reflected in the FES application are also required to be undertaken at the same time to reinstate and improve car parking, trails and skills areas being displaced by the cabin accommodation.

The principal Local Development Plan Policy to be applied to these planning applications is ED7 Business Tourism and Leisure in the Countryside. This indicates encouragement for the purposes of the applications which are providing increased holiday accommodation for the Tweed Valley area and enhancing the existing facilities at a major existing tourism and recreation centre. The Policy firstly directs development to appropriate locations and it is clear from the proposals and the supporting submissions, that the proposals are wholly related to the purposes of tourism and recreation at an existing facility.

ED7 also seeks to be assured that the development could not reasonably be located within a settlement. The Planning Statement submitted with the FES application clarifies that as the applications are relevant, and intrinsically linked, to the Glentress Forest facility, they could not reasonably be located anywhere else and certainly not within a settlement. The Masterplan accepts this fact recognising that proposals enhancing the facilities at Glentress should be supported under ED7, being close to the town of Peebles and offering additional economic benefits in that respect.

ED7 has a series of criteria that must also be met by proposals and these will be addressed in the relevant subject sections of this report below. All new businesses proposed under ED7 must also be supported by a Business Plan which should demonstrate accordance with the Scottish Borders Tourism Strategy. Both applications were supported by Business Plans in the form of an Economic Impact Assessment for 17/01625/FUL and a Demand and Economic Benefit Assessment for 17/01633/FUL. The latter was also supported by a Community Benefits report which outlined the history and credentials of the applicant Forest Holidays Ltd (FHL).

The investments proposed suggest that by 2022, there will be an overall net increase of 60 jobs at Glentress, rising to 89 by 2035 if all improvements in the Masterplan are carried out. The submissions also identify increased spend over these periods both with and without the holiday cabin proposals, summarising that there could be £2million per annum by 2035 without taking into account the FHL application. The report submitted for the holiday cabin development suggests a further £1.66 million would be spent in the Borders based on a 90% average occupancy.

The economic benefit reports have been considered by the Economic Development Section of the Council. They consider that both applications comply with the strategic target of the Scottish Borders Tourism Strategy 2013-2020. They will provide authentic experiences, increase levels

of visitors and spending to the area. They will enhance visitor attractions and build on the success of mountain biking in the Tweed Valley area and also comply with a Visit Scotland Consultation Paper on a National Tourism Development Plan for Scotland.

Given this support, the supporting information and the encouragement contained within the Masterplan SPG, it is considered that both proposals are in compliance with Policy ED7 and the main qualifying criteria, including being supported by business plans and fitting with the Scottish Borders Tourism Strategy.

Concerns have been raised by the Community Council over the cabin accommodation in relation to occupancy, to seek assurance that occupation is either for staff or for holiday purposes. FHL have discussed this matter and have no issues with the SBC standard holiday occupancy condition being attached to the 56 cabins. This ensures a stay of no longer than four weeks within any 13 week period by any particular person and a register of holidaymakers to be retained for inspection. FHL believe this fits in with their general pattern of short-stay holidaymakers. The imposition of the condition is necessary as the cabins would be capable of being lived in all year round as dwellinghouses, any such use being wholly contrary to LDP Policy.

The three cabins intended for staff can be conditioned to ensure that whilst permanent residence would be allowed, it can only be by any employee of the FHL cabin complex with spouse and dependants. The applicant was questioned on the need for three such units but the responses are accepted, given the number of bedspaces within the 56 cabin development, the need for holiday/sickness cover and the relative isolation of the site from other houses that could have provided accommodation.

One of the further controls that ensures the chalet development is for the purposes stated is related to the intention to have a number plate recognition barrier adjoining the Go Ape facility. FHL clearly wish to ensure that any vehicles coming to their holiday complex are related to the complex either as occupiers, visitors or supporting services. The Masterplan seeks to ensure that any supporting services such as a café/bar or retail are related to the development and are not attractions in themselves. Whilst the Reception building proposed to the north of the Buzzard's Nest car park does contain a shop and café, the floor area given over to such uses is relatively small. Rather than condition the building to ensure it is only used by holidaymakers, the more logical solution is to assume that the number plate recognition barrier at Go Ape will limit usage by the general public. The details of this barrier will therefore need to be agreed by planning condition. That said, the on-site shop/café will be modest in size and it is not envisaged that this will affect, to any significant extent, amount of use and spend at other facilities at Glentress, Peebles or elsewhere in the area.

Reference is made by Forward Planning to Policy ED8 Caravan and Camping Sites and this is also referred to in the Masterplan. However, the chalets are not of a size or method of construction that would qualify as a mobile caravan unit. The most relevant Policy for compliance, therefore, is Policy ED7 as assessed above. Other LDP Policies, including PMD2 Quality Standards will be assessed throughout the remainder of this report under the relevant subject headings.

Landscape and visual impact

The developments require to be assessed against the relevant landscape and rural amenity parts of LDP Policies ED7 and PMD2, ensuring successful integration into surroundings and

being of a scale appropriate to rural character. Glentress Forest is also located within the Tweed Valley Special Landscape Area which is covered by Policy EP5, ensuring developments do not have a significant adverse impact on the quality of the landscape that led to designation. EP12 on Green Networks is also relevant, aiming to ensure the greenspace network through the Tweed Valley from Peebles to Melrose is maintained and enhanced. Upper Tweeddale National Scenic Area (protected by Policy EP4) lies to the south-west of the sites across the Tweed Valley. The Glentress Masterplan SPG also contains detailed advice on layout and impacts on the landscape.

The impacts potentially caused by the cabin development would be of much greater significance than those associated with the car parking and biking trails, representing both the scale of development and also the different elevations. Both applications have, however, been supported by full Landscape and Visual Impact Assessments (LVIA). These have taken account of the potential visual impacts of the developments on the landscape and on the designated Special Landscape Area. Members will note that the Council Landscape Architect has accepted both proposals, after having considered the details of the LVIA's, subject to conditions.

With regard to the cabin development, the potential height and visibility of this development was recognised in the Masterplan. Areas of high external visibility were zoned for no development, noting a ridge through the western part of the site and an open southern edge in particular. The LVIA identified these sensitivities from higher summits to the south but also felt, with continuous tree cover retained on Kittlegairy Hill, impacts could be minimised and there was generally good containment. There would be no visibility from Peebles itself and only a small amount from the Tweed Valley. Through a series of mitigative measures, impacts could be minimised to acceptable levels and in compliance with LDP Policy. The measures are as follows:

- Layout – kept to a low density of 2.2 cabins per hectare in an irregular pattern, avoiding rigid rows and utilising existing forest tracks to the central and eastern parts of the site. Kept back from sensitive boundaries and avoiding steep sections of the site. Central and facilities buildings utilising clearings, the Buzzard's Nest car park and the existing quarry. New tracks to the west and dedicated cabin parking using crushed stone to match, parking being close to the cabins. All layout principles in accordance with the Masterplan SPG.
- Design – the cabins are designed in sympathy with their woodland setting and in accordance with the Masterplan. Only seven of the 56 cabins would be above single storey height and all will be clad in timber with glazed gables and split dual pitched and tiled roofs. There is a uniformity of design across all four different sizes of cabins and the external treatment will also match on the communal buildings, including the central hub building and staff accommodation. Materials will be chosen to minimise visual impact and blend with the forest setting.
- Lighting – application supported by a Lighting Management Strategy and plan, important considering the elevated and potentially prominent nature of the hillside. Low level lighting will only be attached to the cabin and parking spaces for each cabin, triggered by sensors. There will be no street lighting and minimal lighting elsewhere. Also management and design measures to minimise light spill from within each cabin.
- Woodland cover – the layout, cabin and road positions and methods of construction are all designed to minimise tree removal within the site. The tree survey covered 961 trees

within the site, categorising from Class A to D. Only three category A trees will be lost to protect others, out of a total of 224 trees being removed. The cabins will be “keyholed” into the woodland with only those trees removed that are necessary, constructed on piled foundations and arriving in modular form. Roads are largely existing and services will follow the tracks. Works will be carried out in accordance with an Arboricultural Method Statement.

- New planting – Glentress has been operated as “Continuous Cover Forestry” since the 1950s and this will continue, with thinning and selective group felling where required in accordance with a submitted Woodland Enhancement and Management Plan. Additional planting intended throughout the site in accordance with a Planting Plan, areas of note being around the Buzzard’s Nest car park, in the former skills area (now proposed as a picnic site), along the southern edge of the site and within and to the south of the quarry. The quarry itself is also planned for modest restoration with spoil heap levelling, smoothing out slopes and new planting.

As a result of these measures, the LVIA concludes that the impacts on the surrounding landscape and the SLA can be minimised and are acceptable. The Council Landscape Architect accepts the development and the various supporting submissions and mitigation measures. Taking all of the information into account and assessing it against the requirements of the Masterplan SPG, it is considered that the proposals represent a sympathetic development in compliance with relevant LDP Policies on landscape and visual impacts. The development is appropriate to its forestry setting and is low density, utilising existing tracks where possible, clearings and the quarry. There will be some visual impact on the landscape but it will be minimised and managed by the various design and other mitigation measures described above. Much of the information submitted will still require to be agreed and regulated by condition, including materials for all buildings and adherence to woodland and lighting strategies.

There is reference in the Masterplan to phasing of development within the holiday cabin site. It is known that Forest Holidays will develop the whole scheme in one phase. Given the uniform nature of the development and the forestry cover throughout the developable parts of the site, there would seem to be no particular justification to impose any order or phasing of the development.

The application submitted for the Forest Enterprise proposals was also supported by a Landscape and Visual Impact Assessment. Whilst of much less potential impact in terms of scale of works, the proximity to the A72 and the more open and sensitive nature of the landscape requires care with regards to the development. The new bike trails and multi-use path will be narrow and low-impact incursions into the hillside utilising stone and whin dust. The bike skills area is of potentially greater impact, given the open and sloping field it will be located within, to the east of the current Glentress Peel car park. Whilst further details of this have been sought, the agent has responded to accept a condition seeking further details. It is known that it will not involve any form of large structures and there will be shelter belt planting carried out to screen it from the A72. There will also be individual trees planted throughout the skills area and in the area between the shelter planting and the A72. The new planting can be controlled by condition. It is also the case that the Masterplan envisaged development in this area, including additional car parking. This is not proposed at this stage and any planting carried out may have to be adjusted and augmented should future car parking be intended here.

The other main visual impacts will occur as a result of the works to the overflow car parks, especially the upper car park where two buildings will be demolished to make way for additional

car parking spaces. There will also be a new path linking the upper car park to Glentress Peel. Whilst Forward Planning and the Landscape Architect have both sought additional planting to the south of the lower car park, the agent has responded that there is already maturing hedge and tree planting along the southern boundary and that the works in both car parks will not increase the visual impacts on the landscape. Having noted this planting on site and accepting that the loss of two buildings will represent a reduction in visual impact from the A72, I would agree with the agent that there is insufficient justification to seek additional planting in this location – even though it may have been discussed at the Masterplan stage. Subject to a condition securing the additional planting around Glentress Peel and the new bike skills area, it can be accepted that the development will not have any significant adverse impact on the landscape of the area.

The relevant parts of Local Development Plan Policies PMD2 and ED7 are met by the proposals contained within both applications, subject to conditions. Furthermore, the landscape protection under Policy EP5 and the various measures contained within the Masterplan SPG are met by the applications.

Ecology

Both applications also need to comply with Local Development Plan Policies relating to ecology, EP1 to EP3. This protects the range of ecological interests from international through to local species and biodiversity. The Glentress Masterplan also stated the ecological requirements upon submission. The applications have been submitted with a range of reports including Phase 1 Habitat Surveys, Ecological Procedure Reports and species specific reports relation to bats, badgers, breeding birds, amphibians etc.

On 17/01625/FUL, the Ecology Officer has no objections subject to a Construction Environmental Management Plan being submitted. She is satisfied with the Protected Species Surveys Report but Species Protection Plans will still be required by condition for bats, red squirrels, pine marten, amphibians, reptiles, breeding birds, raptors and badgers. These should include pre-development surveys and incorporate measures outlined in the submitted provisional Protection Plans. Informatives are also needed in relation to SNH licences for impacts on badgers, red squirrel and bats, as well as no development within the breeding bird season unless otherwise agreed. In relation to bats in buildings, either a licence or proof that a licence will not be required should be exhibited. SNH also commented on the need for further squirrel surveys and Protection Plans but were content with impacts on the River Tweed SAC.

The Ecology Officer sought further confirmation of an identified oak being retained or a bat survey undertaken in relation to trees with potential for bat roosts. The agent has clarified that the tree is more than 50m away from the nearest works and would be retained in any case. The Ecology Officer now accepts this.

On 17/01633/FUL, the Ecology Officer is satisfied with the submitted Phase 1 Habitat report, Ecological Procedural and Management Statements and Protected Species Reports but requires either confirmation of an identified sycamore being retained or a bat survey undertaken in relation to trees with potential for bat roosts. The applicant has clarified that the sycamore tree will be retained and the Ecology Officer has now accepted this.

Species Protection Plans will also be required by condition for bats, red squirrels, pine marten, amphibians, reptiles, breeding birds, raptors and badgers. These should include pre-development surveys and incorporate measures outlined in the submitted provisional Protection

Plans. Informatives are also needed in relation to SNH licences for impacts on badgers, red squirrel and bats, as well as no development within breeding bird season unless otherwise agreed.

SNH are content with impacts on the River Tweed SAC and request further surveys on squirrels and pine marten through condition. Concerns over a badger sett and proximity to drainage have now been resolved after the applicant clarified buffer distance with SNH.

Subject to the conditions and informatives recommended, the developments can be considered to be in compliance with Policies EP1-EP3 of the Local Development Plan and the requirements of the Glentress Masterplan SPG.

Archaeology

Local Development Plan Policy EP8 refers to development that could adversely affect archaeological assets. The Policy covers both Scheduled Monuments and Local Archaeological interests. It states that any development creating an adverse effect on assets or their setting will be weighed up against the benefits of the proposal and consideration of any mitigation strategies.

Both applications have potential impacts on Scheduled Monuments and local archaeology. With reference to application 17/01625/FUL, Historic Environment Scotland (HES) identify potential effects on three Scheduled Monuments at Eshiels Roman Camp, Horsburgh Castle and Horsburgh Castle Farm. They raise no objections provided conditions protect the Roman Camp from construction and on site interpretation is carried out for the monuments. Whilst the agent queries the relevance, he is aware of the requirements which can be attached as conditions.

The Council Archaeologist supports the development and accepts the submitted Archaeological Desk Based Assessment. His principal concern relates to the loss of the “Howff” building at the upper car park. He considers the building to be potentially listable, dating from 1936 and with a mixed usage history, the main interest being not in its architecture but in its history of inter and post-war labour dynamics. It should preferably be retained or at least relocated elsewhere. If neither is viable, it should be recorded and interpreted in the car park. The agent has suggested the latter considering retention not to be viable but the Archaeologist believed further justification for removal is required. The agent has now provided this based upon the parking contribution created from removal of the building. Given the fact that the Roads Planning Service believe parking provision is finely balanced with the contribution that the spaces make in place of the demolished “Howff” building, it is considered that the retention of the building and the loss of 16 new spaces would be difficult to justify in the overall planning balance. The recommendation of the Archaeologist would, in any case, be by an appropriate condition to secure at least recording of the building and interpretation.

The Archaeologist is also concerned at the increased likelihood of Castle Hill monument being impacted by mountain bike trails together with more generalised impacts through increased visitor numbers and seeks mitigation to resolve this through a Heritage Interpretation Access and Management Plan (HAIMP). The agent queries the justification for this but would accept a condition, the terms of the condition needing to be debated further. Other conditions would control temporary fencing protection as requested by HES and an Archaeological Written Scheme of Investigation will be required by condition which can also cover the linked application by Forest Holidays Ltd.

With reference to 17/01633/FUL, HES have no concerns over potential impacts on Scheduled Monuments. The Council Archaeologist supports the development and welcomes the intention to submit an Archaeological Written Scheme of Investigation which can also cover the linked application by Forest Enterprise. Due to concern over increased visitor numbers impacting on hill forts via tracks and mountain bike trails, he again recommends a Heritage Interpretation Access and Management Plan. Concerns over the potential to traverse Cardie Hill Fort from the proposed Buzzard's Nest car park will be resolved by some preventative fencing works that can be controlled in the HAIMP condition.

Subject to the conditions and informatives recommended, the developments can be considered to be in compliance with Policy EP8 of the Local Development Plan and the requirements of the Glentress Masterplan SPG.

Access

Local Development Plan Policies PMD2 and ED7 require safe access to proposed developments, supported by Policy IS7 on parking provision. The main issue with the developments is principally related to the increased traffic and parking requirements generated by the Forest Holidays proposals, combined with the general perceived increases in visitor numbers at Glentress as a result of the improvements and investments. For these reasons, the Glentress Masterplan recommended a Transport Assessment.

Roads Planning consider that the submitted Transport Assessment and Surveys demonstrate the existing junction with the A72 can safely accommodate the development. However, further information is needed before the scheme can be supported, mainly related to safety and crossing arrangements for the A72 between the main Glentress entrance and the existing multi-use path. Meetings have been ongoing over appropriate and proportionate methods to achieve this and what is justified by the development. The agent has submitted some solutions to the issue which involve better warning signage, removal of junction vegetation and a footway widening on the south side of the A72 at the crossing point, with the details secured by condition and costs borne by the applicants. Members will be updated on Roads Planning comments at the Committee meeting.

Other details are also needed for application 17/01633/FUL in relation to construction and gradient information for all access roads and parking areas. In relation to 17/01625/FUL, the Transport Assessment and traffic counts indicate that whilst some car parks are over-capacity, others have spare capacity. There is acceptance of the overall car parking provision based more centrally at Glentress, however, provided the increased spaces in the upper and lower overspill car parks are completed before the loss of the Buzzard's Nest car park. Given that the additional car parking south of the new Skills area (shown in the Masterplan) is not proposed at this stage, there is greater justification to maximise the number of the spaces in the upper overspill car park, as explained by the agent in responding to the Archaeologist regarding the "Howff" building.

An important part of the application by Forest Enterprise is the gated entry/exit arrangement on the main access road into the site. Although some of the objectors oppose the barriers, there has been no objection from Roads Planning and the submissions clarify why the barriers are needed and how they would not hold up traffic from entering the site. The need for revenue capture is a commercial decision, which is understood and accepted and the barriers are not envisaged to create any road safety issue of stacking traffic in relation to the public road network. However, as with the barriers for the cabin development, details need to be agreed

and secured by condition to ensure that they continue to operate in the manner intended and do not create any road safety issue.

Local Development Plan Policy IS5 relates to the protection of access routes. Whilst there are no claimed rights of way within the sites, the Access Officer has made some suggestions regarding mitigation to ensure the multi-use path and Janet's Brae are not dominated by cyclists and some traffic calming. These matters are related to management of the tracks and can be dealt with in Informatives.

Subject to resolution of the A72 crossing issue and to the conditions and informatives recommended, the developments can be considered to be in compliance with Policies PMD2, ED7, IS5 and IS7 of the Local Development Plan and the requirements of the Glentress Masterplan SPG.

Infrastructure

The main issues with regard to infrastructure provision on the sites relates to adequate water and drainage. Local Development Plan Policies EP15, IS8 and IS9 are the most relevant in consideration of the impacts of development of this site on the water environment. The Glentress Masterplan also sought a Drainage Impact Assessment as well as information on flood risk and water quality impacts. The applications have been submitted with appropriate reports including a Drainage Strategy, Impact Assessment and Borehole Feasibility review.

The response from relevant consultees has been supportive, subject to conditions. Environmental Health required further information on borehole usage in terms of provision of adequate water and impacts on any existing private supplies. This was also of concern to some of the objectors. Further information was submitted and this satisfied Environmental Health who had no further comments.

In terms of drainage for 17/01633/FUL, SEPA had initially objected on the inconsistencies in the submissions over treatment of foul drainage. They then withdrew their objection on the basis that the drainage system would be connected to a public sewer. Following Scottish Water comment that there was no public sewer to be connected into, the agent then clarified that the drainage system would be private, via holding tanks, but still then discharge into the nearest public sewer connection at Soonhope Cottage via a 2.5km new gravity drain. Scottish Water have replied that this will be a matter for their Customer Connections team to consider. Given the lack of clarity over this position and SEPA's objection withdrawal on the basis that a public connection would occur, a condition for further details of the foul drainage system will be necessary.

In terms of surface water drainage, SEPA recommend SUDs based systems which can be controlled by condition. Small parts of the site for the cabin development are at flood risk although not at any level that would affect floor levels. However, run-off from the site would need to be controlled and this is also referred to by the Council's Flood Protection Officer. A condition can ensure run-off rates are controlled together with any water crossings not reducing the conveyance capacity of the watercourses.

The entrance/exit barrier proposed by Forest Enterprise has caused some concern with the statutory bodies, especially in relation to potential incursion into the Eshiels Burn. SEPA submitted an objection on the basis that there may be a reduction in conveyance capacity of the burn. The agent has submitted an amended plan adjusting the location of the barrier and road

widening slightly west and reconsultation has occurred with SEPA. They have subsequently withdrawn their objection. SNH are also content with the revision in terms of potential impacts on the SAC.

Subject to appropriate conditions, the developments can be considered to be in compliance with Policies EP15, IS8 and IS9 of the Local Development Plan and the requirements of the Glentress Masterplan SPG.

Other issues

Policy HD3 of the Local Development Plan refers to protection of residential amenity. The cabin development is far removed from any houses and would not have any direct impacts apart from increased traffic. However, given the visitor numbers already at Glentress, it is not considered that the increases arising from the cabin development would justify any opposition on the grounds of significant residential amenity impacts. Most houses nearby are at the Glentress Hotel building group but none of these are directly adjoining the car parking improvements intended by 17/01625/FUL. The occupants of the main affected house are particularly concerned about construction disturbances and have requested a number of mitigation measures, including noise and air controls including hours restrictions and sound barriers. Such matters are under the control of the Health and Safety Executive and there have been no recommendations from Environmental Health on this matter. However, the agent has considered the objections and has offered the submission of a Construction Management Plan to ensure residential amenity concerns are addressed as far as possible. This can be a condition and liaison with Environmental Health can occur upon submission of the Plan

There are also objections from local landowners in relation to increased impacts on their properties resulting from the additional people attracted to the forest as a result of the holiday chalet development. The applicant has addressed this in the Operational Management Plan to some extent, explaining the intentions for signage for paths and trails, the curfew noise policy and dog control. A condition can be attached to ensure the development is run in accordance with the Operational Management Plan. Beyond that, it has to be recognised that the existing forest is a hugely successful major recreational attraction with full public access and that there will already be inevitable impacts on surrounding farmland and property. Any additional impacts resulting from the chalet proposal itself, therefore, are likely to be proportionately small and have to be balanced against existing impacts, the displacement of mountain biking activities to the lower forest and the mitigation expressed in the Operational Management Plan. On that basis, it is not considered there is justification to oppose the development for reasons in relation to impact on adjoining farms and property.

There are various other matters that have been addressed through the reports and surveys submitted or can be controlled through appropriate conditions and informatives. These include contamination, waste management and energy efficiency measures. Although all other issues have been considered, none are raised that would outweigh the consideration of the application as set out above.

CONCLUSION

The proposals are considered to be the first but significant stages in the development and enhancement of Glentress Forest. The proposals are likely to create significant economic

benefit to the area and allow for further investment in the existing visitor attraction, reflecting the vision contained within the Glentress Masterplan. Subject to compliance with the schedule of conditions and informatives, the development will accord with the relevant provisions of the Local Development Plan 2016 and Masterplan.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

17/01625/FUL - I recommend the application is approved subject to the following conditions and informatives :

Conditions

1. No development to be commenced in relation to the bike skills area until further details of extent, ground levels, surface treatment and any structures are submitted to, and approved by, the Planning Authority. Once approved, the skills area to be completed in accordance with the approved details and before the closure of the existing bike skills area to public use.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
2. No development to be commenced until a scheme for improvements to the existing crossing arrangement of the multi-use path with the A72 is submitted to, and approved by, the Planning Authority. The scheme should include proposed measures and a timescale for implementation. Once approved, the scheme to be completed in accordance with the approval and agreed timescale.
Reason: In the interests of road, pedestrian and cyclist safety.
3. No development to be commenced until further details of the main entrance barrier (indicated in Drawing DB4001.036 3 of 6), including method of operation and maintenance) are submitted to, and approved by, the Planning Authority. Once approved, the barrier and related roadway section to be completed and operated thereafter in accordance with the approved details .
Reason: In the interests of road, pedestrian and cyclist safety and to ensure efficient operation of the Glentress facility.
4. The upgrading of the upper and lower overflow car parks to be completed in accordance with the approved drawings before the Buzzard's Nest car park is closed to public use.
Reason: In the interests of road safety and to ensure that sufficient off street parking space is retained for operation of the Glentress facility.
5. The proposals shall not involve any closed culverting of watercourses nor shall there be any alterations that would reduce the flow conveyance. Suitable bridging solutions, bottomless or arched culverts should be used where watercourse crossings are required.
Reason: To safeguard against detrimental impacts on the water environment.
6. All surface water from the development, including during construction, to be treated in accordance with SUDS principles and any run-off from hard surfaces to be attenuated to at least existing greenfield run-off rates.
Reason: To safeguard against detrimental impacts on the water environment and downstream receptors.

7. All planting shown on approved Drawing DB4001.036 (6 of 6) shall be carried out in the first planting and seeding seasons concurrently with the development of the bike skills area and new trails, or in the next available planting season thereto and maintained thereafter in accordance with the approved details.
Reason: To ensure that the proposed landscaping is carried out as approved.
8. The emergency vehicle rendezvous point shown on Drawing DB4001.036 (5 of 6) to be provided before the multi-user path, trails and skills area are operational.
Reason: To ensure appropriate and safe access for emergency vehicles.
9. No development to be commenced until a Construction Environmental Management Plan has been submitted to, and approved by, the Planning Authority. Once approved, the development to proceed fully in accordance with the Plan.
Reason: To safeguard ecological interests at the site.
10. Prior to commencement of development, detailed Species Protection Plans for bats, red squirrels, pine marten, amphibians and reptiles, breeding birds and raptors and badgers, shall be submitted to and approved by the Planning Authority. The SPPs shall incorporate measures outlined in the provisional species protection plans provided by Solway Ecology (Consulting) Ltd, (2017) and shall include provision for pre-development supplementary surveys (including squirrel drey surveys) as well as mitigation, and enhancements for protected species, where possible. Development shall be undertaken in strict accordance with the approved SPPs.
Reason: To safeguard ecological interests at the site.
11. No development shall commence during the breeding bird season, unless wholly in accordance with a Species Protection Plan for breeding birds that has been submitted to and approved by the Planning Authority.
Reason: To safeguard ecological interests at the site.
12. In relation to bats in buildings, prior to the commencement of development, the applicant shall provide to the Planning Authority:
- a copy of the relevant European Protected Species licence, or,
 - a copy of a statement in writing from Scottish Natural Heritage (licensing authority) stating that such a licence is not necessary for the specified development.
- Reason: To safeguard European Protected Species interests at the site
13. No development shall take place within the development site until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, agreed by Scottish Borders Council Archaeology Service, and approved by the Planning Authority. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results is undertaken to the satisfaction of the Planning Authority in agreement with Scottish Borders Council Archaeology Service.
Reason: The site is within an area where development may damage or destroy

archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

14. No development to be commenced until a Heritage Access Interpretation and Management Plan is submitted to, and approved by, the Planning Authority in liaison with Historic Environment Scotland.. The Plan should provide for suitable interpretative materials in relation to Horsburgh Castle Farm, Horsburgh Castle and Eshiels Roman camps archaeological sites and also include measures to limit impacts on Castle Hill. Interpretative material should also be provided for the “Howff” building if removed. Once approved, the Plan to be implemented in accordance with the approved details.
Reason: To safeguard scheduled monuments in the vicinity of the site.
15. The “Howff” building within the upper overflow car park shall not be removed until a full archaeological record is made of the building and its history, the findings then submitted to, and approved by, the Planning Authority.
Reason: The building is of archaeological interest and to provide adequate recording of it and its history.
16. No development to be commenced until a scheme is submitted to, and approved by the Planning Authority, in liaison with Historic Environment Scotland, indicating the demarcation by temporary fencing (or equivalent) of the extent of the scheduled monument Eshiels, Roman camps within an appropriate buffer zone. Once approved, the scheme to be implemented in accordance with the approved details and retained until the development is completed.
Reason: To safeguard scheduled monuments in the vicinity of the site.
17. No development to be commenced until a Construction Management Plan is submitted to, and approved by, the Planning Authority. Once approved, the development to be implemented in accordance with the Plan.
Reason: To safeguard the amenity of adjoining residents.

Informatives

1. Please note that permission may be required from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 for any engineering activities in, or in the vicinity of, inland watercourses. This would include any watercourse crossings, bank reinforcements , boreholes and general water management across the site.
2. The above application appears to involve the alteration and improvement of existing mountain bike trails and associated infrastructure. An area of the land proposed for car parking expansion appears to house commercial/ industrial buildings of unknown use alongside existing parking. This land use is potentially contaminative and may have resulted in land contamination which could affect the welfare of users, the value of the property, and the liabilities the owner/ occupier may have.

The land is not currently identified as contaminated land and the Council is not aware of any information which indicates the level of risk the potential contamination presents.

The requirement for a full site assessment and potential remediation may not be practical or proportionate given the nature of the application and it is recommended that the applicant is advised of potential land contamination issues by way of an Informative

Note.

The historic use of the site is recorded within a Council database. This database is used to prioritise land for inspection within the Council's Contaminated Land duties. Should the applicant wish to discuss these duties their enquiry should be directed to Environmental Health.

3. The developer is reminded that a licence will be required from Scottish Natural Heritage in the case of:
 - Any works within 30m of a badger sett;
 - Any works which destroys or disturbs the drey of a red squirrel, or which injure, or kill a red squirrel, or which disturb a red squirrel whilst it occupies its drey;
 - in accordance with the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992 (as amended)
4. The SBC Access Officer seeks mitigating instructions to encourage respect for all users of the multi-use trail and to ensure that the entrance barrier allows pedestrian, cyclist and horse rider access.

17/01633/FUL - I recommend the application is approved subject to the following conditions and informatives :

Conditions

1. The occupation of the 56 holiday cabins shall be restricted to genuine holidaymakers, any person staying for a maximum of 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.
Reason: Permanent residential use in this location would conflict with the established planning policy for this rural area.
2. No development to be commenced until further details of the main entrance barrier (adjoining the Go Ape facility), including method of operation and maintenance, are submitted to, and approved by, the Planning Authority. Once approved, the barrier to be completed and operated thereafter in accordance with the approved details.
Reason: To ensure that access to the development and facilities is limited to occupants, their visitors and associated trades and staff.
3. The three staff accommodation units shall only occupied be by persons employed in the holiday cabin development at the site, including partners and dependants of such employees.
Reason: Permanent residential use unrelated to the holiday development in this location would conflict with the established planning policy for this rural area.
4. No development to be commenced until samples of all external materials to be used on all buildings, structures and deckings throughout the site are submitted to, and approved by, the Planning Authority. The development then to proceed in accordance with the approved samples.
Reason: To safeguard the visual amenity of the area and the character of the designated landscape.

5. No development to be commenced until a scheme for improvements to the existing crossing arrangement of the multi-use path with the A72 is submitted to, and approved by, the Planning Authority. The scheme should include proposed measures and a timescale for implementation. Once approved, the scheme to be completed in accordance with the approval and agreed timescale.
Reason: In the interests of road, pedestrian and cyclist safety.
6. The upgrading of the upper and lower overflow car parks to be completed in accordance with the approved drawings under application 17/01625/FUL before the Buzzard's Nest car park is closed to public use.
Reason: In the interests of road safety and to ensure that sufficient off road parking space is retained for operation of the Glentress facility.
7. No development to be commenced until full engineering details, including construction and gradient information, are submitted to, and approved by, the Planning Authority for all roads and parking areas within the development. Once approved, roads and parking areas to be implemented in accordance with the approved details.
Reason: In the interests of road and pedestrian safety.
8. No development to be commenced until further details of the foul drainage system are submitted to, and approved by, the Planning Authority. The drainage should be connected to the public system unless an acceptable and appropriate private system can be satisfactorily demonstrated to, and subsequently approved by, the Planning Authority in consultation with SEPA. Once approved, the development then to be implemented in accordance with the approved details and maintained thereafter.
Reason: To ensure that the site is adequately serviced and to protect the water environment.
9. All surface water from the development, including during construction, to be treated in accordance with SUDS principles and any run-off from hard surfaces to be attenuated to at least existing greenfield run-off rates.
Reason: To safeguard against detrimental impacts on the water environment and downstream receptors.
10. All exterior lighting on buildings and throughout the site and the design of cabins to be fully in accordance with the details submitted in the Lighting Management Strategy.
Reason: To safeguard the visual amenity of the area and the character of the designated landscape.
11. Trees to be retained within the site, any removals being in accordance with the Tree Survey/Arboricultural Method Statement and Woodland Management Plan. The trees within the site to be managed in perpetuity in accordance with the Woodland Management Plan.
Reason: To ensure that adequate tree cover remains within the site to ensure the development is suitably screened and visual impact is minimised.
12. No development to be commenced until further details of the new planting and restoration works shown on 35-23, 35-24 and 35-25 Rev A are submitted to, and approved by, the Planning Authority. This should include timing of planting and a maintenance regime. Once approved, the planting and restoration works then to be

implemented and maintained in accordance with the approved details.

Reason: To ensure that the development is suitably screened and visual impact is minimised.

13. All water extraction and provision for the development to be fully in accordance with the Borehole Feasibility Review and subsequent information submitted with the application.

Reason: To ensure adequate water supply for the development and address impact on existing private supplies.

14. 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 applicant (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 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
- 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.
- 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).
- 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.
- 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 applicant 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.

15. The proposals shall not involve any closed culverting of watercourses nor shall there be any alterations that would reduce the flow conveyance. Suitable bridging solutions, bottomless or arched culverts should be used where watercourse crossings are required.

Reason: To safeguard against detrimental impacts on the water environment.

16. The development shall proceed in accordance with the Construction Management Plan submitted with the application.

Reason: To ensure environmental effects are minimised during construction of the development.

17. Operational management within the site, including access, signage and waste management shall be in accordance with the Operational Management Plan submitted with the application.

Reason: To ensure environmental effects are minimised during operation of the development.

18. Prior to commencement of development, detailed Species Protection Plans for bats, red squirrels, pine marten, amphibians and reptiles, breeding birds and raptors and badgers, shall be submitted to and approved by the Planning Authority. The SPPs shall incorporate measures outlined in the provisional species protection plans provided by Solway Ecology (Consulting) Ltd, (2017) and shall include provision for pre-development supplementary surveys (including squirrel drey surveys) as well as mitigation, and enhancements for protected species, where possible. Development shall be undertaken in strict accordance with the approved SPPs.

Reason: To safeguard ecological interests at the site.

19. No development shall commence during the breeding bird season, unless wholly in accordance with a Species Protection Plan for breeding birds that has been submitted to and approved by the Planning Authority.

Reason: To safeguard ecological interests at the site.

20. No development to be commenced until a Heritage Access Interpretation and Management Plan is submitted to, and approved by, the Planning Authority in liaison with Historic Environment Scotland. The Plan should also provide for measures to limit impacts on hill forts in the area, including Cardie Hill. Once approved, the Plan to be implemented in accordance with the approved details.

Reason: To safeguard archaeological sites in the vicinity of the development.

21. No development shall take place within the development site until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, agreed by Scottish Borders Council Archaeology Service, and approved by the Planning Authority. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that

all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results is undertaken to the satisfaction of the Planning Authority in agreement with Scottish Borders Council Archaeology Service.

Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

Informatives

1. In construction of the development through the Construction Management Plan, SEPA pollution control guidelines should also be adhered to.

Please note that permission may be required from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 for any engineering activities in, or in the vicinity of, inland watercourses. This would include any watercourse crossings, bank reinforcements, boreholes and general water management across the site.

2. The developer is reminded that a licence will be required from Scottish Natural Heritage in the case of:
 - Any works within 30m of a badger sett;
 - Any works which destroys or disturbs the drey of a red squirrel, or which injure, or kill a red squirrel, or which disturb a red squirrel whilst it occupies its drey;
 - in accordance with the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992 (as amended)
3. In relation to bats, prior to the commencement of development, the applicant shall provide to the Planning Authority:
 - a copy of the relevant European Protected Species licence, or,
 - a copy of a statement in writing from Scottish Natural Heritage (licensing authority) stating that such a licence is not necessary for the specified development.
4. The SBC Access Officer seeks mitigating instructions to encourage the use of Janet's Brae connecting to the site primarily as a walking route and also traffic calming measures where the link to Peebles in the SW corner crosses the main track.
5. The development should be implemented in accordance with the Energy Efficiency, BREEAM and Utilities Statement submitted with the application.

DRAWING NUMBERS

17/01625/FUL

Location Plan – DB4001.038 rev A

Existing Site plan – DB4001.015 Rev B

Proposed Site Plan – DB4001.036 (1 of 6) Rev A

Proposed Site Plan – DB4001.036 (2 of 6) Rev A

Proposed Access Plan – DB4001.036 (3 of 6) Rev A

Proposed Path Plan – DB4001.036 (4 of 6)

Proposed Path and Planting Plan – DB4001.036 (5 of 6) Rev B

Proposed Path and Planting Plan – DB4001.036 (6 of 6) Rev A

17/01633/FUL

Location Plan GLE/01/LP/A
Site Masterplan GLE/01/SMP/F
Wider Masterplan GLE/01/WMP/A
Quarry Restoration Plan 35-23
Picnic and Viewpoint Layout 35-24
Planting Plan 35-25 Rev A
Existing Parking Layout GLE/01/ECP/A
Proposed Car Park layout 35-26 Rev A
Site Establishment Plan GLE/01/SEP/B
Connectivity Plan GLE/01/CP/B
Central Building Plan PL (00) 205
Central Building Elevations PL (00) 206
Maintenance Building GLE/01/MB/A
Manager Accommodation GLE/01/TD/A
Ranger Station GLE/01/RS/A
Cabin Site Plan GLE/AA(90)002/A
External Cabin Details GLE/AA(90)001/A
Cabin 1 Bed PL (00)003
Cabin 1 Bed PL (00) 004
Cabin 2 Bed PL (00)019
Cabin 2 Bed PL (00) 033
Cabin 3 Bed PL (00)040
Cabin 4 Bed PL (00)090
External Light Plan GEN/02/LP/A
Treehouse PL (00) 095
Laundry Unit PL (00)400
Cycle Facilities Building GLE/01/CFB/A
Proposed Foul Drainage Plan 5753/201A
Drainage Plan 5753/200 Sheet 1
Drainage Plan 5753/201 Sheet 2
Drainage Plan 5753/202 Sheet 3
Drainage Plan 5753/203 Sheet 4
Drainage Plan 5753/204 Sheet 5
Drainage Plan 5753/205 Sheet 6
Drainage Plan 5753/206 Sheet 7
Drainage Plan 5753/207
Triple Neck Settlement Tank DS0962P

Approved by

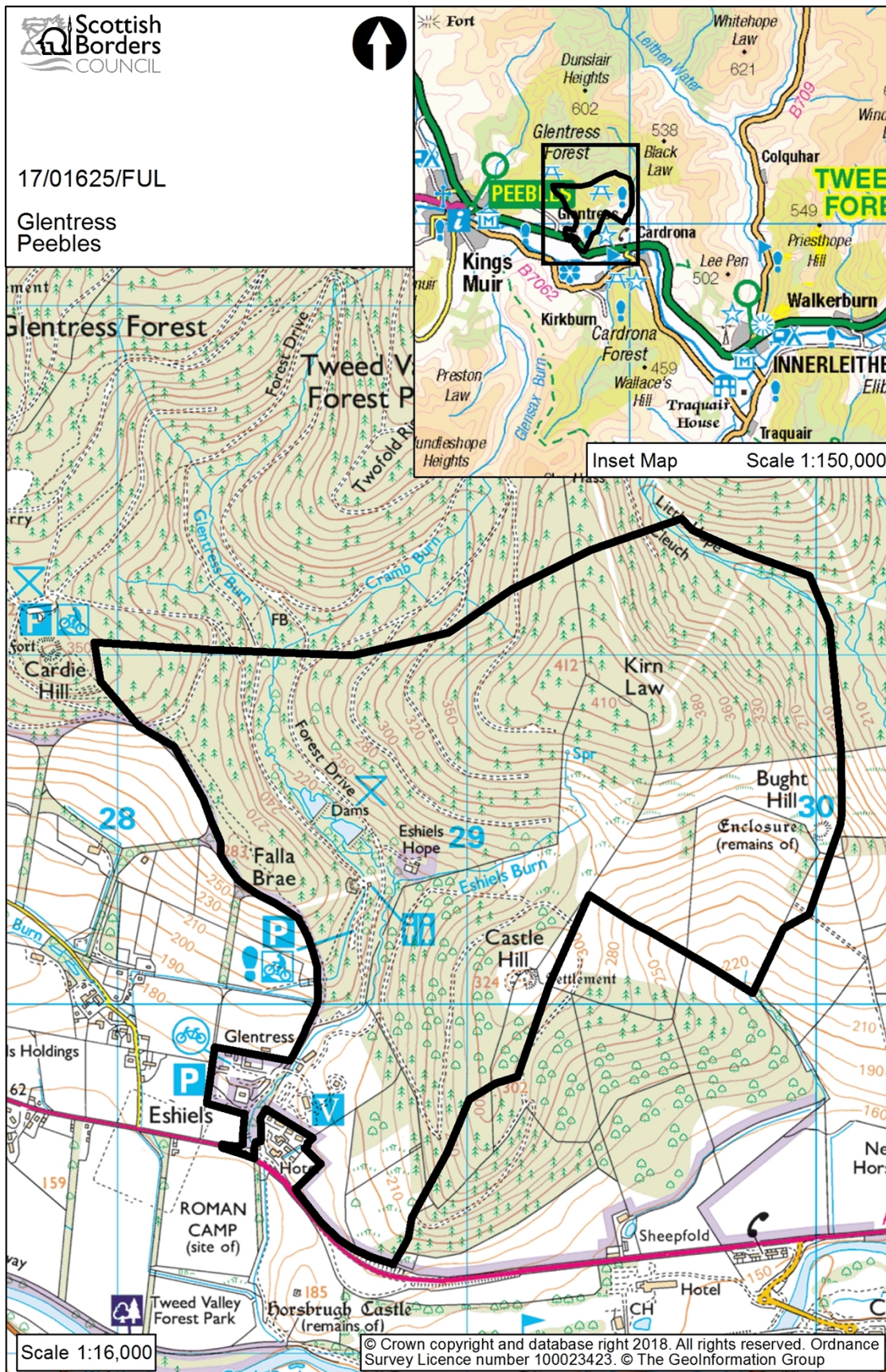
Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

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)

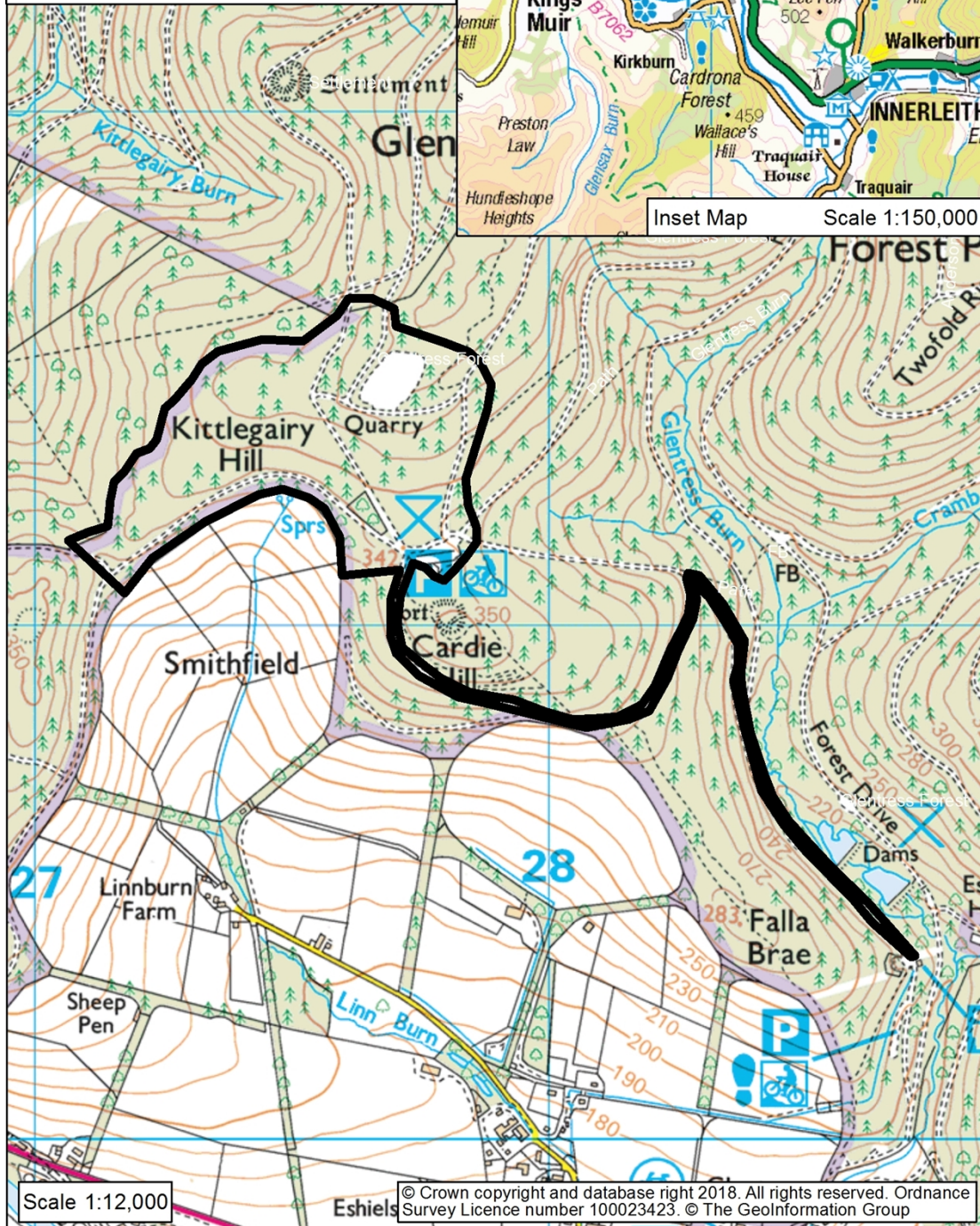
Name	Designation
Craig Miller	Principal Planning Officer





17/01633/FUL

Kittlegairy Hill North Of
Linnburn Farmhouse
Peebles



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

26 MARCH 2018

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 17/00695/FUL
OFFICER:	Carlos Clarke
WARD:	Galashiels and District
PROPOSAL:	Residential development comprising of 34 no flats with associated parking and retaining wall works
SITE:	Workshop And Yard For Caravan Storage, Huddersfield Street Galashiels
APPLICANT:	Eildon Housing Association
AGENT:	Camerons Ltd

SITE DESCRIPTION

The site is currently undeveloped and has most recently been used as a caravan storage yard. It is located adjacent Huddersfield Street to its south-west, and backs onto the Gala Water to the north-east. To its southeast are industrial buildings and to its north-west is the Gala Water Retail Park, situated beyond a public path that flanks the site and connects Huddersfield Street to Currie Road car park. On the other side of Huddersfield Street are a range of residential properties, including multi-storey flatted buildings.

PROPOSED DEVELOPMENT

This application seeks full planning permission for 34 residential flats within a single block over five floors (four-storey and attic) and an open undercroft. The building, which would be finished with blockwork walls and a steel roof, would be placed on an L-plan alongside a parking area comprising thirty parking spaces. Access would be taken directly from Huddersfield Street, and a further four lay-by spaces would be formed alongside the street. A pedestrian connection would also be made to the path flanking the site's north-western boundary. Hard and soft landscaping, bike storage and a bin enclosure are included in the site layout, as is rebuilding of a retaining wall along the riverside boundary of the site.

The application has been subject to amendments during its processing, made in response to matters principally regarding visual impacts, flooding and roads/parking. The amendments have not been significant enough to require fresh public consultation, but have been subject to re-consultation with flooding and roads consultees.

The application requires a determination by the Planning and Building Standards Committee because the Scottish Environment Protection Agency (SEPA) has formally objected to the application on flood risk grounds.

PLANNING HISTORY

06/02158/FUL – Erection of 46 sheltered apartments – refused in May 2008 on flood risk grounds

09/00172/FUL – Erection of 46 sheltered apartments – withdrawn in June 2010 before planning consent was issued. The application was, however, approved under delegated

officer procedures prior to being withdrawn before a legal agreement for developer contributions was concluded.

REPRESENTATION SUMMARY

Three representations have been submitted in response to the application, copies of which can be viewed in full on *Public Access*. In summary, these raise the following issues

- potential impact on the boundary wall
- access should be provided along the top of the riverside retaining wall
- care is required during construction to protect historic parts of the lade from damage, and the developer should contribute to the upkeep of the lade

APPLICANT'S SUPPORTING INFORMATION

The following supporting material has been submitted during the processing of the application:

- Flood Risk Assessment and subsequent update letters
- Design Statement
- Archaeological Evaluation Data Structure Report
- Walkover ecological survey

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

PMD2 Quality Standards
PMD3 Land Use Allocations
IS2 Developer Contributions
IS3 Developer Contributions Related to the Borders Railway
IS7 Parking Provision and Standards
IS8 Flooding
IS9 Waste Water Treatment Standards and Sustainable Urban Drainage
IS13 Contaminated Land
EP1 International Nature Conservation Sites and Protected Species
EP8 Archaeology
EP13 Trees, Woodlands and Hedgerows
EP15 Development Affecting the Water Environment
HD1 Affordable and Special Needs Housing
HD3 Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS:

Scottish Planning Policy 2014
Online Planning Advice on Flood Risk 2015 (Scottish Government)
SPG Affordable Housing 2015
SPG Development Contributions 2011 (updated 2018)
SPG Landscape and Development 2008
SPG Green Space 2009
SPG Placemaking and Design 2010
SPG Guidance on Householder Development 2006
SPG Waste Management 2015
SPG Designing out Crime in the Scottish Borders 2007
SPG Housing 2017

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Forward Planning Service: This is a district safeguarded business and industrial site as defined in Policy ED1 of the Scottish Borders Local Development Plan 2016. This site has recently (at the time of writing) been considered through the process of the Draft Housing Supplementary Guidance and was identified as an 'alternative' option through this process, acknowledging that further investigatory work would be required in respect of flood risk. SEPA has required the removal of this site following the public consultation on the draft of this document due to information they hold which finds this site to be at significant risk of flooding and is therefore unsuitable for development. This matter would require to be investigated further and would require liaison with SEPA and the Council's Flood Protection Officer. The FPS raises no objections in principle to the development of this site for housing however the objections raised by SEPA require to be overcome.

Roads Planning Service: In response to the original submission, the RPS raised no objections in principle, and noted that though the parking levels do not meet guideline requirements, the site is close to the town centre and services and public transport provision are very good. It also has easy access via the footbridge to the underused car park on the opposite side of the river, and on-street parking in Huddersfield Street. Accounting for these points, the level of parking can be accepted, and it is noted that the ratio is higher than that offered for previous larger scale development proposed for the site. At that stage, further level details were also sought and comments were made regarding a range of detailed matters including parking space location, disabled parking, bike park, bin storage, construction details, drainage, phone box, boundaries, retaining walls and street lighting.

In response to the amended proposal, the RPS has advised of no outstanding issues regarding the layout of the proposed parking and access, and that the proposed levels are acceptable. It is also noted that the parking bays on Huddersfield Street and the adjacent pedestrian area will require Roads Construction Consent and the details for these will be agreed through this process.

Ecology Officer: The proposed development is adjacent to the Gala Water, which is part of the River Tweed Special Area of Conservation and SSSI. There is potential for significant adverse effects on the qualifying interests and notified features of the designated sites. Issues such as encroachment onto the SAC from infrastructure, contamination from silt or debris during construction and impacts from altered floodplain function are relevant and may have potential to result in direct or indirect impacts on SAC/SSSI features. An Appropriate Assessment may be required. Noted also that the site had been cleared, and questioned if the applicant had undertaken bird surveys beforehand, instigated a species protection plan or avoided the bird breeding season. In addition, advised that protected species surveys for otters and bats were required. Therefore, prior to determination, a proportionate Ecological Impact Assessment was requested.

Subsequent to the above comments, an ecological walkover survey was submitted by the applicants and the ecology officer was consulted on its findings. The details and outcome of this further consultation are explained in the assessment section of this report.

Environmental Health Service: Have considered noise, air quality and nuisance impacts. Recommend a condition requiring a construction method statement. Also note that the land previously operated as a woollen mill, a land use which is potentially contaminative. A condition requiring investigation and remediation, if required, is recommended.

Flood Protection Officer: The site is at risk in a 1:200 year event. In response to the original application, and accompanying Flood Risk Assessment, the FPO queried the content and findings of the FRA and advised that the development would be within the functional flood plain and be contrary to Scottish Planning Policy.

Following submission of further information, the most recent advice from the FPO is that the proposed building design, with an open undercroft left free to flood with residential accommodation raised above ground level, is accepted. A hydraulic modelling update results in a 1 in 200 year flood level of 106.27mAOD and a 1 in 200 year plus climate change level of 107.02mAOD. A finished floor level of 107.9mAOD is proposed. This is 0.88m above the 1:200 year plus climate change flood level of 107.02mAOD and 1.6(3)m above the 1:200 year flood level of 106.27mAOD.

The additional information also notes that the development could increase flood levels at the site by approximately 20mm. While this increase potential in flood level is acknowledged it is considered that the residential accommodation is sufficiently above the maximum flood level and not at risk of flooding. It is also noted that there will be no increase to the area surrounding the proposed site, which is predominately industrial and retail. The FPO therefore confirms that she has no objection to the proposed development.

A condition of consent should require a Flood Warning and Evacuation Procedure. The importance of this procedure in relation to the management and safety of this development during times of flooding is highlighted. Details of proposed drainage and SUDs for the site remain outstanding and should also be submitted for approval.

Landscape Architect: The development will be taller than the surrounding buildings and might be more in keeping with the height and mass of the surrounding buildings if the attic floor was removed. Also, in response to the originally proposed layout, the landscape architect questioned the lack of boundary definition to the frontage and recommended an alternative location for the drying area. The lack of amenity space next to the river was also raised as a concern. If approved, a detailed hard and soft landscaping scheme will be required.

Housing Strategy Officer: Is supportive of the site being re-developed to provide affordable housing. This site is identified for potential re-development as such in the Council's Strategic Housing Investment Plan 2017/22 which was agreed by Council in Nov 2016. The Scottish Government have indicated a willingness to grant-assist the delivery of proposed project through normal housing Grant arrangements, and have also indicated a willingness to provide additional grant support from its Infrastructure Fund to assist the applicant to carry out necessary remedial works to the boundary wall on to Gala Water. Infrastructure Grant funding has been allocated for this purpose, with the intention that subject to outcome of the planning application, the remedial works will be done as soon as possible subject to good weather conditions and resulting low water levels.

Archaeology Officer: There are implications for this proposal. The development area is the former site for a portion of the late 19th century Bridge Mill. Historic mapping clearly shows the eastern end of the Bridge Mill extending into the site, with two early 20th century buildings taking up the bulk of the site north of the mill lead. This arrangement continued until the mill was demolished sometime in the 1960s. Mitigation was recommended.

Subsequent to the Archaeology Officer's original comments, an evaluation report was submitted and he has confirmed he is happy with the report and its conclusions that no further work is necessary.

Access Officer: No reply

Statutory Consultees

Scottish Natural Heritage: Originally objected until further information was obtained. The development includes plans to demolish and rebuild the riverside retaining wall. The Gala Water is part of the River Tweed SAC. There was initially insufficient information to determine whether the proposal is likely to have a significant effect on the SAC, so further information was sought detailing the positioning of the new retaining river wall and resulting changes (if any) to the river channel profile. A construction method statement detailing how it would be demolished and rebuilt was also sought.

In response, the applicants clarified the positioning of the wall in amended plans, and submitted an ecological walkover survey. Following its consideration, SNH have advised that the proposal could be progressed with appropriate mitigation. They note that the route of the wall has been adjusted and follows the route of the current retaining wall, thereby causing no long term change to the channel profile or flows within the Gala Water.

If the proposal is carried out in accordance with their mitigation recommendations, it will not likely have a significant effect on the SAC and Appropriate Assessment is not required. SNH object unless approval is made subject to conditions requiring the mitigation measures detailed in their appraisal.

Scottish Environment Protection Agency: In response to the original application, SEPA objected in principle on flood risk grounds. Given the location of the proposed development within the undeveloped/sparsely developed functional floodplain they do not consider that it meets with the requirements of Scottish Planning Policy and they advised that their position was unlikely to change. They advised that they have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. While there is previous planning history at the site, this is historical. Legislation and planning policy have moved forward since the previous applications and a more sustainable approach to flood risk management is now promoted.

They advised, in summary, that the development would represent a significant increase in the vulnerability of land use at this site. Although the Flood Risk Assessment concludes that the site is outwith the functional floodplain they disagreed with its assessment of the 1:200 flood flow, flood level and flood extent. The consultant could be requested to reassess the estimate of the design flow using recommended distribution and give consideration to the history of flooding in Galashiels but this is only likely to show that the site is at significant flood risk as has been demonstrated by other FRA's and discussed in this report. The proposed development also has the potential to impact on the conveyance of floodwater past the site and increase flood levels and the risk of flooding to nearby land and property although this has not been investigated by the consultant. Due to the significant risk of flooding at this site they object in principle to the residential development and strongly recommend that an alternative commercial usage of the site be sought which is resilient to occasional flooding

Following those initial comments, and after having considered further information provided on behalf of the applicants with respect to flood risk, SEPA maintain their objection in principle. They advise that the site has been shown by a number of flood risk assessments to be at a significant risk of flooding and most of the site forms part of the functional floodplain of the Gala Water. They do not consider that the proposal meets with the requirements of Scottish Planning Policy. The proposed development also does not conform to SEPA's Development Management Requirement 1, in their guidance document 'Planning

Background Paper - Flood Risk', which consolidates their approach to development and flood risk. This states that proposed developments should not be located in areas at medium to high risk from fluvial or coastal flooding. It also does not fall within any of the exceptions which may be acceptable, as it represents a significant increase in the vulnerability of land use at this site as detailed in their Flood Risk and Land Use Vulnerability Guidance.

To mitigate flood risk it is proposed that the building is raised on columns which is contrary to Scottish Planning Policy and SEPA's guidance (Planning Background Paper – Flood Risk). Post-development modelling undertaken to determine the potential impact of this building design shows that it would raise flood levels by around 20mm. For these reasons SEPA cannot support the current planning application and they therefore maintain their objection in principle to the proposed residential development. They strongly recommend that an alternative commercial use of the site be sought which is resilient to occasional flooding.

Galashiels Community Council: No reply

Scottish Water: No reply

Other Consultees

None

KEY PLANNING ISSUES:

Whether or not the proposed development will comply with development plan policies and guidance, particularly with regard to visual impacts; ecological impacts; parking provision; and flood risk and, if not, whether other material considerations outweigh any potential conflict.

ASSESSMENT OF APPLICATION:

Principle

The site is just outside the town centre and is situated on part of a 3.4 hectare site allocated as a 'district' safeguarded area for business and industry under Policy ED1 of the Local Development Plan 2016. Policy PMD3 requires that developments accord with allocations unless meeting exemptions. Both these policies, therefore, must be considered in this case.

As regards Policy ED1, this allows for proposals other than Classes 4, 5 and 6 where the loss of the business and industrial land does not prejudice existing and predicted long term requirements for industrial and business land; and, the alternative land use offers significant overriding benefits to the surrounding area and community; and there is a constraint on the site where there is no reasonable prospect of it becoming marketable for business or industry in the future; or predominant land uses have changed such that a more mixed use pattern is now considered acceptable.

In this case, the site is a small proportion of the overall safeguarded site. The proposal is for affordable housing that will offer a significant community benefit, particularly given its location close to the town centre. The site itself is constrained by potential flood risk and has been vacant for at least ten years, and before that used as caravan storage, so generating limited employment. It is at the north-western end of the allocated site, alongside retail to that side and opposite residential properties to the south. The Council has actively considered its potential as a housing site when drafting supplementary guidance on housing, though the site was excluded due to potential flood risk. It is noted that the Forward Planning Service do not object to the principle of residential development, subject to flooding matters

being addressed (these are considered below). Ultimately, it is not considered that development of this site will run contrary to the requirements of Policy ED1 as regards the principle of residential development. Policy ED1 also requires that development respects the character and amenity of the surrounding area and be landscaped accordingly. These matters are considered further in this report.

Policy ED1 also requires that development be compatible with neighbouring business and industrial uses. In this regard, due to the positioning of the building towards the north-westerly side of the site, away from industrial uses to the south-east beyond a high boundary wall, the residential use of the site should not directly come into conflict with existing businesses. To the north-west is a retail development which has no openings or plant onto its side facing this site. It has a staff parking area along that side with delivery access so there is the potential for deliveries in particular to create noise. However, there are existing residential properties nearby and the deliveries themselves appear to occur further to the rear of the building. It is noted that no representations have been received on behalf of adjacent businesses nor has the Environmental Health Service suggested conflict is likely to arise if this development were to proceed.

Policy PMD3 requires that development accord with LDP designations, subject to either being demonstrated to be ancillary, or that there is a constraint on the site, or alternative uses offer significant community benefits that outweigh the need to maintain the original proposed use. As noted above, the proposal would develop a site for affordable housing that would offer a significant community benefit and the site itself has been vacant for a considerable period. Its residential use appears to provide the best opportunity for its redevelopment. The proposal will, therefore, accord with Policy PMD3, subject to it being acceptable as regards visual and infrastructure impacts (as required by Policy PMD5 and other relevant LDP policies).

Flood risk

Policy IS8 states that avoidance of flood risk will be the first principle of managing it, and that, in general terms, new development should avoid areas of significant flood risk. Development will not be approved if it is at significant risk of flooding or will materially increase flood risk elsewhere. In this case, the site is acknowledged to be at significant risk, with 85% at risk in a 1:200 year event, according to SEPA. According to Scottish Planning Policy, this type of site is suitable for residential development only if protected by flood protection measures either in place or planned, and this is not the case here. It also states that elevating buildings on structures such as stilts is unlikely to be acceptable, as is effectively proposed here. Therefore, SEPA's objection to its residential development in principle is understandable and consistent with the principles of Scottish Planning Policy and Policy IS8. It is accepted that policy on flooding has developed since the previous application to develop the site (09/00172/FUL) was endorsed.

However, concluding that the site is unsuitable for potential residential development and limiting its potential to commercial development only can only reasonably be reached after having first examined the level of risk to the proposed development and other material considerations. The following matters, therefore, must be accounted for:

- The Scottish Government states in its online planning advice that "Avoidance of flood risk may not however be practicable and possible in all cases. Development in established built up areas, historical centres and regeneration areas may already be in areas at risk of flooding." (Paragraph 18 of Online Planning Advice on Flood Risk)

- This site is not within a previously undeveloped or sparsely developed area. It is a site that is surrounded on three sides by high density built development, including multi-storey residential properties.
- It does not function principally as a space designed or left free to convey flood waters but was, most recently, a commercial storage yard for caravans, having been previously developed (with a former warehouse building being demolished in the 1960s). Only modest movement of water through the site has been predicted, decreasing further with distance from the riverbank.
- The building's residential accommodation will be set above the flood risk level and, though placed on columns and thus in conflict with SPP's general advice, its higher floor level is linked to existing higher ground beyond the flood risk extent – it would not be sited above surrounding flood plain. Much of the area that is in the undercroft would be unsuitable for residential accommodation due to the limited room available in any case. The Council's Flood Protection Officer has advised that she is happy to accept the proposed undercroft design.
- The proposed use is vulnerable, given that it is residential, though it is not a 'highly vulnerable use' according to SEPA's categorisation or SPP. Within 1:200 risk areas, it is possible to develop for residential uses if mitigation measures are included. In this case, a finished floor level of 107.9m Above Ordnance Datum is proposed. This is 0.88m above the 1:200 year plus climate change flood level of 107.02mAOD and 1.6m above the 1:200 year flood level of 106.27mAOD. The Flood Risk Assessment update states that, given that safe, dry access and egress from the site is available at all times directly from Huddersfield Street, which lies at a higher level, the risk to residents is mitigated and can be assessed as 'little or no risk'. The update also notes that the development could increase flood levels at the site by approximately 20mm. While this potential increase in flood level is acknowledged by our FPO, it is considered that the residential accommodation is sufficiently above the maximum flood level and not at risk of flooding.
- No material increase in flooding is predicted for neighbouring properties and neither SEPA nor our FPO raise concerns regarding off-site flood risk.
- The development would provide residential development on a highly accessible site, with the added benefit of being affordable housing provided by a Registered Social Landlord. There has also been understood to have been no serious commercial developer interest in the site recently.

It is accepted that it would be ideal to avoid flood risk for all residential developments in all cases. In this case, however, the site has been vacant for a considerable time, and this proposal represents a very significant opportunity to realise its development for highly accessible, centrally located affordable housing. The building's residential accommodation will not be at risk of flooding, being set above the predicted flood risk level. The undercroft will provide flood conveyance without affecting the building's residential use. The proposal is accepted by the Council's Flood Protection Officer. SEPA's concerns regarding the principle of development are acknowledged, though it is considered that the practicality of developing this site override these concerns in principle. Though there is some level of conflict with the overarching aim of Policy IS8, fundamentally, the proposal's residential use will not be at risk of flooding, nor will the development increase flood risk elsewhere. Therefore, it is considered the development can, on balance, be supported. A condition can secure the warning and evacuation scheme recommended by the FPO, and a management scheme to

keep the undercroft free of obstructions. In the event Members agree the recommendation, the application will require referral to Scottish Ministers.

Contamination

The site had been examined previously for potential contamination when the first application for sheltered apartments was considered. However, the Environmental Health Service requires an up-to-date assessment to demonstrate the site is suitable for the proposed development. The requirement is due to its previous use by a woollen mill. A standard condition can require this assessment and any required remediation.

Scale, layout and design

The site has no features of value in itself that would be lost to the development. The boundary wall to the south-east will not be affected. A riverside retaining wall is to be rebuilt though the existing has no architectural/historic value. The site is within an area comprising a variety of neighbouring building types and uses, including a three-storey gabled warehouse building to the south-east (Category B Listed Gala Mill) from which the proposal takes a strong design cue. There are multi-storey flatted properties on higher levels to the south-west and south. There is no building line of note. The site has both road and riverside frontages, so both are important, as is the side elevation to the path to the north-west.

The building would be 4 storey-and-attic with an undercroft provided on a split-level arrangement. The applicants provided images during the processing of the application which demonstrate that the building would be suited to the context in terms of its scale. Its form will be reflective of Gala Mill. Its elevational treatment is repetitive, but is appropriate to this context, given the design of neighbouring buildings. It presents active public frontages. The parking area is set to the side, below the public road. During the course of the application, amendments were made to the proposal, including removing the drying green originally proposed in a prominent location, as well as improvements to the frontage (tying it better to the existing street frontage), retaining walls (lowering a wall to the north-west), elevations (dormer window adjustments) and enclosure of bins (see under 'waste' below). Conditions are necessary to secure details, including wall heights and specifications for the riverside retaining wall. Fundamentally, the proposed scale, layout and design of the proposal will result in a considerable visual impact, but one which will be sympathetic to the context.

The undercroft will provide flood storage conveyance, which the applicants currently propose be protected by grilles. The arrangement is designed to reflect the blockwork coursing in the building. A condition could secure a dark finish, so the feature recedes. The proposal will be slightly unusual, and a little functional, but will have relatively limited public exposure, and will appear as part of the overall building design rather than an afterthought. That said, it has the potential to block debris and also a louvred arrangement could be explored as an alternative (for aesthetic reasons) as could reducing the size of the undercroft opening itself. Ultimately, the arrangement needs further consideration to secure a scheme that meets flood conveyance requirements but is visually appropriate. A condition can secure a final scheme. Maintenance will also be key, to ensure the arrangement is kept free of rubbish and debris.

Materials principally comprise dark coloured steel roofing, with light grey panels and windows, set into blockwork-faced walls with precast string courses. Provided the roofing finish is matt, and dark as proposed, this is agreeable. Regarding walls, the proposal was originally for brick, but has been changed to a grey-coloured blockwork. Provided the block finish is smooth, this will be a more sympathetic way to face such a large building than brick. The colour of the blockwork would, however, benefit from more detailed consideration,

particularly the scope to break up the massing of the building, avoiding the entire building having a similar grey colour. A condition can secure a final schedule.

The parking area will be tarred, which is acceptable in this location (albeit block paving would also be welcome, and is shown within the outline drainage scheme). The frontage path alongside Huddersfield Street would be tarred to tie into the street, with pavements used within the site. This provides a distinction between public and private space. Landscaping to the front will complement the building and provide some greenery at pedestrian level. Blockwork will be used for the walls around the building and landscaped area, though natural stone will be used for the main frontage wall and bin enclosure. This will tie it into adjacent boundaries.

The development will have ample access to sunlight generally. The supporting design statement points out intentions to meet and possibly exceed Building Standard requirements as regards energy efficiency, though this is a matter for the Building Warrant, as are measures to minimise water usage.

There are no obvious issues with safety and security. The parking area is overlooked, as are the building entrances. The undercroft will be protected by grilles or similar arrangement (as above).

Neighbouring amenity

In terms of daylight, sunlight and outlook, the development will not have significant impact on neighbouring amenity. There may be some effect on the facing windows of the nearest property to the south regarding daylight, but the nearest wall is blank, the nearest affected windows have an indirect view, and are already hindered in terms of daylight exposure on that side. The development will not significantly worsen the position due to its offset position.

As regards privacy, the Council's SPG has been applied to some degree, but for a development of this size, a pragmatic approach is required, particularly given the central location and type of most neighbouring residential properties. Therefore, accounting for the SPG's standards and the location and type of the development, impacts will not be significant, and a reasonably comfortable relationship should be achieved between this development and neighbouring residential properties.

The development is a large scale project, and the construction method statement recommended by the EHS is reasonable. A condition can apply this requirement.

The amenity of neighbouring commercial properties should not be adversely affected.

Access and Parking

Access is proposed from Huddersfield Street, with parking proposed within the site for 30 cars, and four spaces alongside Huddersfield Street. The proposed arrangements address the RPS's concerns, and incorporate an acceptable level of parking for such a highly accessible site close to the centre of town, with public parking nearby. Bike parking within the undercroft is also proposed for 38 bikes, which complies with recommended design standards. Pedestrian entrances are provided off the adjacent path and the main entrance from Huddersfield Street. Level access to the building's entrance is provided, though detailed matters regarding disabled access are for the Building Standards. Conditions can cover construction details and implementation of the access, parking and bike spaces. Works alongside Huddersfield Street will need to be to the Council's adoptable standards. The payphone is to be removed by BT.

The potential for public access along the riverside has been considered, but there is no such access either side of this site, and there is a path on the opposite side of the river. Due to constraints on this site, provision of public access within the development layout is neither achievable nor necessary.

Services

Public water supply and foul drainage connections are proposed, for which a condition can require evidence that connections have been achieved.

As for surface water drainage, the supporting flood risk information includes an outline drainage scheme showing porous paving (in some spaces), a proposed filter trench, cellular storage and hydrobrake, before outfall to the river. An existing culvert will be unaffected. This proposal comprises a SUDs scheme and is generally agreeable. Engineering details and the outfall detail to the Gala Water are for Building Standards and SEPA licensing. However, (though not significantly different), it is not based on the current site layout and clarity on parking area finishes is also needed. A condition is, therefore, necessary to secure a final scheme.

Affordable Housing and development contributions

This development would ordinarily be liable for contributions towards the Borders Railway reinstatement, local schools and affordable housing under Policies IS2, IS3 and HD1. However, the proposal is for affordable housing to be provided by the applicants, a Registered Social Landlord. On that basis, and subject to a condition controlling the occupancy of the development as such, the development will satisfy all three policies without the requirement for payment of contributions.

There are, however, no exemptions for affordable housing developments from contributions towards play space. Since this development exceeds ten units, contributions are required for off-site play space with rates applied to all units greater than one-bedroom. A legal agreement will be necessary to secure these contributions.

Ecology

The site is adjacent the River Tweed Special Area of Conservation (SAC) and has the potential to affect its integrity. It also involves rebuilding of the riverside retaining wall, with potential impact on European Protected Species (EPS). No ecological information was submitted in support of the original application.

A walkover survey was submitted that identified no risk to birds or bats, though also that an otter lie is located adjacent the site. Further information on the otter lie suggests there is no evidence of use. Following further consultation with SNH and the Ecology Officer, it would appear that the integrity of the SAC and safeguarding of EPS can be achieved with mitigation measures which can be required by conditions.

Archaeology

During the processing of the application, an archaeological evaluation was carried out on the site including trenching. This discovered heavily truncated remains of a 19th century mill lade. No other significant features were found. The Archaeology Officer has reviewed the findings and is content that no further mitigation is required.

Waste

Policy PMD2 and our SPG on Waste Management requires adequate provision for bin storage and collection. This matter was addressed during the course of the application. Following informal consultation with the Council's waste services team, and accounting for visual impact and collection requirements, the proposal is for an area adjacent the entrance to provide for several communal bins. Though close to the road as a result of collection distances, the area would be enclosed with natural stone walling and fencing, thus screening bins from public view. The resulting proposal is a visually sympathetic response to the need for bin storage and collection, despite its prominent position. Conditional consent should control final wall heights (as only visual impressions have been submitted).

Boundary wall and lade

The works include car park provision, which will be supported on retaining walls alongside the boundary wall to the south-east. The potential effect of the construction of the development on the stability of the boundary wall is a matter for the applicants, outside the scope of this application. An informative note can make the applicants aware of the neighbouring proprietor's concerns.

There is a historic lade that traverses the southern end of the site. However, it will not be directly affected by the development. The Flood Protection Officer is content that the information regarding it indicates that it is in good condition, so there should be no issues with it when work commences on site. Responsibility for its maintenance is with the site owner where it crosses their property.

CONCLUSION

The proposed development of this site for affordable housing will accord with the Local Development Plan 2016 as regards the principle of development, and other matters such as visual impact, ecological impact and access and parking, subject to conditions. The site is potentially at risk of flooding, however, and it is recognised that SEPA do not support the development as a result, including the proposal to set the residential accommodation on columns. The proposal is in conflict with planning policy and guidance since it would develop a site known to be at risk of flooding. However, as noted in the above assessment, it is considered that the level of risk can be mitigated and the means of doing so is acceptable in this case. Accounting for that, it is considered that the merits of the development outweigh the level of risk since the risk itself will be managed as a result of the development's design.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to referral to Scottish Ministers, a legal agreement addressing playspace contributions and the following conditions and informatives

1. All approved residential units shall meet the definition of "affordable housing" as set out in the adopted Local Development Plan 2016 and Supplementary Planning Guidance "Affordable Housing" 2015 and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority prior to development commencing.

Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools and the reinstatement of the Borders Railway.

2. The development shall be carried out wholly in accordance with the plans and drawings approved under this consent, including finished ground, road/parking and floor levels, unless otherwise agreed with the Planning Authority or amended by any other condition in this schedule
Reason: To ensure the development is completed in accordance with the approved plans, principally to ensure it has an acceptable visual impact, incorporates flood mitigation and safeguards road and pedestrian safety
3. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage services shall be made available to serve the development. All services shall be operational prior to the occupancy of any residential unit
Reason: To ensure the development can be adequately serviced
4. No development shall commence until a surface water drainage scheme, including maintenance measures, based on the approved site layout, has been submitted to and approved by the Planning Authority. The approved scheme shall be operational prior to occupancy of any residential unit and maintained in accordance with the approved measures
Reason: To ensure the development can be adequately serviced with a sustainable urban drainage scheme
5. No development shall commence until a Construction Method Statement has been submitted to and approved by the Planning Authority which specifies measures to minimise adverse effects on neighbouring properties from construction activities. The development shall be implemented in accordance with the approved statement
Reason: To minimise adverse effects on neighbouring amenity during construction of the development
6. No development shall commence until the following ecological mitigation measures have been submitted to and approved by the Planning Authority:
 - a) Construction Method Statement containing mitigation measures designed to safeguard the Gala Water (River Tweed Special Area of Conservation) during construction of the development
 - b) Species Protection Plan for birds, including mitigation/enhancement for lost habitat
 - c) Species Protection Plan for ottersThe development shall be carried out in accordance with the approved measures
Reason: To limit potential risk to the Special Area of Conservation, breeding bird and otter habitat and account for loss of bird habitat as a result of the development
7. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme
Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved development.
8. No development shall commence until further details of soft landscaping specified on drawing 8291.1.02C which includes planting specifications, implementation timescale and future maintenance have been submitted to and approved by the Planning Authority. The landscaping shall be implemented and maintained in accordance with the approved plan and details

Reason: To assist with visually integrating the development sympathetically with its context

9. No development shall commence until further details (and samples where required by the Planning Authority) of all external materials (including colours) for all hardstandings within the site; building materials (including all wall finishes, roof, windows/doors/railings and fascias); and site wall materials have been submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the approved specifications and samples. The walls identified in natural stone on the approved site plan shall be finished to match existing natural stone walls to the south-east or north-west of the site.

Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting

10. No development shall commence until dimensioned or scaled elevation drawings have been submitted of all walls, including riverside wall (and its material specification), boundary, retaining and bin enclosure walls, and including any tie ins to the existing path and bridge to the north-west, have been submitted to and approved by the Planning Authority. The development shall be carried out in accordance with the approved drawings

Reason: Further information is required of these details in the interests of ensuring a satisfactory form of development, which contributes appropriately to its setting

11. No development shall commence until further details of the undercroft arrangement (including size of opening and application of grilles or louvres) have been submitted to and approved by the Planning Authority, notwithstanding references on the approved drawings. The details shall include a maintenance scheme for keeping the undercroft clear of all obstructions to flood water. The development shall be carried out and maintained in accordance with the approved details

Reason: The elevational treatment of the undercroft requires further consideration to ensure it has a sympathetic visual impact and to ensure the undercroft provides sufficient flood water conveyance

12. No residential unit shall be occupied until the access and parking layout, paths, bike storage and bin enclosure have been completed in accordance with the plans and drawings approved under this consent. No works shall commence on the access until construction details have been submitted to and approved by the Planning Authority, and all works alongside Huddersfield Street (including path and parking spaces 1-4) shall be carried out in accordance with the Council's adoptable standards. All works shall thereafter be retained free from obstruction for their approved purpose

Reason: To ensure the development will be adequately serviced by road, parking, bike and bin storage provision

13. No residential unit shall be occupied until a flood warning and evacuation procedure has been submitted to and approved by the Planning Authority. The units shall only be occupied while the approved procedure is in operation

Reason: To manage any potential flood risk to the site

14. No site lighting shall be installed unless the details of the lighting (location, height, design, specification and light spread) have been submitted to and approved by the Planning Authority. The lighting shall only be installed in accordance with the approved scheme

Reason: To minimise the potential visual impact of lighting and to safeguard neighbouring amenity and road safety

Informatives

1. Roads Construction Consent will be required for works forming part of the adoptable road network on Huddersfield Street.
2. Amendments to existing public street lighting should be agreed with the Council's street lighting section
3. The adjacent proprietor (HR Motors) has expressed concerns regarding potential risk to the integrity of the boundary wall. This matter is for the applicant and is outside the scope of this application
4. Site lighting may require a separate Planning Application, in addition to satisfying Condition 14 of the above schedule
5. Condition 9 requires that final material specifications be agreed. The condition provides opportunity to consider in further detail the distribution of block colours within the building's elevations, with the aim of ensuring the building fits its context, is welcoming and that different colours are used to break up the massing of the building, and so complement its form and design

DRAWING NUMBERS

9291.1.01D Location Plan
9291.10.01A Existing site plan
9291.1.02C Site and roof plan
9291.1.03D Lower ground floor/undercroft plan
9291.1.04E Ground floor plan, 1st and 2nd floor plan
9291.1.05E Third floor plan, Attic plan
9291.1.06C Section A-A
9291.1.07B Proposed visual
9291.1.08H Proposed elevations
9291.1.10C Proposed visuals
9291.1.11A Proposed street views
9291.1.15 Section A-A
9291.0.16 Proposed bin store
301915-C-100A Proposed site levels

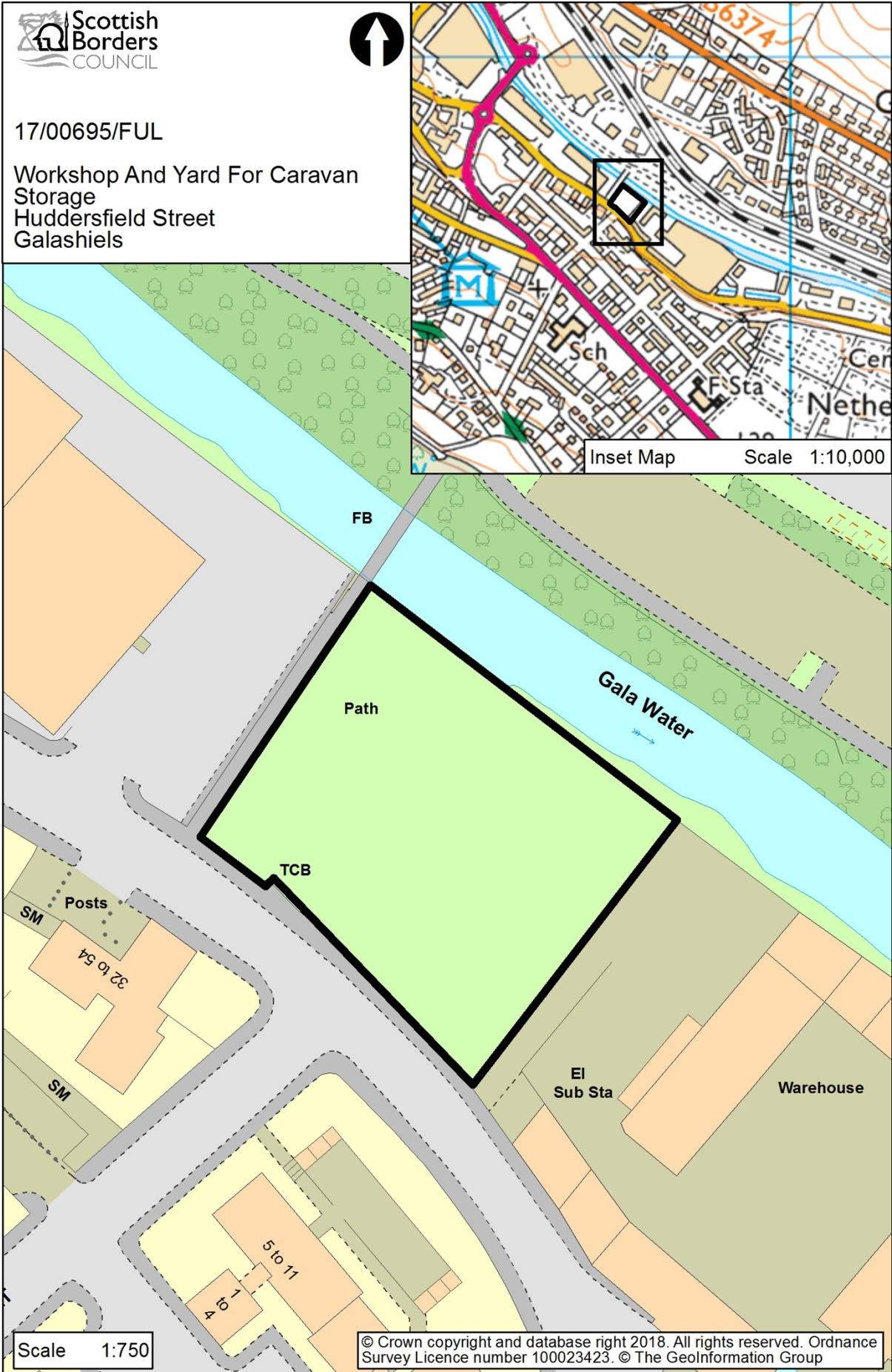
Approved by

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	Team Leader Development Management



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

26 MARCH 2018

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 16/01403/FUL
OFFICER:	Carlos Clarke
WARD:	Leaderdale and Melrose
PROPOSAL:	Erection of dwellinghouse
SITE:	Land south of Abbotsbank, Gattonside
APPLICANT:	Rural Renaissance Ltd
AGENT:	Camerons Ltd

SITE DESCRIPTION

The site comprises a long, tapered area of rising ground located within the centre of the village and previously used, according to the application submission, as a market garden/nursery. It is located off the Loan, a narrow, winding rising public road that currently serves a number of existing properties. The site has an existing access onto the Loan at its southern end via an existing tarred junction shared with the adjacent property. At its far northern end it also has a gateway onto the higher section of the Loan. The site itself is grassed, and rises from south to north. In its centre is a dilapidated greenhouse building extending approximately the width of the site at that point. The site's boundaries are marked by fencing, hedging and walling, where it meets undeveloped land to its west, the gardens of houses to its east and, the Loan public road to its north-east and north. It is overlooked by a terrace of houses to the north on the other side of the Loan. The site is located within the village's Conservation Area.

PROPOSED DEVELOPMENT

This application has been subject to an initial submission and two amendments. The application seeks consent for a single detached house which, during the course of the application, has been subject to changes, including in its position (originally to be sited in the northern half of the site, with access from the north-east), and design and scale. The current proposal is for the house to be located within the centre of the site, approximately as per the position of the existing greenhouse. It is to be accessed from a new driveway rising from the existing junction at its southerly end. The house would be 1 ¾ storey, principally on a rectangular footprint, with a further rectangular section behind that would be split-level with the rising ground behind. It would be roofed in natural state, with off-white smooth rendered walls, and aluminium/timber composite windows and doors. The application includes retention of the existing gateway to the north of the site that currently accesses the Loan, and which the applicants confirm is required for maintenance of the remaining field only.

DECISION BY PREVIOUS COMMITTEE

The application was considered by the Planning and Building Standards Committee at its meeting on 5th February. The Committee deferred a decision on the application to allow a visit to the site to be undertaken. Following the site visit, the Committee asked for a Construction Traffic Management Plan. This has since been submitted on behalf of the applicants and is considered in the assessment section of this report. Comments from the Roads Planning Service on the plan are also noted below.

PLANNING HISTORY

There is recent planning history for the site itself, though two recent consents for single houses accessed by the Loan are of some relevance:

- 16/01341/FUL - Land North West Of Wellbank - approved December 2016
- 16/00162/PPP - Garden Ground of Lindisfarne – originally refused due to inadequacy of the Loan to accommodate associated traffic. Consent was granted by the Local Review Body in September 2016

REPRESENTATION SUMMARY

As noted above, the application has been subject to three iterations. The original submission and two subsequent amendments have all been subject to consultation with neighbours and relevant consultees, and all three have attracted a number of objections. The revised proposal, for which consent is now sought, has generated objections on behalf of 20 properties. It is evident that the amended proposals have not addressed objectors' concerns and the principal objections (which account for all stages of processing of the application) are noted in summary below. Copies of all representations can be viewed in full on *Public Access*.

- There has never been a market nursery business on this site. Evidence should be provided of its existence.
- The Loan is unable to cope with the extra traffic associated with the construction and use of the dwellinghouse. The access is onto a blind corner with poor sightlines, and the road gets more dangerous each time another access is added. The road is very narrow, with steep gradients and no footpaths. Cars, houses and walkers use it. Its surface is solid ice in cold weather and it is frequently used for car parking. Houses are being built elsewhere on the Loan now, and damage has occurred as a result of recent construction works. This will result in an increase in traffic making the road more dangerous at its busiest section. Access to the south remains difficult and potentially dangerous.
- The excavator route would be unsafe, and the largest anticipated vehicle doesn't guarantee it will be the largest and, if smaller, this will result in more trips. It is queried how construction materials will be delivered, whether adjoining accesses will be affected during construction, and what level of soil removal is required. Considerable problems will result from reversing the excavator, and the presence of a banksman cannot be enforced. The access cannot adequately cope with small vehicles now and the proposal doesn't address its constraints. Its use risks a serious accident. How disruption from water and sewerage etc. provision will be managed is also queried.
- Ultimately, the Council should uphold its prevention of no further building and not be swayed by the economic concerns of the landowner/developer. This is the third attempt to establish a safe access and is the least convincing. The original views of the Roads Planning Service as regards development off the Loan should be followed.
- Only pedestrian access should be permitted to the north.
- The proposed house is unsympathetic and too dominant in such a prominent position, is not in alignment with existing and is not in keeping. Opinions on its size vary from it being considered more in keeping, to it being considered inappropriately large, crammed into the plot, resulting in loss of open space and with an overlarge garden to the rear. It continues a trend towards overdevelopment of the area. Little or no thought has been given to the character of the oldest part of the village. The

opportunity should have been taken to develop an innovative design. It is also contended that the existing greenhouse is an eyesore.

- The proposal is too close to the Beech hedge and the closest tree (tree 1) is positioned incorrectly.
- Overlooking and loss of privacy will result, especially for Abbotsknowe.
- Potential effects on drainage as the village has springs and the Loan runs water at times, which freezes in winter. Drainage issues have worsened and will continue to get worse with more properties added. There are concerns with effects on the very old existing mains drainage.
- The boundary wall should be repaired/reconstructed. The hedge to the north does not seem necessary, will affect neighbours' daylight, sunlight and outlook and walkers' views of the Eildons and Melrose. Concerns are also raised that this means removal of the wall.
- The application fulfils no criteria with respect to promoting affordable housing. There are also plenty of houses elsewhere of similar size and the Local Development Plan provides sufficient potential growth.
- Loss of bird habitat
- If approved, no further houses should be built. The uncharacteristically large garden to the rear can only be seen as being earmarked for further development.
- The site is clearly unsuitable.

APPLICANT'S SUPPORTING INFORMATION

The following have been submitted in support of the planning application:

- Supporting statement
- Design Statement (for the original application submission, though not the most recent amendment)
- Access appraisal
- Swept path analysis for a construction vehicle
- Overlooking and privacy analysis for Abbotsknowe
- Daylight analysis
- Shadow diagrams
- Root protection area calculations for adjacent trees
- Method Statement for Traffic Management Plan and Swept Path Analysis and Traffic Management Plan

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

PMD2 Quality Standards
PMD5 Infill Development
IS2 Developer Contributions
IS3 Developer Contributions Related to the Borders Railway
IS7 Parking Provision and Standards
IS9 Waste Water Treatment Standards and Sustainable Urban Drainage
EP1 International Nature Conservation Sites and Protected Species
EP4 National Scenic Areas
EP8 Archaeology
EP9 Conservation Areas
EP13 Trees, Woodlands and Hedgerows
EP16 Air Quality
HD3 Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

Landscape and Development 2008

Trees and Development 2008

Waste Management 2015

Guidance on Householder Development 2006

Placemaking and Design 2010

Development Contributions 2011 updated January 2018

CONSULTATION RESPONSES:

A number of consultees were consulted on the current amendment and their comments are summarised accordingly

Scottish Borders Council Consultees

Roads Planning Service: As regards the original submission (and the principle of development), the RPS advised that there is a long and complicated history relating to applications for dwellings on land served by The Loan. The RPS has consistently resisted any new development served via this road where there has been no history for the site. In response to recent applications, they intimated that they would be unable to support any new development due to the constrained nature of The Loan. These included 16/00162/PPP and 16/01341/FUL. They were only able to offer support for 16/01341/FUL due to the historical, live, application for two dwellings that could have been taken up by the applicant. Had that site not had a live approval, they would not have offered any support to the proposal.

In considering the current application for Abbotsknowe, they again expressed concerns regarding the nature of The Loan and its ability to support additional traffic. They intimated that they may be able to look more positively on the application if there were improvement works which could be carried out which in the eyes of the residents of The Loan/Valley View outweighed the concerns regarding the constrained nature. The proposals for additional parking, road widening and the provision of a turning area (proposals submitted with the original application but withdrawn in the amended proposals) whilst providing some benefit to the residents of Valley View, were not met favourably by the residents of the area. That said, the last use of the site was as a market garden which would have attracted its own traffic and this has to be taken into consideration by this section when appraising the current application. When this use was in operation, access was taken via the southerly section of The Loan and into the site south of Abbotsknowe. The site could commence such a use again without requiring any further approvals and this would generate additional traffic on the initial section of The Loan. Whilst this access is not ideal, the previous use has to be taken into consideration and with some improvements, the access could cater for a single dwelling. Given the historical use of the site they did not object, provided the house was served by the existing access to the south of the site and subject to submission of a traffic management plan.

With respect to the most recent submission in which access to the site is now proposed from the south, and with which a swept path analysis for a construction vehicle has been submitted, the RPS advises that the revised site plan and swept path drawing show that the applicant can provide the necessary access and parking and that a construction vehicle can enter and leave the site, both of which are acceptable to the RPS. The layout plan indicates that a gradient of 1 in 10 is proposed however there are no levels on the drawing to show this. A drawing giving more detailed level information to support the proposal of such a gradient is required. The swept path indicated is for a small excavator and whilst this is

acceptable in general, there will be larger vehicles associated with material deliveries involved during the construction phase of the property. Additional information confirming how the applicant proposes to accommodate these vehicles and get the appropriate materials to the site in a safe and legal manner is requested. It should also be noted that the RPS would not be prepared to support an access from the northern part of the site on to Valley View as they would not wish to encourage additional vehicles using the top section of The Loan or Valley View.

The RPS have considered the Traffic Management Plan and are satisfied with its content. Item 8.3 indicates that any vehicle which is larger than that shown on drawing 9275.1.10A will be off loaded on the B6360. The drawing indicates that the existing lay-by at Rose Cottage is a potential location for this process and, if it is free, this is acceptable. Should the lay-by not be free, they are satisfied that this procedure could be carried out satisfactorily at another location on the B6360 provided the appropriate traffic management is in place in terms of banksmen and/or signage.

Environmental Health Service: A solid fuel appliance is to be used, which can impact on public health if not properly installed, operated and maintained. As long as it is less than 45 kW no further information is required. If greater, then a screening assessment is required. An informative note is recommended. Also, the site was previously used as a nursery (Abbotsknowe Nursery) and the land use is potentially contaminative. A condition is recommended requiring a site investigation and risk assessment. A condition is also recommended requiring details of the public water supply.

Archaeology Officer: There are potential implications but these do not require mitigation. The applications site is within the backland area of Gattonside's historic core. The village developed along Main Street and two primary roads extending north toward the Earliston road. This is largely post-medieval development, though it may have been preceded by a monastic grange followed on by several towers and a cluster of buildings in the later medieval period. There is no indication that the application has seen development apart from the late 20th century nursery. However, as former backlands or crofts there is a low potential for the site to contain buried archaeological features associated with the early development of the village. The low potential for the site to contain archaeological features does not warrant mitigation. However, an informative note on the consent (if granted) is recommended.

Landscape Architect: With respect to the most recent submission, the landscape architect has considered the information on tree Root Protection Areas and is satisfied that the information accurately reflects the trees. If excavation works are restricted to the hatched area as shown, there will be no impacts on the trees or adjacent hedge. A simple fence should be erected outside the RPAs prior to works commencing, to ensure the areas are adequately protected. No damage to the existing Beech hedge is anticipated. A full landscape scheme, including treatment of all boundaries (particularly the western boundary) should be a condition of consent. The repair, as necessary, of existing stone walls along the property boundary, should be a condition of consent.

Education and Lifelong Learning: Contributions are required towards Melrose Primary School and Earliston High School of £2,438 and £3,428 respectively (2017 indexed levels)

Access Officer: No comments

Statutory Consultees

Melrose and District Community Council: Are concerned with the additional vehicle movements around these narrow roadways

Other Consultees

Gattonside Village Sub Planning Committee: Further development which involves additional vehicle movements by way of The Loan should not be permitted. There is no doubt that the applicant's opinion that the road is easy to negotiate is made by someone who does not have to use the road on a daily basis. Quite frequently, a significant amount of the traffic using the road, especially at peak times of the day – that is travelling to and from workplaces – emanates from the housing development at Monkswood whence there is access to The Loan. Were that access to be blocked off, the situation with regard to traffic movement would be ameliorated and, if the Council is minded to grant consent, this should be conditional on access to and egress from the Monkswood area by way of The Loan being prohibited and a physical barrier provided to stop such traffic movements.

The application suggests that there would be no additional traffic caused by the erection of one house because the "Market Garden" currently generates traffic daily. Their view is that this is a ruse to back up the applicant's contention about volume of traffic. The reality is that, although the area was once used as a market garden, in the more recent past this has not been the case. It is opined that the applicants erected a sign indicating that the area was used as such only earlier this year and the fact is that, although occasional visits to the site seem to be made by vehicles, no gardening work (other than the planting of a few young trees & shrubs) has taken place for many years. Visits by vehicles have been observed but no physical work takes place; rather the workmen sit in their vehicle for a period, occasionally have a meal break or read their newspaper and then depart.

It is contended that part of the access roadway to the site is un-adopted – that is, it is owned by the 'frontagers' of the properties adjacent to the road. It is doubtful if these 'frontagers' would be happy for access to be taken from this section of The Loan without considerable improvements being made to width, formation and drainage of the road at no expense to the 'frontagers'.

On the basis of the above it is recommended that the application be refused.

KEY PLANNING ISSUES:

Whether or not the development would comply with planning policies and guidance with respect to infill housing development and, in particular, whether the access road (the Loan) is capable of adequately servicing the development; whether the development would protect or enhance the character and appearance of the Conservation Area; and, whether or not the development would significantly adversely affect the amenity of neighbouring properties

ASSESSMENT OF APPLICATION:

Principle

The site is within the village's settlement boundary. It is not allocated for a particular use, nor safeguarded from development and, therefore, the provisions of Policy PMD5 principally guide infill development on it. The site does not comprise open space of recreational value and, though it currently contributes to the townscape to some extent as open space, it does not add significant value to the character or appearance of the Conservation Area. Where its landscape contribution has most value is its northerly half where it flanks the Loan, and this proposal retains that part free from development.

There would be no land use conflicts with a single residential house on the site. Amenity impacts on existing residential properties are considered later in this assessment

Demolition of the existing greenhouse would not require Conservation Area Consent by way of exemption due to its age and use.

There is no requirement to demonstrate need for the proposed house, nor to provide affordable housing for a single house development. Though the site to the north may be attractive as a potential development opportunity, this application seeks consent for one house and must be considered on its own merits.

Services and contributions

Contributions apply to the Borders Railway reinstatement and local schools in accordance with Policies IS2 and IS3. A legal agreement would be necessary to secure these contributions before consent (if it is to be granted) is issued.

Mains water and foul drainage are proposed, and this is agreeable in principle. A condition will be necessary to ensure that mains services will be achieved. Impacts on existing drainage will be matters for the applicants and service providers, as well as potentially through the Building Warrant process. Surface water drainage will be an issue requiring particular care for this site, given its slope towards the south, and existing known run-off issues on the Loan. A condition can secure a surface water drainage scheme, for both the construction and operational phase, that confirms that greenfield run-off levels will be maintained.

Contamination

There is a potential risk of contamination from the previous use of the site. A condition can be imposed to ensure any such risk is investigated and addressed, as recommended by our Environmental Health Service.

Archaeology

As noted by our Archaeology Officer, there is some interest in the site as regards archaeology, but it is insufficient to require mitigation to be applied. An informative note is recommended on the consent in accordance with our archaeologist's advice.

Air quality

The supporting design statement advises that the development will make use of a modern fuel efficient heating system. The application drawings indicate two chimneys, with one hearth within the living room. The details of the heating system are not known but, provided it is less than the limitation recommended by the Environmental Health Service, there appears not to be any particular concern as regards air quality impacts. This can be covered in an informative note, as any issue arising from a larger system would be for separate environmental protection procedures.

Ecology

There are no ecological designations, and no mature trees or hedging would be removed. The existing greenhouse is not of a building type likely to be habited by bats. The risk to breeding birds is a matter that can be subject to an informative note for the applicant.

Access and parking

The original application proposed access from the north-eastern boundary of the site, and was supported by proposals to alter the Loan along that and the northern boundary by

means of layby parking and a turning head. However, those proposals would have encouraged traffic along a section of the Loan where traffic ought not to be encouraged, because of constraints of gradient, width and sightlines. The revised proposal for which consent is now sought proposes access only from an existing southerly access point. This access serves the adjacent property, so would not comprise a new junction directly onto the Loan. In addition, though concerns regarding the extent to which the site has previously been used as a market garden are acknowledged, the fact is it could be used as a commercial nursery at any time without planning permission. There is a reasonable likelihood of that occurring if this consent were not granted, albeit the existing building would need repaired or replaced.

Other consents for houses along the Loan are also acknowledged. The erection of a house at Lindisfarne (16/00162/PPP) was resisted by this service (albeit it was approved by the Local Review Body). However, that site was at the very far end of the Loan, requiring traffic to negotiate its entire length. In addition, a house approved under 16/01341/FUL to the north-east of this site, behind Wellbank, was approved because it was the same site as an extant consent for two houses that, due to previous works, could not expire. Therefore, that would comprise one house in place of two. This application seeks consent for a house towards the southern end of the Loan, requiring the least of all the distances from which to travel from the main road. The RPS has not raised any concern with the cumulative impact of a third additional house being accessed off the Loan at this southerly point, and no external mitigation, such as alterations to this or other roads are required.

The site layout incorporates two parking spaces and a turning area and is, therefore, compliant with the Local Development Plan 2016 as regards parking requirements. The applicants have confirmed they have a right to take access via the existing junction. The most recent submission includes level information, partly in order to answer the RPS's queries regarding the levels of the driveway and parking area. This specifies that the overall driveway will achieve a suitable gradient.

Access to the north is to be retained. However, its purpose is for maintenance of the remaining part of the site, and will not directly relate to the proposed house and garden curtilage. Provided the northern boundary of the curtilage is adequately formed (post/rail fencing, with hedging and trees would be most appropriate), then there should be no material change to the frequency of use of this existing access.

Construction Traffic

Construction works will inevitably cause disruption and it is for the applicants to secure any permits for works directly affecting the public road (such as service provision). Management of construction traffic is not ordinarily a matter that requires consideration as part of a planning application for a development of this size. Damage associated with such works is also for the individual parties involved. However, it is recognised that the southerly junction exhibits particular physical constraints and it is important that it can be demonstrated that the site can accommodate the type of traffic needed to service the development's construction, in order to limit potential disruption on the public road, and in the general interests of road and pedestrian safety.

The applicants have, therefore, submitted a swept path analysis for an excavator, demonstrating that it is capable of being reversed into the site and leave in a forward gear. They have also submitted a Traffic Management Plan and accompanying Method Statement. In summary this confirms:

- No vehicle larger than that specified on the swept path will enter the site - barriers will be used to prevent casual access.

- Signage barriers will direct large vehicle drivers (those within the swept path limits) to wait for a banksman who will assist with entry. Banksman will also supervise egress and movement of larger vehicles within the site.
- Vehicles larger than the swept path will park on the main street with materials/equipment transferred in the road, monitored by a banksman and any other necessary traffic management equipment to make it safe. Existing public layby parking has been identified as a potential location.
- On site traffic parking and storage of plant and equipment is shown on the site plan (with parking for four cars), away from the route into the site and neighbouring accesses. All vehicles will leave in a forward gear. Deliveries will be restricted to between 10am and 3pm to avoid peak times and personnel vehicles will avoid peak times (8-10am and 4-5.30pm).
- None of the applicant's vehicles will be permitted to use the route from Monkswood (though they can't close this route due to ownership and access issues).

This management plan is endorsed by the Roads Planning Service. Concerns from residents have been expressed directly to Members regarding the plan, particularly the use of the layby on the B6360 for handover from large to small vehicles. It is recognised that there is the potential for the layby to be unavailable. However, the RPS is content that other alternatives will be suitable. The applicants are free to use the public road for this purpose regardless of location, provided they use it legally and safely. How that occurs is beyond the scope of this planning application. To determine this application, this authority need only be content that safe access and egress into and out of the application site can be achieved. On the basis that large vehicles will not need to use the Loan to access the site (beyond that on the swept path analysis) because the applicants intend to swap to smaller vehicles before reaching the Loan, then the proposal is acceptable. A condition can ensure that management of traffic in the application site is in accordance with the Traffic Management Plan. Management of traffic that is not on or entering or leaving the site cannot be enforced by planning condition.

Waste

Dedicated bin stances are not shown on the plan, though there is ample room to achieve this away from the public road, ideally within the rear patio, though stepped access may discourage this. This matter can be addressed by a condition in this case.

Placemaking and Design

The application has been subject to revisions to the positioning and design of the development, in order to ensure particular consideration has been paid to its potential impact on the character and appearance of the Conservation Area.

The site is rising, and set above and below the Loan. The house will sit within its centre, in a similar position to the existing greenhouse. It will sit alongside other houses to the east set at different levels, below houses to the north, and well away from the Loan to north and south. It will be an improvement on the existing greenhouse. Level information suggests it will be largely cut into the site, with some retaining walls required, though the positioning of the house means these will not have an unacceptable exposure to public view. The driveway will require some upfill, and a low retaining wall is expected along part of its western boundary (not shown on the drawing), however, this will also have limited exposure. Provided this is sympathetically specified (such as dry-stone), that the driveway is also framed as far as possible with hedging, that a planting scheme is specified to aid integration of the development with the site, and that boundaries are formed sympathetically, then the overall landscape impact of the development will not be unsympathetic.

The site is extensive and, in order to maintain the open area to the north free from development of rear garden outbuildings for example, the garden curtilage is specified part way up the site. This would ideally be formed with hedging and planting, with a simple post and wire fence. It is not necessary to provide hedging along the existing northern boundary (as specified on the site plan). As regards existing walls, it is not considered reasonable to require their overhaul by way or repair or replacement, since this development has no direct effect on them.

There are no existing trees or hedging within the site of particular note. The applicant has responded to concerns regarding potential impacts on neighbouring Beech hedging and trees to the east by identifying root protection areas (and correcting the position of Tree 1 to respond to the neighbour's representation). With protective fencing in place for the trees and hedging (notwithstanding existing boundaries), and excavation for the house limited to the extent shown, the risk to the trees and hedging can be minimised.

The existing townscape is varied and this proposal will fit with that variety. It fronts the south, so facing the road and, though it contains frontage parking, it is well set back from the road itself within a large frontage. The positioning of the house accounts for the existing greenhouse and avoids the narrower part of the site further south, where any development may likely have more impact on the adjacent neighbouring property. Its position will fit with the existing townscape. The proposal is relatively large, but the plot is substantial, and the house's proximity to side boundaries will not be discernible from public view. The split level arrangement and overall footprint (with extra leg offset behind the main frontage) has maintained an appropriate layout while achieving a sizeable floorspace. Though a well-considered contemporary design could have been explored, this proposal is more traditional, which allows a more comfortable fit with existing neighbouring buildings. The final form and design has adequately addressed concerns about the suburban character of the original proposal. Its 1 ¾ storey size will not be at odds with neighbouring buildings and it should fit well amongst the existing variety of buildings within the surrounding area.

As regards external materials and specifications, the roof is now specified in natural slate, with quartz zinc for the front dormers' haffits (and rear dormer roofs). The latter is agreeable, subject to a finish specifying a brushed, non-reflective finish. An off-white smooth render is proposed for the walls, with cills and surrounds coloured in reconstituted stone, which is all acceptable in this context. Retaining walls and planters will be finished similarly, with a reconstituted cope. Windows and doors will be in an aluminium/timber composite, which is agreeable in this position away from the road. The window types are not specified, though those to the front appear to comprise sash to the first floor and single-pane to the ground floor (all white) with simple, dark coloured glazing to the rear. Ideally all windows on the front would be the same, albeit the positioning of the house relative to the road (with the ground floor behind planters) suggests, on balance, the arrangement currently proposed is agreeable. The modern approach to the rear is also appropriate in this position. There appears to be no fascias to the eaves and verges on the main roofs, which is welcome. Overall, subject to final finishes and colours being agreed by condition (as well as finishes for hard surfaces), the proposed palette of materials will be sympathetic to the context.

Ultimately, with care over landscaping, boundaries and final finishes, this proposal will contribute positively to the character and appearance of the Conservation Area, adding sympathetically to the existing mix of house types within this part of the village.

Neighbouring Amenity

Impacts on neighbouring amenity have been considered as regards potential daylight, outlook, privacy and sunlight loss for all nearby properties. However, the potential for

adverse impacts are most likely with respect to the properties to the east, including Abbotsknowe, Cherrybank and Horseshoe Cottage (referred to as Orwell in the application plans). The applicants have responded to concerns regarding potential impacts on neighbouring amenity as part of the redesign and repositioning of the proposed house, including a recent amendment to reposition it further west. Information has also been submitted as regards potential overshadowing, daylight loss and privacy impacts. The information has assisted an assessment of these considerations, albeit there are elements within them which require interpretation (such as the presentation of sections for daylight impacts, or shading effects of existing features, and the positioning of Abbotsknowe). Accounting for our supplementary guidance on privacy and daylight, and having regard to potential impacts on sunlight and outlook as assisted (but not conclusively guided by) the applicant's supporting information it is not considered that this proposal will lead to any significant effects on neighbouring amenity.

The hedge proposed to the north is not required to mitigate this development, and nor does it need consent in its own right. Its potential implications on neighbouring amenity are not for consideration here.

CONCLUSION

Following submission of revised proposals which have sought to account more directly for the existing townscape and settlement pattern, and submission of more information regarding impacts on neighbouring amenity and the means of construction access, the proposal is considered compliant with policies and guidance designed to protect the character and appearance of the Conservation Area, road safety and neighbouring amenity. Subject to a legal agreement and compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to a legal agreement and the following conditions and informatives:

1. The development shall only be implemented in accordance with the approved Method Statement for Traffic Management Plan (27/02/18) and Swept Path Analysis and Traffic Management Plan (9275.1.10B) as regards management of construction traffic within and entering and leaving the application site. Access to the site during construction shall only be permitted from the southern access and there shall be no access to the site of any kind (vehicle or pedestrian) permitted from the northern access.

Reason: To limit potential impacts on road and pedestrian safety

2. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme

Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved development.

3. No development shall commence until a surface water drainage scheme has been submitted to and approved by the Planning Authority which demonstrates that

surface water run-off from the site will be maintained at pre-development levels using sustainable drainage methods during construction of the development and occupancy of the dwellinghouse

Reason: To ensure the development can be adequately serviced and to safeguard the public road and neighbouring properties from potential run-off

4. No development shall commence until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include
 - a) location and design, including materials (and detailed specifications), of all boundary treatments and driveway retaining walls
 - b) soft and hard landscaping works, including tree, shrub and hedge planting and any additional areas of hard surfacing not specified on the approved site plan
 - c) bin storage measures
 - d) A programme for completion and subsequent maintenance.

Reason: To safeguard the character and appearance of the Conservation Area

5. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage connections shall be made available to serve the development. Mains services shall be operational prior to occupancy of the dwellinghouse.

Reason: To ensure the development can be adequately serviced.

6. No development shall commence until a protective fence (compliant with BS5837:12) has been erected along the root protection areas for adjacent trees and hedging, as specified on the approved site plan 9275.1.03D. No works shall be permitted within the fenced area unless agreed with the Planning Authority as being compliant with BS5837:12 and there shall be no excavation for the house beyond the area specified on the approved plan 9275.1.02C

Reason: To limit potential risk to adjacent trees and hedging which contribute to the character and appearance of the Conservation Area

7. The dwellinghouse shall not be occupied until the treatment of the northern boundary (specified as the 'extent of house plot' on the approved site plan 9275.1.03D) has been approved by the Planning Authority under Condition 4 and until the approved treatment has been implemented in accordance with a timescale agreed with the Planning Authority. This boundary shall provide no means of access of any kind (vehicle or pedestrian) from the north.

Reason: To safeguard road and pedestrian safety and the character and appearance of the Conservation Area

8. External materials and colours shall accord with the approved drawings, unless otherwise agreed with the Planning Authority. No development shall commence until a schedule (including samples where required by the Planning Authority) providing a detailed specification of all external materials, finishes and colours of the house, retaining walls/planters and hard surfacing has been submitted to and approved by the Planning Authority. The development shall be completed using the approved schedule of materials, finishes and colours. There shall be no bargeboards or fascias applied to the main roofs of the dwellinghouse (excepting only where specified on the approved drawings for the dormers), and window glazing pattern shall accord with the approved drawings (incorporating sash windows on the front elevation upper floor).

Reason: To safeguard the character and appearance of the Conservation Area

9. The area allocated for parking and turning on the approved site plan 9275.1.03D shall be completed in accordance with the approved plan before the dwellinghouse is occupied, and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure there is adequate space within the site for the parking and turning of vehicles.

10. The development shall be implemented wholly in accordance with the plans and drawings approved under this consent, including the site, house and driveway/parking levels, and the southern patio area shall be finished to the same level as the parking area, all unless otherwise agreed in writing with the Planning Authority

Reason: To safeguard the character and appearance of the Conservation Area, neighbouring amenity and road safety

Informatives

1. Site clearance works within the bird breeding season should be avoided unless the site is first checked for nesting birds. The applicant has the responsibility to ensure no breach of habitat regulations.
2. If a solid fuel stove is intended, this should be specified as being under 45kw. If specified to be larger, a screening assessment will be required in liaison with the Council's Environmental Health Service to ensure there is no risk of a statutory nuisance from emissions.
3. Solid fuel heating installations can cause smoke and odour complaints and Planning Permission for this development does not indemnify the applicant in respect of nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted Planning Permission. It is recommended, therefore, that:
 - the flue should be terminated with a cap that encourages a high gas efflux velocity.
 - the flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.
 - the appliance should only burn fuel of a type and grade that is recommended by the manufacturer.
 - if you live in a Smoke Control Area you must only use an Exempt Appliance (www.smokecontrol.defra.gov.uk) and the fuel that is approved for use in it
 - in wood burning stoves you should only burn dry, seasoned timber. Guidance is available on www.forestry.gov.uk
 - treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel. Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.
4. There is a low potential for encountering buried archaeology during excavations. If buried features (e.g. walls, pits, post-holes) or artefacts (e.g. pottery, ironwork, bronze objects, beads) of potential antiquity are discovered, please contact the planner or Council's Archaeology Officer for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered per PAN2(2011) paragraph 31. In the event that human remains or artefacts are discovered, these should remain in situ pending investigation by the Archaeology Officer. Human Remains must be reported immediately to the police. Artefacts may require reporting to Treasure Trove Scotland

DRAWING NUMBERS

9275.1.01	Location Plan
9275.1.02C	Existing site plan
9275.1.03D	Proposed site plan
9275.1.04A	Proposed roof plan and proposed floor plans
9275.1.05B	Existing elevations (with down takings/excavation)
9275.1.06B	Proposed elevations
9275.1.07B	Proposed elevations
9275.1.12A	Spot level for driveway
9275.1.10A	Swept Path Analysis
9275.1.10B	Swept Path Analysis and Traffic Management Plan
Method Statement for Traffic Management Plan 27/02/18	

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.

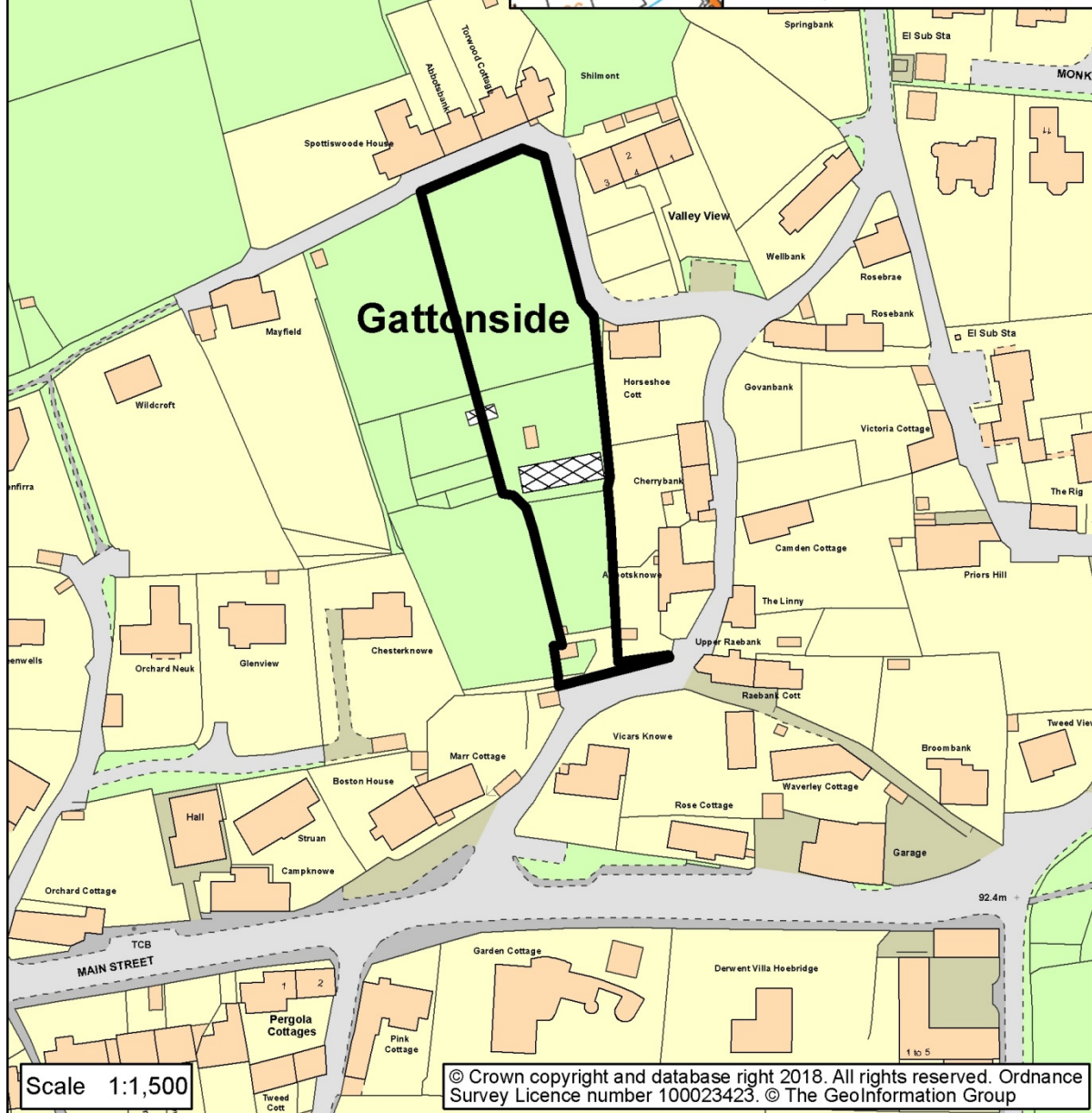
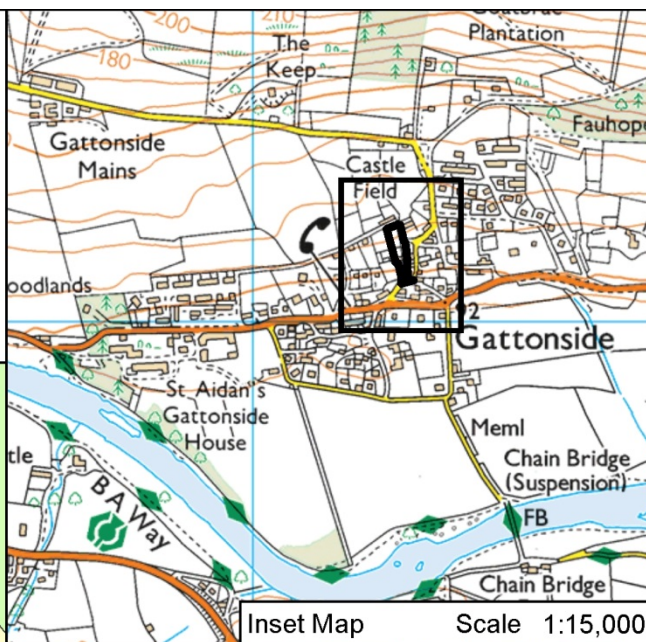
Author(s)

Name	Designation
Carlos Clarke	Team Leader Development Management



16/01403/FUL

Land South Of
Abbotsbank
Gattonside



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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

26 MARCH 2018

APPLICATION FOR PLANNING PERMISSION

ITEM: 17/01602/PPP
OFFICER: Paul Duncan
WARD: East Berwickshire
PROPOSAL: Erection of dwellinghouse
SITE: Land South Of Rossleigh, Horndean, Scottish Borders
APPLICANT: Mr Robert Sloan
AGENT: Mr Melvin Winter

SITE DESCRIPTION

The proposed site is located at Horndean, a mainly residential hamlet located roughly half a mile south of the B6461 road. Horndean is an established building group of 13 dwellinghouses which sit off a minor public road which winds through the hamlet. The building group is traditional in character. Dwellinghouses are mainly of stone construction under slate roofs, mostly fronting onto or set a short distance back from the minor public road in an informal pattern.

Whilst most land which abuts the minor road within Horndean is in residential use, the proposed site is arable land and is understood to have been farmed for many years. The site is irregular in shape, and forms a far corner extension of a much larger field to the north-west.

Two dwellinghouses (Rossleigh and The Wyld) sit in garden ground immediately to the north of the site. An informal pedestrian access to Rossleigh borders the site on its northern perimeter. To the east, Homefield fronts the minor public road directly opposite the site. A further dwellinghouse (Ashfield) sits to the south of the site. Trees and hedging border the site to the south, east and north and overhead lines cross the site at the minor public road and to the south of the site.

PROPOSED DEVELOPMENT

The application is for planning permission in principle for the erection of a single dwellinghouse. As the proposal is in principle only, no elevation drawings are required and none have been provided. An indicative site layout plan has been submitted. This confirms that access would be taken directly from the minor road, opposite Homefield. The existing informal pedestrian access to Rossleigh would be maintained.

PLANNING HISTORY

There is no recent planning history on the site. Two new dwellinghouses have been built within the building group in recent years, as summarised per site below:

- **Orange Tree Cottage, Horndean**
08/01715/FUL - Erection of dwellinghouse and detached double garage

- **Swallowdene, Horndean**
10/01447/FUL - Erection of dwellinghouse and detached garage

Earlier approvals within Horndean at land east of Westfield (06/00175/OUT & 07/00269/REM) and Plot 2 Land North East of Rossleigh Cottage (08/00788/OUT) were granted permission in 2007 and 2013 respectively but have since timed out.

REPRESENTATION SUMMARY

Eight households have lodged objections to the proposed development. These are available for Members to view in full on Public Access however the principal grounds of objection are summarised below:

- Contrary to Policy HD2
- Development would conflict with the established land use
- Alternative/ brownfield sites preferable
- Precedent/ intentions for further residential development
- Adverse impact on historic building group
- Adverse impact on landscape setting
- Impact on neighbouring residential amenity
- Noise and disruption from construction
- Loss of Prime Agricultural Land
- Gate into site is newly erected/ access did not previously exist
- Impact on wildlife
- Road safety/ increased traffic
- Passing places would be required
- Danger to pedestrians
- Lack of infrastructure/ amenities within the village
- Impact on neighbouring drainage arrangements
- Poor drainage/ surface water flooding
- Site not suitable for septic tank soakaway
- No public transport would result in reliance on private motor vehicle resulting in carbon emissions
- Risk of septic tank run-off into neighbouring garden ground
- Increase in surface water run-off and flood risk
- Mains water pressure insufficient to accommodate further housing
- Loss of view (*not a material planning consideration*)

The application was advertised in the Berwickshire News.

APPLICANTS' SUPPORTING INFORMATION

The applicant wrote a statement in response to the concerns expressed by objectors. This can also be read in full on public access. A summary of the some of the points made are listed below:

- The site is an awkward corner of the field, suitable for growing only a narrow range of crops
- A properly designed and constructed sewage facility is intended, to SEPA regulations and guidelines
- The gardens on the North Boundary are a lot higher than the site and would never take water from the site.

- The site slopes down towards the East and there is no chance it will flood. I have not seen water gushing on to the main road.
- It is incorrect to say that my 19 acre field is all drained through the site. The field drains enter the stream north of the village. Only that small corner of the field is drained to the east.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning: No objection, subject to the delivery of a suitable means of access; a passing place on the minor public road; two parking spaces and turning within the site; and measures to be put in place to prevent the flow of water onto the public road.

Education: No objection. The proposed development is within the catchment area for Swinton Primary School and Berwickshire High School. A contribution of £3,428 is sought for the High School. Contributions are sought to raise capital to extend or improve schools or where deemed necessary to provide new schools in order to ensure that capacity issues are managed and no reduction in standards is attributed to this within the Borders Area.

Environmental Health: No objection, subject to conditions relating to drainage systems and water supply.

Flood Officer: No objection. Review of the application shows that the proposed site is located outwith SEPA's 1 in 200 year and is not considered at risk of fluvial or surface water flooding. Boundary drainage could be considered to intercept any overland flow. Ground levels surrounding the dwelling should also be designed to convey overland flow away from the development and any neighbouring properties.

Ecology Officer: No objection, subject to a condition requiring a Preliminary Ecological Appraisal (PEA) and Species Protection Plan. Habitats that may be affected by the development could support protected species such as bats, badger and breeding birds. The roadside trees appear to be semi-mature ash and sycamore, and as such appear to offer negligible bat roost potential. Any FUL or AMC application would need to be supported by a Species Protection Plan informed by a Preliminary Ecological Appraisal (PEA). It is unlikely that a development of this scale and type would have a significant adverse impact on the ecological interest at this site.

Statutory Consultees

Swinton and Ladykirk Community Council: Provided the application meets the regulations of Scottish Borders Council Planning and Roads departments, as well as SEPA and Scottish Water, the Community Council has no objection to this application. The Community Council is aware that there is strong local objection to the application.

Other Consultees

None.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016

PMD1 - Sustainability
PMD2 - Quality Standards
ED10 - Protection of Prime Quality Agricultural Land and Carbon Rich Soils
HD2 - Housing in the Countryside
HD3 - Protection of Residential Amenity
EP1 - International Nature Conservation Sites and Protected Species
EP2 - National Nature Conservation and Protected Species
EP3 - Local Biodiversity
EP13 - Trees, Woodlands and Hedgerows
IS2 - Developer Contributions
IS7 - Parking Provision and Standards
IS8 - Flooding
IS9 - Waste Water Treatment Standards and Sustainable Urban Drainage

Other considerations:

Scottish Planning Policy (SPP)
New Housing in the Borders Countryside SPG
Privacy and Sunlight SPG
Trees and Development SPG
Placemaking and Design SPG
Biodiversity SPG

KEY PLANNING ISSUES:

Whether, in principle, a dwellinghouse could be accommodated at the proposed site without conflicting unacceptably with planning policies relating to (a) new housing in the countryside; (b) placemaking; (c) residential amenity and (d) road safety.

ASSESSMENT OF APPLICATION:

Background

As this application is for planning permission in principle only, no proposals for the design of the proposed house have been requested or put forward. The consideration of this application rests solely on the question of whether a dwellinghouse could, in principle, be accommodated on the site. Should Members approve this application, detailed matters would be considered by a subsequent application(s) for the approval of matters specified in conditions attached to the consent granted or approval of a full planning application. The recommended conditions are listed at the end of this report.

Policy Principle

The Council's planning policies direct most housing development to towns and settlements where services and public transport connections are most readily available. Rural housing proposals may however be supported, where they can be accommodated in accordance with the principles of Local Development Plan Policy HD2 (Housing in the Countryside) and the New Housing in the Borders Countryside Supplementary Planning Guidance (SPG). Part (A) of this Policy (Building Groups) is most relevant in this instance and aims to support suitable new rural housing where it

is associated with existing building groups of three units or more. It is accepted that there is an established building group of 13 dwellinghouses at Horndean. Policy HD2 sets a maximum number of 2 additional dwellings within or adjacent to an established building group within the Local Development Plan period, or a 30% increase in the group, whichever is higher. As there are no existing planning approvals, or new dwellings constructed at Horndean since the current local development plan was adopted, a single additional dwellinghouse would comfortably meet the numerical limit within Policy HD2.

The remaining tests of HD2(A) seek to ensure a good relationship between proposed sites and their respective building groups. These tests are supplemented by the additional guidance and interpretation provided by the New Housing in the Borders Countryside SPG. Policy HD2(A) requires new building group development to be well related to existing building groups. The SPG requires such development to be either within or adjacent to existing building groups. Most land sitting off the main road through Horndean is either built on or forms garden ground. The proposed site - an undeveloped corner of a field - is an exception to this prevailing development pattern. It could reasonably be argued that the site is either within the building group, in the sense that it is within the prevailing boundary of Horndean, or, on the basis that it is undeveloped farmland, adjacent to it the group but still contained within the established sense of place. Either interpretation could satisfy the SPG policy test. More critical to establishing suitability is the relationship between the proposed site and the existing building group, which is mostly defined by assessing the extent of the prevailing sense of place. It is considered that it is the relationship of land to the minor road that defines this more than anything else. The proposed site sits just off the minor road, well within the hamlet, with only partial intervening natural boundaries, and minimal man-made boundaries. There is unobstructed visibility from the road into the site. Overall, it is considered that the site falls within the area contained by the prevailing sense of place, and that the site is well related to the existing building group.

The New Housing in the Borders Countryside SPG provides further guidance which defines what factors should be taken into account in assessing the suitability of any particular building group to accommodate new housing. The proposed site would not result in sprawl or extensions of ribbon development, which the SPG seeks to avoid. The site is within a reasonable distance of existing properties, and reflects the spacing between existing properties. Whilst the site is undeveloped agricultural land, the field is of an irregular shape. No precedent would be set if this site was developed. It is unlikely that further housing development to the rear of the plot would be acceptable. Members should be aware that the site is greenfield land, but rural housing policies do not preclude greenfield development. There would be no conflict with the main established land uses in the vicinity.

There is some overlap between the aims of requirements of Policy HD2(A) and the New Housing in the Borders Countryside SPG and the Council's Placemaking policies, which are considered below.

Placemaking

Horndean is an attractive building group of a traditional character. Objectors have quite understandably expressed concern at how the site may be developed and the risk that development undermines the special qualities and character of the hamlet. It is agreed that any proposals will require very careful consideration and must be wholly sympathetic to the existing context. The impact of the proposed development must not result in an unacceptable adverse impact on the character of the group or

on the landscape and amenity of the surrounding area. This is also one of the key tests for compatibility with Policy HD2 (A).

It has been established above that the proposed site is physically well-related to the existing building group at Horndean. As this application is in principle only, there is only a limited capacity to assess proposals for their impact on the character of the building group. Given the constraints on the site however, which include overhead lines and neighbouring amenity considerations, it would be prudent to explore how such a sensitive site might be developed. In order to do so, the applicant was invited to submit a site plan showing the position of the proposed house to demonstrate how it would relate to its context. The submission of this indicative site layout has been helpful in addressing the presence of overhead lines and showing consideration to impacts on residential amenity. There are some concerns however about the approach that is envisaged. The proposals underline the need for careful positioning and design to ensure that the development reflects the existing context at the building group, in that the indicated footprint of the build is at odds with the pattern of development at Horndean, being set back from the road. The pattern of development within Horndean is irregular in nature, but most dwellings either front onto the road, or are set a much shorter distance back. A wide and prominent site entrance and driveway is also indicated, which would again be inconsistent with the established development pattern. That is not to say that the site would be inappropriate, but instead that the detailed scheme will require very careful attention to demonstrate that it will be a sympathetic addition to the group. That will require consideration not just of position and design, but also early attention to integrated landscaping as mature trees play an important part in the setting of the building group and the wider sense of place.

The context at Horndean will need to be reflected in the siting and design of the proposed house, should Members support this application. Whilst it is not considered that the approach put forward is appropriate for the site, the submission of a site plan has confirmed that the site could – in principle – be developed satisfactorily without resulting in unacceptable adverse impacts on the character of the group or the surrounding landscape and amenity. Given the prevalent character of the group, a traditional form and design is likely to be most successful here. Further consideration of how the site could be developed will be required however, and a planning condition is recommended to ensure the AMC application is supported by a comprehensive design statement.

Traffic and road safety

Objectors are concerned that existing road safety issues would be exacerbated by the proposal. Concerns include the speed at which vehicles travel through Horndean; poor visibility; poor provision for pedestrians; and reference has been made to a recent road traffic accident. The proposal has been assessed by the Roads Planning Officer. Various improvements to local infrastructure and site access are required, including an additional passing place on the minor road and measures to prevent the flow of water onto the public road. Conditions are recommended to ensure suitable control over these points. In principle however, the Roads Planning Officer has no objection to the proposal.

Residential and Neighbouring Amenity

Neighbouring properties to the north (Rossleigh and The Wyld) and east (Homefield) face directly onto the site. Side windows on the neighbouring property to the south (Ashfield) also face towards the site. Neighbours are concerned that the erection of

a dwellinghouse on the site could adversely affect their privacy. As no detailed proposal is under consideration there is no proposal to assess against the Council's standards for privacy and loss of light. It is however possible to determine whether a dwellinghouse which meets those requirements could be achieved on the site. Assuming the resulting dwelling house faces the minor road, there will be no strict requirement for windows on the north and south side elevations. Alternatively, obscure glazing could be utilised, if necessary. The screening benefit of bounding trees and hedging would also be factored into any subsequent assessment. There is a greater potential for impact on Homefield, which sits directly opposite the proposed site. The Council's Privacy and Sunlight SPG recommends at least 18m should be maintained between directly opposite windows of principal rooms, although local context can allow for standards to be relaxed. The design of the house would need to meet both privacy standards and the expectations in terms of Placemaking described above. This will be possible, but will need careful thought.

The proposal is less likely to raise concerns in relation to access to light, but such impacts will also be formally assessed at the AMC stage. Boundary walls and hedges should reflect the local context at Horndean. It is not anticipated that they would adversely affect access to light as per objector concerns.

Finally, it is noted that the south side of the Rossleigh property benefits from an informal footpath access around the boundary of the site. The applicant has submitted a detailed drawing illustrating site access. This drawing indicates that the pedestrian access to Rossleigh is within the application site boundary and will be retained. The agent has confirmed that this access is owned by the applicant and that it is not an established right of access, but an informal access that has evolved over many years. It is the applicant's intention to retain this pedestrian access and have it fenced off from the development site. As this is not an established or claimed right of way or a recognised footpath, it would not be normal practice to ensure it is retained and kept free from obstruction. However, Members may wish to consider whether or not a condition should be added to ensure this access is maintained.

Vehicular and pedestrian access arrangements will be formally considered at the AMC stage.

Flood risk and drainage

Objectors have raised concerns that the erection of a dwelling could exacerbate poor drainage on the site, increasing surface water run-off and flood risk and potentially impacting neighbouring foul drainage arrangements. As this application is at the PPP stage there is no detailed proposal to assess. The policy test is therefore whether, in principle, a dwellinghouse could be erected on the site without leading to unacceptable impacts. The Council's Flood Officer has assessed the proposals and notes that the site is not considered to be at risk of fluvial or surface water flooding as shown on SEPA flood mapping. The Flood Officer has no objection to the principle of development on this site, but does advise that boundary drainage be considered to intercept any overland flow. The Roads Officer has similarly requested that measures be put in place to prevent the flow of water onto the public road. The Flood Officer also advises that ground levels surrounding the dwelling should be designed to convey overland flow away from the development and any neighbouring properties. These matters can be assessed and addressed in full at the AMC stage. There is no reason to believe a dwellinghouse could not be delivered on the site without adverse drainage or flooding impacts. It would be for the applicant to ensure that any proposal that comes forward at the AMC stage suitably addresses these issues. The AMC application should provide details of development levels relative to

existing levels so these impacts can be properly assessed. The recommended conditions have been worded accordingly.

Similarly, there is no requirement for the applicant to finalise foul drainage arrangements at the PPP stage. Objectors are concerned about septic tank run-off and the suitability of the site for such arrangements. The applicant has outlined an intention to deal with foul drainage arising from the development by way of a septic tank with discharge to land via a soakaway, but precise foul drainage arrangements for this proposal would be considered at a later stage and will be controlled by appropriately worded condition. It should be noted that SEPA are no longer providing planning consultation responses on small scale proposals such as this. Instead any proposal would be assessed in full at the building warrant process. Members will note the requested condition to control future maintenance of any approved drainage system from Environmental Health. The future maintenance of any private drainage system would be controlled under environmental health legislation however there are no planning reasons why the suggested condition cannot be added to any consent that may be granted.

Natural Heritage

Existing trees border the site and contribute its setting. The applicant has confirmed that there is no intention to remove any of these trees but it would be appropriate to ensure their protection during construction. Indicative planting was shown on the site plan but is not considered adequate to ensure the sensitive integration of the development into the surrounding landscape and local streetscape. Planning conditions are proposed to require the agreement and implementation of a scheme for soft landscaping, and to ensure protection of trees during construction. A condition to control the felling of trees is also recommended. It is not considered that any adverse landscape impact should arise so long as these requirements are met.

The proposed site is mostly an arable field with limited ecological value. The Ecology Officer has been consulted and has no objection to proposals in terms of potential impacts on wildlife or ecological interests generally. Nevertheless it is considered that local habitats could support protected species and could potentially be affected by the development. A Species Protection Plan, to be guided by the results of a Preliminary Ecological Appraisal (PEA) has been requested. A planning condition is recommended to cover this.

Other matters

Concerns regarding local mains water pressure are noted. A condition is recommended to require the applicant to provide written confirmation from Scottish Water at the AMC stage that suitable mains water supply is available. Private arrangements would otherwise be required.

Whilst the site is arable land it is not recorded as prime agricultural land. The related policy provisions (Policy ED10 - Protection of Prime Quality Agricultural Land and Carbon Rich Soils) do not apply in this instance.

It is appreciated that local residents would be affected by any future construction phase. This is the case with most development proposals. The circumstances in which a new gate and/or access at the entrance to the site were formed are not determining factors in this application.

A development contribution of £3,428 is sought for Berwickshire High School which the applicant has indicated a preference to address by way of a Section 69 legal agreement.

CONCLUSION

It is considered that a dwellinghouse could be accommodated satisfactorily at the proposed site which is well related to the established building group at Horndean in compliance with policy HD2 and the New Housing in the Borders Countryside SPG. Development of the site could be achieved without adversely affecting the character of the building group, the landscape and amenity of the surrounding area, road safety or neighbouring amenity, subject to satisfactory design and landscaping.

Detailed proposals will need to be supported by a design statement, demonstrating that the proposed house is sympathetic to the character of the building group, in terms of design, position and landscaping.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to a legal agreement and the following conditions and informatives:

1. No development shall commence until details of the layout, siting, design and external appearance of the building(s); the means of access thereto; all finished ground and development levels relative to existing levels; parking for two cars within the site; foul and surface water drainage arrangements, including measures to prevent the flow of water onto the public road and details of boundary drainage; and, the landscaping and boundary treatment of the site, have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. The first application for Approval of Matters Specified in Conditions shall include a scheme of details for site access. The details shall include the design of the new site access on to the public road. Thereafter the development shall be carried out in strict accordance with the agreed details and the site access shall be completed before the dwellinghouse hereby approved is occupied.
Reason: To facilitate safe access to the site and ensure that the public road network can safely cater for the development.
4. The first application for Approval of Matters Specified in Conditions shall be accompanied by a detailed design statement which shall inform the details required by Condition 1 above, but which makes specific reference to consideration of building design, position within the plot and landscaping to demonstrate that the development reflects and is sympathetic to the character of the wider building group.

Reason: To ensure a satisfactory form of development, acknowledging the sensitive nature and location of the site and the character of the building group.

5. No development shall commence until a passing place has been provided on the minor public road at a precise location and specification that shall first be agreed in advance with the Planning Authority.

Reason: in the interests of road safety.

6. Parking and turning for a minimum of two vehicles, excluding any garages, must be provided and retained in perpetuity within the curtilage of the property. Parking and turning must be provided prior to the occupation of the dwellinghouse.

Reason: To ensure adequate on-site parking and turning space is provided within the plot.

7. Before any part of the development hereby approved is commenced, the trees on the boundary of the site shall be protected by a protective barrier to a standard and format compliant with BS 5837 2012, placed at a minimum radius of one metre beyond the crown spread of each tree adjacent to the site, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

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

Reason: In the interests of preserving the health and vitality of existing trees adjacent to the development site, the loss of which would have an adverse effect on privacy of the neighbouring property.

8. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):

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

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

9. No development shall commence until detailed drawings showing which trees are to be retained on the site shall be submitted to, and be approved in writing by the Planning Authority, and none of the trees so shown shall be felled, thinned,

lopped, topped, lifted or disturbed without the prior written consent of the Planning Authority.

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

10. The first Approval of Matters Specified in Conditions application lodged shall be supported by a Preliminary Ecological Appraisal (PEA) which shall, where necessary, set out mitigation for adverse impacts on protected species in the form of a Species Protection Plan. Thereafter, the development to be completed wholly in accordance with an agreed Species Protection Plan.

Reason: in the interests of biodiversity.

11. No development shall commence until:

- (a) the Applicant has first submitted to the Planning Authority under an AMC application, either (i) a report by a suitably qualified person, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on the water supplies of surrounding properties; or (ii) documentary evidence from Scottish Water, demonstrating that the dwellinghouse hereby approved is capable of being served from the public mains; and
- (b) this same report or documentary evidence (whichever is applicable) has itself first been approved in writing by the Planning Authority.

Thereafter, the water supply arrangements for the dwellinghouse hereby approved, shall then be implemented in accordance with the approved details, and the same dwellinghouse shall not be occupied until this water supply is first fully functional in accordance with the approved details.

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

12. No water supply other than the public mains shall be used to supply the Development without the written agreement of the Planning Authority. Written confirmation from Scottish Water is required to demonstrate that a connection to the public supply is available to serve this site.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

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

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

Informative

1. In relation to Condition 13 above, private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

2. In relation to Condition 3 above, the means of access to the site shall be by way of a service layby, in accordance with approved detail DC-3, or similar approved. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

3. Stoves and Use of Solid Fuel can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission. Accordingly this advice can assist you to avoid future problems. The location of the flue should take into account other properties that may be downwind. The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses. The flue should be terminated with a cap that encourages a high gas efflux velocity. The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly. The appliance should only burn fuel of a type and grade that is recommended by the manufacturer. If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> In wood burning stoves you should only burn dry, seasoned timber. Guidance is available at [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf) Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel. Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

DRAWING NUMBERS

Reference	Plan Type	Received
RS2017	Location Plan	22/11/17
	Site Plan	22/11/17

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.

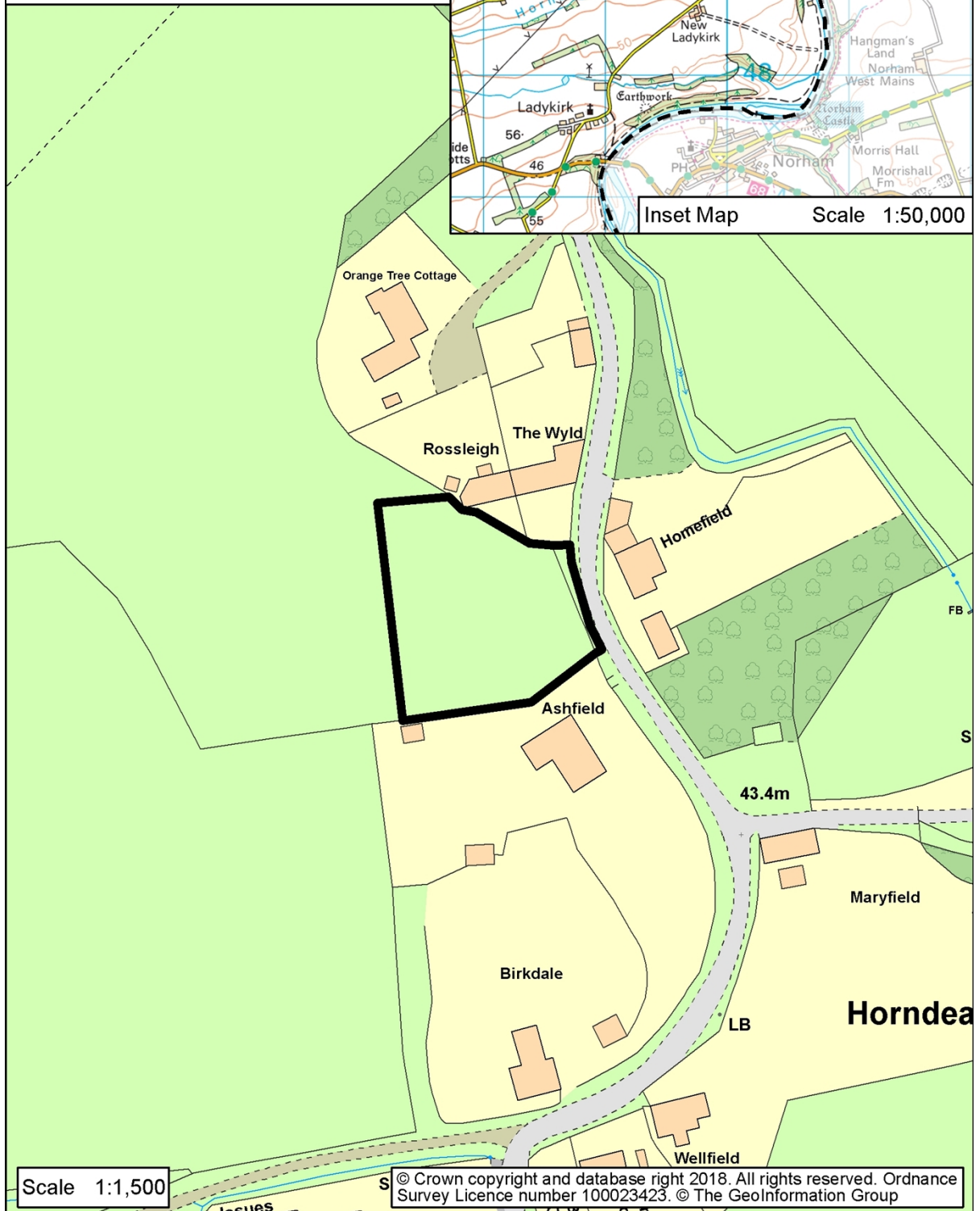
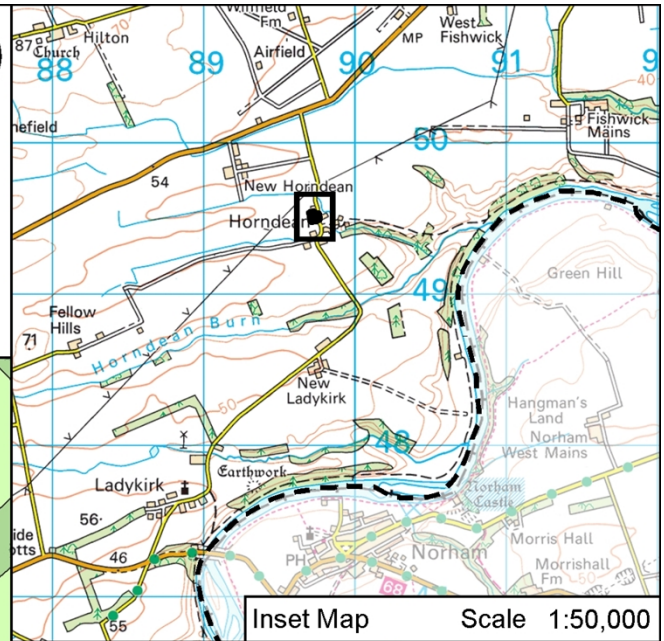
Author(s)

Name	Designation
Paul Duncan	Assistant Planning Officer



17/01602/PPP

Land South Of Rossleigh
Horndean



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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

26 MARCH 2018

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 17/00767/PPP
OFFICER:	Ranald Dods
WARD:	Tweeddale West
PROPOSAL:	Residential development
SITE:	Land south west and south east of Bowbank Cottages, Bellfield Road, Eddleston
APPLICANT:	Mr Alistair Wilson
AGENT:	Savills

SITE DESCRIPTION

The site is approximately 1.35 hectares, located on the eastern edge of Eddleston. The site lies within the settlement envelope and outwith the conservation area, although part of the western edge of the site adjoins the kirkyard of Eddleston Parish Church, which is within the conservation area. The church is category B listed.

The site comprises two distinct areas separated by a path (reference EDDL/1/1) which connects a section of private road with Eddleston Primary School and Burnside. The area to the south west of the path is to the side and rear of the property known as Weltevreden. That property was the subject of planning permission 10/01505/FUL, dated 6 April 2011. The land currently has no use and is overgrown although it was formerly a horticultural nursery. Mature trees grow alongside the public path to the north east. The south eastern half of this parcel of land is wooded with mature trees.

The parcel of land lying to the north east of the path is also within the settlement envelope and is rough grazing land. In the north west corner are two properties known as Bowbank Cottages, dating from the late 20th century.

Topographically, the land is generally flat to the north west, sloping uphill to the north east. The land slopes gently from north west to south east although there is a pronounced fall away to southern edge of the site. The private road known as Calderbank runs from the parish church at Bellfield Road (D19-1), along the north western boundary of the site and behind Calderbank and along the southern boundaries of six late 20th century properties on the south west side of Bellfield Crescent. The road gives access to Weltevreden, Bowbank Cottages and the farmland lying to the north east of the settlement. The road lies on the route of core path EDDL/154/1.

PROPOSED DEVELOPMENT

This application is made for planning permission in principle for a residential development on the site. The application is accompanied by a suite of documents including cultural heritage impact assessments, tree surveys and ecological surveys. Within the documents is an indicative site plan illustrating a layout of 15 houses over the two development areas. That layout, although illustrative, is not acceptable in terms of the council's guidance on

Placemaking and Design. A detailed layout would be subject of assessment in further applications.

The site would be accessed from Bellfield Road and the section of private road which currently serves Weltevreden and Bowbank Cottages.

PLANNING HISTORY

In addition to the development for the houses which abut the application site, noted above, there is recent planning history relating to the north western section of the site. 17/00236/MOD75 was granted in April 2017 and discharged the planning obligation which related to planning permission T199-88. That permission was granted in 1989 for the erection of a dwellinghouse and granny flat. The associated section 50 agreement (under the Town and Country Planning (Scotland) Act 1972) prohibited any further dwellinghouse being constructed on the entire 2 acres of land to which the permission related.

The decision to grant application T199-88 was based on exceptional circumstances, as the land was at that point outwith the settlement envelope and the house was related to a horticultural business. The section 50 agreement prevented further housing development on this land. The agreement did not bind the house and land to be held as one unit; it did not necessitate any employment occupancy restriction on the dwelling approved nor did it prohibit disposal of whole or part of the land.

The land now falls within the settlement envelope of Eddleston, as defined in the Local Development Plan 2016. In determining application 17/00236/MOD75, it was concluded that the requirement for a legal agreement based on commercial need was no longer relevant given the lack of horticultural business. The section 50 agreement was subsequently discharged, thus enabling the submission of applications for residential development on the site.

There is no planning history relating to the parcel of land to the north east of the path.

REPRESENTATION SUMMARY

The application was advertised in the local press, a site notice was posted and neighbours were notified. As a result of the notification processes, 19 representations were received. The material grounds contained in those representations are summarised below. Copies of all representations can be viewed in full on *Public Access*.

- Site not allocated for housing in LDP;
- two sites in Eddleston already allocated in the LDP;
- contrary to policy PMD5;
- conflicts with Settlement Strategy in LDP;
- development not in keeping with the area;
- density;
- access and road safety
- increased traffic;
- suitability of road;
- pedestrian safety;
- impact on parking;
- loss of amenity;
- loss of privacy;

- loss of light;
- noise nuisance;
- impact on wildlife;
- impact on trees;
- adverse topography;
- water supply;
- drainage;
- impact on services;
- impact on historic asset.

APPLICANT'S SUPPORTING INFORMATION

The following have been submitted in support of the planning application:

- Supporting statement;
- design statement;
- tree survey;
- bat survey;
- cultural heritage impact assessment.

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

PMD2 - Quality standards

PMD3 - Land use allocations

PMD5 – Infill development

ED5 - Regeneration

IS2 - Developer contributions

IS4 - Transport development and infrastructure

IS5 - Protection of access routes

IS6 - Road adoption standards

IS7 - Parking provision and standards

IS8 - Flooding

IS9 - Waste water treatment standards and sustainable urban drainage

EP1 - International nature conservation sites and protected species

EP13 - Trees, woodlands and hedgerows

HD1 - Affordable and special needs housing

HD3 - Protection of residential amenity

The site is not strategic, therefore the policies contained within SESplan are not considered.

OTHER PLANNING CONSIDERATIONS:

The following are material considerations:

Scottish Planning Policy 2014;

PAN 44 - Fitting new housing into the landscape 2005;

PAN 61 - Planning and sustainable urban drainage systems 2001;

PAN 65 - Planning and open space 2008;

PAN 67 - Housing quality 2003;

Designing Streets 2010;

SPG - Affordable Housing 2015;

SPG – Biodiversity 2005;
SPG – Contaminated land inspection strategy 2001;
SPG - Development contributions 2016;
SPG - Green space 2009;
SPG - Landscape and development 2008;
SPG - Placemaking and design 2010;
SPG - Privacy and sunlight guide 2006;
SPG - Trees and development 2008.

CONSULTATION RESPONSES:

The following were consulted on the application. Their comments are summarised below.

Scottish Borders Council Consultees

Roads Planning Service: The RPS initially recommend refusal on the basis of road safety, particularly in relation to the A703 junction with Bellfield Road. The applicant submitted further information and, that having been assessed, the RPS indicated that the issue of visibility at the junction with the A703 can be addressed by altering the existing junction arrangement. They also noted that the gradient of Bellfield Road, the main access route to the site, is steep and that could be problematic in wet or wintry conditions. There is, however, an alternative, if longer and less direct, route to the A703 via Bellfield Crescent.

Support was not given for the indicative layout submitted with the application. RPS requires a more informal layout which creates natural traffic calming and creates a sense of place. The availability of parking for the church could be negatively affected by the creation of a public road and should be mitigated. The proposed access to the site is not fully under the control of the applicant and the Transportation Standards in the Local Development Plan confirm that a private access can serve a maximum of 4 dwellinghouses. There are already 3 dwellinghouses served off the end of the public road network so the RPS would not be opposed to one additional house as infill development between 'Weltevreden' and 'Bowbank Cottages' if the road was not brought up to adoptable standards.

If the issues raised by the RPS can be resolved, they may be able to support a limited amount of development on the site.

Ecology Officer: The site is situated within Eddleston village, adjacent to fields of improved and amenity grassland, in a semi-urban setting. The site itself comprises mixed woodland, semi-improved grassland and tall ruderal vegetation. The Eddleston Water, a tributary of the River Tweed SAC, flows 207m to the west of the site, distanced from the site by roads and residential properties. Given the nature of the works and the distance from the designated site, in the opinion of the Ecology Officer, it is unlikely there will be any impact on the qualifying interests or the conservation objectives of the SAC. No other designated sites are in close proximity (within 1km) of the site. Protected and notable species recorded within 1km of the site include pine marten, badger and barn owl. However records of these are more than ten years old. Passerine birds have been recorded and are likely to nest in the mature woodland and shrub habitat on site. Mitigation for breeding birds will be required if any development is to take place during the breeding bird season (March-August).

An initial assessment of the application indicated that the bat surveys which had been submitted were 15 months old whereas such surveys have a limited validity of 18 months. The Ecology Officer stated that further surveys would be required. These were subsequently undertaken by the applicant. The Ecology Officer was satisfied with the result and stated that a licence would not be required. An informative was suggested. A condition was suggested relating to the bird breeding season.

Archaeology Officer: A review was undertaken of the submitted Cultural Heritage Statement and other information. Given the site's location and the background of prehistoric evidence in the wider landscape surrounding Eddleston, there is a low potential for encountering prehistoric to medieval archaeology within the site. There is some potential in the western part of the site for encountering human burials. The exact layout of the medieval church and churchyard at Eddleston Parish Church is unknown. As pointed out in the cultural heritage statement, General Roy's map suggests a square churchyard with a centrally placed cruciform church. Whether this reflects the actual arrangement or is conjectural or convention is unknown. It is worth pointing out, however, that the current church is not central within the churchyard and this raises the potential that the original medieval church was on a different footprint or the churchyard was formerly a different size or shape. This same assessment led to a condition for archaeological evaluation on a previous adjacent application 10/01505/FUL. That evaluation failed to identify archaeological features or human remains. There remains a low potential for encountering evidence for an earlier churchyard within the proposed development area. The overall potential, while low, may contain significant archaeological features or deposits. As such a suspensive condition requiring an archaeological evaluation is recommended.

Heritage and Design Officer: The applicant has submitted a Cultural Heritage Impact Assessment which includes identification and assessment of the impact of development on the "assets". This is in line with the "Managing Change in the Historic Environment; Setting" produced by HES. The assessment comments that there will be a "low" impact on both the adjacent listed church and the wider conservation area and the Heritage and Design Officer is minded to agree with this based on the scheme illustrated and taking account of the fact that the entrance elevation is to the north. The submitted layout is, however, only PPP at this stage and, whilst the assessment might be reasonable based on the indicative scheme submitted, a further assessment will need to be made in due course if either a full application or an AMC is submitted. It would be helpful in due course if a photomontage or similar was produced showing the church from agreed viewpoint(s) with the new development included.

The indicative layout which has been submitted looks very rigid. A more organic response taking account of the contours etc. would be more appropriate.

No objection is raised to this application for the site. Whilst the Heritage and Design Officer does not consider that such a development will necessarily have a significantly adverse impact on the setting of the B listed church that assessment will need to be reviewed following the submission of a detailed scheme.

Landscape Architect: The Landscape Architect expressed some concerns regarding the steepness of the slope, potential low winter light levels to properties east of the footpath and potential visibility of the top of the site from higher ground. The upper area of this site (east of the footpath) is partly contained by the rising ground of the hills to the east, a conifer plantation to the north and the tree belt and broadleaf woodland to the west and south. However the eastern part of the site on higher ground may be visible from local Rights of Way, Core Paths and permissive footpaths particularly from the east and south of the site and the Longcote Burn valley. It may also be visible in views across the valley from and footpaths in the policies of the Black Barony Designed Landscape (a local designation). There is no information to show whether the site is likely to impact on the visual amenity of views towards Eddleston from the surrounding area although it is recognised that the application is for planning permission in principle and proposals within it are only indicative. Further detail will be required to support further applications. Those could include visualisations for the key views and planting proposals to mitigate the development and integrate it into its surroundings. The Landscape Architect would like to see more planting on the boundary to the east of the site to provide a future backdrop to the development and connection with the remnants of the Bellfield Wood to the north of the site.

The lower part of the site is partly contained by woodland, stone walls, adjacent buildings, and boundary trees. There is the potential for housing on this part of the site to be visible in the backdrop of views of Eddleston Parish Church which sits in a prominent position in front of the site. Although the existing tree band running north south along the footpath will assist in mitigating both parts of the development the new housing on the lower ground will be partly visible in the backdrop of the church and risks being intrusive in the view.

It is unlikely that there will be significant adverse impact on the landscape and visual amenity of the area. With careful design and appropriate planting to mitigate the development the site should integrate into the village and surrounding landscape, assisted by the existing trees and woodland containing the site. A full assessment will be required to determine this following the submission of further applications. The Landscape Architect has suggested that a simple Landscape and Visual Impact Analysis from a number of viewpoints and a detailed planting plan would be helpful in assessing such applications. No objection is made to the application for planning permission in principle.

Outdoor Access Officer: No objection. From the records held by Planning and Economic Development, there are no claimed rights of way through the site. Core paths 154 and 152, with a connecting permissive path, run adjacent to the site and these should remain open and free from obstruction.

Education and Lifelong Learning: No objection was raised. Developer contributions will be required for Eddleston Primary School, Halyrude Primary School and Peebles High School.

Flood Risk Officer: No objection. Surface water management strategy and details of SUDS to be included in further applications.

Environmental Health Service: No objection. The applicant should satisfy themselves that there is sufficient capacity in the public water and drainage systems to serve the proposed development. Any renewable technologies should be assessed for possible unacceptable impacts on the amenity of existing occupiers (biomass emissions, air-source heat pump noise, solid fuel heating etc.).

Contaminated Land Officer: No objection. The site includes a former quarry which has been infilled. There also appears to have been a large glasshouse, site was previously used as a nursery (Abbotsknowe Nursery) and the site could be considered as brownfield. A condition is therefore recommended requiring a site investigation and risk assessment.

Statutory Consultees

SEPA: No objection on flood grounds. General advice on flood risk given and consideration should be given by the developer to surface water run-off at the design stage. There may be a risk to the site from surface water sheet flows from the hillslopes to the east. SEPA advises that there may be a need to intercept any flows from entering the site which may impact directly on the development and could also overwhelm the Sustainable Drainage Systems (SUDS) to treat and attenuate on-site surface waters.

Eddleston Community Council: The Community Council objected to the application. The material grounds were: The area does not feature in the LDP; the proposed development is too dense; layout does not include affordable housing; loss of amenity, privacy, light; the possibility of overshadowing; loss of trees; the widening of the access road will result in a loss of amenity and there is no room to widen the road; impact on parking and access; road

safety and pedestrian safety; need for improved traffic management; loss of footpath to the school.

KEY PLANNING ISSUES:

Whether or not the development would comply with planning policies and guidance with respect to residential development within an existing settlement, particularly having had regard to landscape and visual impacts, road safety matters in particular, whether the access road (Bellfield Road) is capable of servicing adequately the development and; the relationship to adjoining developments and whether or not the development would significantly adversely affect the amenity of neighbouring properties. If not, whether there are material considerations that would justify a departure from the provisions of the development plan and material considerations.

ASSESSMENT OF APPLICATION:

Principle

The site is within the settlement envelope of Eddleston as defined by the Scottish Borders Local Development Plan 2016 (LDP). It is not allocated for a particular use, nor is it safeguarded from development. Whilst the land has not been allocated for housing or any other use, the lack of a specific allocation does not preclude development of the site. The provisions of policy PMD5, principally, will guide infill development on the site. The broad principle of residential development on this site does not conflict with the terms of the LDP.

Land use conflict

The site does not comprise open space of recreational value and, though the north eastern section is currently agricultural ground, it is not defined as prime quality agricultural land and it is within the settlement envelope. There is no allocation given to the land in the LDP. Residential developments lie to the south, north and west of the application site. No land use conflict would result from the development of this site for residential use.

Landscape, density and layout

The site has a number of trees within its boundaries. Those are of high visual amenity to the area. The majority of the trees which are on the site are of high amenity value and, although they are not covered by a tree preservation order (TPO), they are worthy of retention. The application includes an arboricultural survey. Although it does not cover the entire site, it concentrates on the area which is, due to the topography in the south west of the site, likely to be developed. The survey identifies 31 trees, comprising: 10 trees – located mostly adjacent to the central footpath, are considered of high value; 13 trees – located principally at the top of the slope above Burnside – are of medium value and; 8 trees which are of lower value. The submitted indicative layout indicates that the majority of the trees would be retained. Given the high value of the trees in the centre of the site in particular, it is recommended that a TPO is promoted to ensure that the wider character of the site and its setting is maintained, even if it were to be agreed at a later stage that some of the trees could be removed. It is also recommended that submissions of further applications include an up to date tree survey.

The location of the trees and the topography of the site can lead to what could be referred to as “developable areas” within the site plan. Those are: to east of the central path and; to the west of the trees adjacent to the path and to the north of the trees at the top of the slope

above Burnside. It is important to note, however, that identifying developable areas is to account purely for tree constraints. Further applications will have to take account of the trees on the site and their value to the amenity of the area. It seems unlikely that tree removal would extend beyond those which have been identified for removal due to their condition in the submitted report. It should be borne in mind, however, that the submitted layout plan is indicative and, as stated above, the layout is not acceptable as a design approach. Any future layout could propose a different connection between the two site developable areas which may affect the trees on the site. Those proposals would be subject to separate assessment in the consideration of further applications.

The distinct eastern and western parts occupy an elevated position above the land to their south and south west; residential development is located to the south and north of the site. The western developable area is flat in nature whilst the eastern area is more undulating. To the south west lies the listed Eddleston Parish Church and to the south east lies Eddleston Primary School, which is connected to Bellfield Road by a connecting permissive path. These aspects must be considered when designing a road layout and siting houses. The indicative layout submitted with the application does not appear to account for topographical changes or the likely prominence of higher level houses. In addition, the Roads Planning Service states that a more informal layout which creates natural traffic calming and creates a sense of place is required. That analysis is accepted and thus, the indicative layout is not supported. A revised site plan will need to be developed further in terms of topographical information to support a detailed development layout for the site and should also take account of the likely impact of the development on the setting of the listed building.

The indicative layout does appear to propose retention of the trees which are deemed to be of high and medium value and also of the footpath which runs through the centre of the site. It is acknowledged that the location of the trees limits connection between the two development areas and this will require careful consideration in further applications. Other aspects, including topographical information and landscape exposure, as well as neighbouring amenity, require to be accounted for before support can be given to a layout, even in indicative form. An informative confirming that the submitted layout is not approved is therefore proposed for the avoidance of doubt and to guide the developer.

Whilst the submitted indicative layout cannot be supported, it is clear however that the site can accommodate a sympathetically designed housing development.

Services

Mains water and foul drainage are proposed and this is agreeable in principle but will need to be confirmed by condition. A surface water drainage scheme, based on SUDs principles will be required for the detailed layout. Surface water drainage will be an issue requiring particular care for this site, given its topography of the site. A condition can secure a surface water drainage scheme, for both the construction and operational phase, which confirms that greenfield run-off levels will be maintained.

Contributions

Contributions are required for education provision, play equipment provision and also for affordable housing in accordance with policies HD1 and IS2. A legal agreement will be necessary to secure these contributions before permission (if it is to be granted) is issued.

Contamination

A former quarry, now infilled, is located in the south west corner of the site. That area is steeply sloped. Due to the topography in this location, it is unlikely that development will occur in the vicinity of the quarry. Nonetheless, further applications should take account of its presence. Glasshouses were frequently heated by solid fuel and later, oil fired boilers. The residue from the combustion chamber or spillage of oil fuel is a source of potential contamination. There is, therefore, a potential risk of contamination from the previous horticultural use and presence of an associated glasshouse on the site. A condition can be imposed to ensure any such risk is investigated and addressed, as recommended by the Contaminated Land Officer.

Archaeology

As noted by the Archaeology Officer, there is a low potential for encountering evidence for an earlier churchyard within the proposed development area. The overall potential, whilst low, may contain significant archaeological features or deposits. As such, a suspensive condition requiring an archaeological evaluation is recommended.

Ecology

This site is not covered by any ecological designation. The Eddleston Water, which is a tributary of the River Tweed SAC, flows 207m to the west of the site, distanced from the site by roads and residential properties. The Ecology Officer does not consider that there is likely to be an impact on the qualifying interests or the conservation objectives of the SAC and I have no reason to disagree with that assessment. There are no other designated sites located within 1km of the site. The presence of trees within the site indicates that nesting is likely to occur within its boundaries. As a result, a condition relating to works within the bird breeding season (March – August) is recommended.

The Ecology Officer was satisfied with the result and stated that a licence would not be required. Since bat surveys have a limited lifespan of 18 months, further applications should be accompanied by up to date surveys. An informative is recommended in that regard.

Access and parking

There appears to be sufficient space within the site to make provision for parking for the proposed residential development.

The fundamental issue with this application is the access to the site beyond the parish kirk. The road is a private road which currently serves three properties. Those are: Weltevreden; 1 Bowbank Cottage and; 2 Bowbank Cottage. Current Transportation Standards in the LDP confirm that a private access can serve a maximum of 4 dwellinghouses. The fact that there are three dwellinghouses accessed from a private road indicates that, unless that road can be brought up to adoptable standards, the site is capable of accepting only one more house. Whilst the submitted drawings indicate that part of the road is within the site boundary, the applicant has, to date, been unable to prove that they have control over the entire road width, which would then allow them to bring the road up to adoptable standards and develop the site for more than one house. The issue of ownership is a matter of private law and outwith the remit of planning but, the fact that the road would need to be brought up to adoptable standards in order to facilitate the development of more than one house is a significant material consideration.

The matter for consideration is limited to whether the upgrade of the road is necessary to allow the development of more than one house to progress. Where it is considered that

development should not be permitted to proceed until off-site factors - such as the upgrading of the access road - occurs or is implemented, it is a common practice to impose suspensive conditions.

As has been stated previously, the site is appropriate for residential development. In order to enable development to proceed beyond one house, the use of such a suspensive condition relating to the upgrading of the access is appropriate in this instance. The effect will be that, in the event that the private road leading to the site from Bellfield Road is not upgraded to adoptable standards, the proposals envisaged in this application cannot be implemented, regardless of the grant of permission.

The Roads Planning Service (RPS) initially raised concerns about the visibility at the junction of Bellfield Road and the A703. The applicant subsequently submitted additional information which, subject to the imposition of a condition, allayed the concerns of the RPS in that regard. An improvement to the junction with the A703 will be of benefit to all those accessing that road from Bellfield Road. A suspensive condition is recommended.

Concerns were expressed by the community about the suitability of Bellfield Road to serve the proposed development due to its gradient. The RPS noted that the gradient of the road was not one that could easily be resolved and might be problematic in certain conditions. However, they also noted that there is an alternative route via Bellfield Crescent which could be used to gain access to the A703. That route would continue to be available for use by the proposed development and also by the residents of the properties which are currently on Bellfield Road.

It is noted that there are currently parking constraints associated with the church which could be exacerbated by the improvements to the access road. The availability of parking for the church could be negatively affected by the creation of a public road and should be mitigated. There exists the opportunity for future applications to include some additional car parking provision on the north western edge of the site.

Waste

As the application is for planning permission in principle, the submitted indicative layout plan does not show dedicated bin stances for each property. There is, however, ample room to achieve this away from the front of any properties. Ideally those would be located within the rear gardens. This matter can be addressed by a condition.

Placemaking and Design

As noted, the application contains an indicative layout plan. That layout is too regular and a more informal layout which creates natural traffic calming and a sense of place is required.

Topographical information and a detailed layout have not been included with the application. It is not possible to assess the degree of any cutting and filling required to accommodate the proposed development. Similarly, there is no detail of the proposed boundary treatments. The use of sympathetic treatments - such as drystone dykes and hedging - and a detailed planting scheme and proposals for the protection and retention of the existing trees on the site will aid the integration of the development with the site. Future applications should identify root protection areas for the trees on the site and include details for protective fencing. The eastern boundary of the site is open to the countryside beyond. Matters of the layout of the road, houses and boundary treatment of the site – particularly its north eastern boundary - are particularly important in integrating the development into the wider area. Provided those details are carefully thought out and specified, the overall landscape impact of the development will not be unsympathetic.

The prevailing “townscape” is characterised largely by 20th century housing. The indicative house designs submitted with the application show houses of one and a half storeys in height. Properties of this type could be successfully integrated with the existing properties. There exists the possibility for future applications to include those indicative or other designs. Such proposals will be assessed in full on the submission of detailed proposals.

With regard to indicative external materials, the roof is shown as grey tile. Walls are shown as natural coloured harling with some rubble walling to accentuate entrances. Natural stone margins are stated for around windows. The windows and doors are stated as being dark in colour. That suite of materials is acceptable but would be approval in further applications. Overall, subject to final finishes and colours being agreed by condition, the proposed palette of materials will be sympathetic to the context.

Ultimately, with care over landscaping, boundaries and final finishes, this proposal will contribute positively to the area, adding sympathetically to the existing mix of house types within the village.

Neighbouring Amenity

As the application is for planning in principle, the impacts on neighbouring amenity (such as potential daylight, outlook, privacy and light loss) is difficult to assess fully. The indicative layout is not acceptable but what it does show is that housing could be located on the site without causing adverse detriment to the amenity of neighbours. There is sufficient space to safeguard privacy and overlooking to existing properties. Careful layout and siting of houses would ensure that the properties within the development do not suffer a loss of amenity from the same factors as considered for neighbouring properties. If any privacy issues do arise, appropriate mitigation could be put in place to resolve such issues. Again, the full impact on all properties can be considered fully only on the submission of detailed plans.

CONCLUSION

The applicant has demonstrated that a development of up to 15 houses can be accommodated on the site but further details relating to design, layout, landscaping, drainage, archaeological investigation and any contamination mitigation are required to be submitted for consideration at a detailed planning stage. In addition, no development can commence until the private road, which currently accesses the site, has been brought up to adoptable standards and improvements have been carried out at the junction of Bellfield Road and the A703. Subject to a legal agreement and compliance with the schedule of conditions, the development accords with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the applications are 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 including two parking spaces (excluding garages) per house, refuse and recycling bin storage 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.

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

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

- 3 The subsequent application for the approval of matters specified in conditions application shall be accompanied by:
- i. a site layout plan at a scale of 1:500 showing the position of all buildings, roads, footpaths, parking areas (distinguishing, where appropriate, between private and public spaces), walls and fences and landscaping;
 - ii. plans and elevations of each house and garage type showing their dimensions and type and colour of external materials;
 - iii. a landscaping plan at a scale of 1:200 showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
 - iv. details of any proposed phasing of the development;
 - vi. details of existing and finished ground level, and finished floor levels, in relation to a fixed datum, preferably ordnance datum.
 - vii. a design statement setting out the rationale for the proposed design and layout.
- Reason: To ensure a satisfactory form of development.

- 4 No development shall commence until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- a) location and design, including materials and detailed specifications, of all boundary treatments;
- b) indication of existing trees, shrubs and hedges to be retained, those to be removed and, in the case of damage, proposals for their restoration;
- c) location of new trees, shrubs, hedges and grassed areas;
- d) schedule of plants to comprise species, plant sizes and proposed numbers/density;
- c) a programme for completion and subsequent maintenance;
- d) bin storage measures;

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings

- 5 No development shall commence until the existing private road is upgraded to adoptable standards from a point where the private road meets the D19-1 Bellfield Road adjacent to the church.

Reason: To achieve a satisfactory form of development and in the interest of road safety.

- 6 No development shall commence until a scheme of details has been submitted to and approved by the planning authority, showing the improvement works to the junction of the A703 and the D19-1 Bellfield Road. The scheme of details shall include engineering details of the altered kerbing and any associated alterations to the roadside drainage, along with the required visibility splays. All works to be carried out prior to works commencing on site by a contractor first approved by the council. Thereafter, they shall be retained in perpetuity.

Reason: In the interest of road safety.

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

The requirements of this are:

- a) The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the planning authority;
- b) if significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the council;
- c) limited intervention of features, or expansion of trenches will only take place if approved by the council's Archaeology Officer;
- d) initial results shall be submitted to the planning authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion;
- e) further development work shall not take place until the planning authority has determined the potential for further archaeological impacts and, if required, a further requirement for mitigation;
- f) development should aim to mitigate the loss of significant archaeology through avoidance by design in the first instance according to an approved plan;
- g) if avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation and a Post-Excavation Research Design (PERD).

The results of additional excavations and an appropriately resourced post-excavation research design shall be submitted to the council for approval within 1 year of the final archaeological works and published in an appropriate publication within 3 years.
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

- 8 No development shall commence until a scheme has been 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 planning authority 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. That 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 planning authority 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;
- e) submission, if necessary, of monitoring statements at periods to be agreed with the planning authority;

Written confirmation from the planning authority 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 commences.

Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the planning authority.

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.

- 9 No development shall commence until precise details of water supply and a surface water and foul drainage scheme have been submitted to and approved by the planning authority which demonstrates that surface water run-off from the site will be maintained at pre-development levels using sustainable drainage methods during construction of the development and subsequent occupancy. Thereafter no development shall take place except in strict accordance with the approved scheme.
Reason: To ensure the development can be adequately serviced and to safeguard the public road and neighbouring properties from potential run-off.
- 10 A detailed drawing to be submitted with the first approval of matters specified in conditions application for the site showing the position, species and root protection area of the trees and hedges within the site and overhanging the site, those to be retained, those to be felled and replanting proposals. Once approved in writing by the planning authority, the development then to be completed in accordance with the approved details.
Reason: In the interest of protecting the trees on site which are worthy of retention and contribute to the visual amenity of the area.
- 11 No development shall commence until the trees to be retained on the site shall be protected by means of protective fence (compliant with BS5837:12) which shall be erected along the root protection areas for trees. No works shall be permitted within the fenced area unless agreed with the planning authority as being compliant with BS5837:12. The fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the hedges so retained shall not be altered. No trees or hedges within the application site or on the site boundary shall be felled, removed, lopped, lifted or disturbed in any way without the prior consent of the planning authority.
Reason: In the interest of preserving the trees which contribute to the visual amenity of the area.
- 12 No development shall be carried out during the breeding bird season (March-August) unless the development is implemented wholly in accordance with a Species Protection Plan for breeding birds, which shall be submitted to and approved by the

planning authority. The SPP shall include provision for a pre-development supplementary survey and a mitigation plan.

Reason: In order to give full consideration to those details yet to be submitted, in the interest of protecting wildlife

Informatives

It should be noted that:

- 1 The illustrative layout plan submitted is not approved as part of this permission and significant changes to the proposed design and layout will be required as the basis for any detailed application(s). The layout will be expected to accord with the Council's supplementary planning guidance, "Placemaking & Design" and with national guidance, "Designing Streets". It is recommended that the first application for approval of matters specified in conditions should be accompanied by a design statement to support the design rationale for the development.
- 2 In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact SNH (tel: 01896-756652) for further guidance. Works can only recommence by following any guidance given by SNH. The developer and all contractors to be made aware of accepted standard procedures of working with bats at www.bats.org.uk. Further information and articles available at: http://www.bats.org.uk/pages/bats_and_buildings.html
http://www.bats.org.uk/pages/existing_buildings.html
http://www.bats.org.uk/publications_download.php/1404/Bats_Trees.pdf
- 3 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of the SEPA website or from the local SEPA office at: Burnbrae, Mossilee Road, Galashiels, TD1 1NF. Tel: 01896 754797

DRAWING NUMBERS

Promap Location plan
NEN02.16.1286 rev A Existing site plan

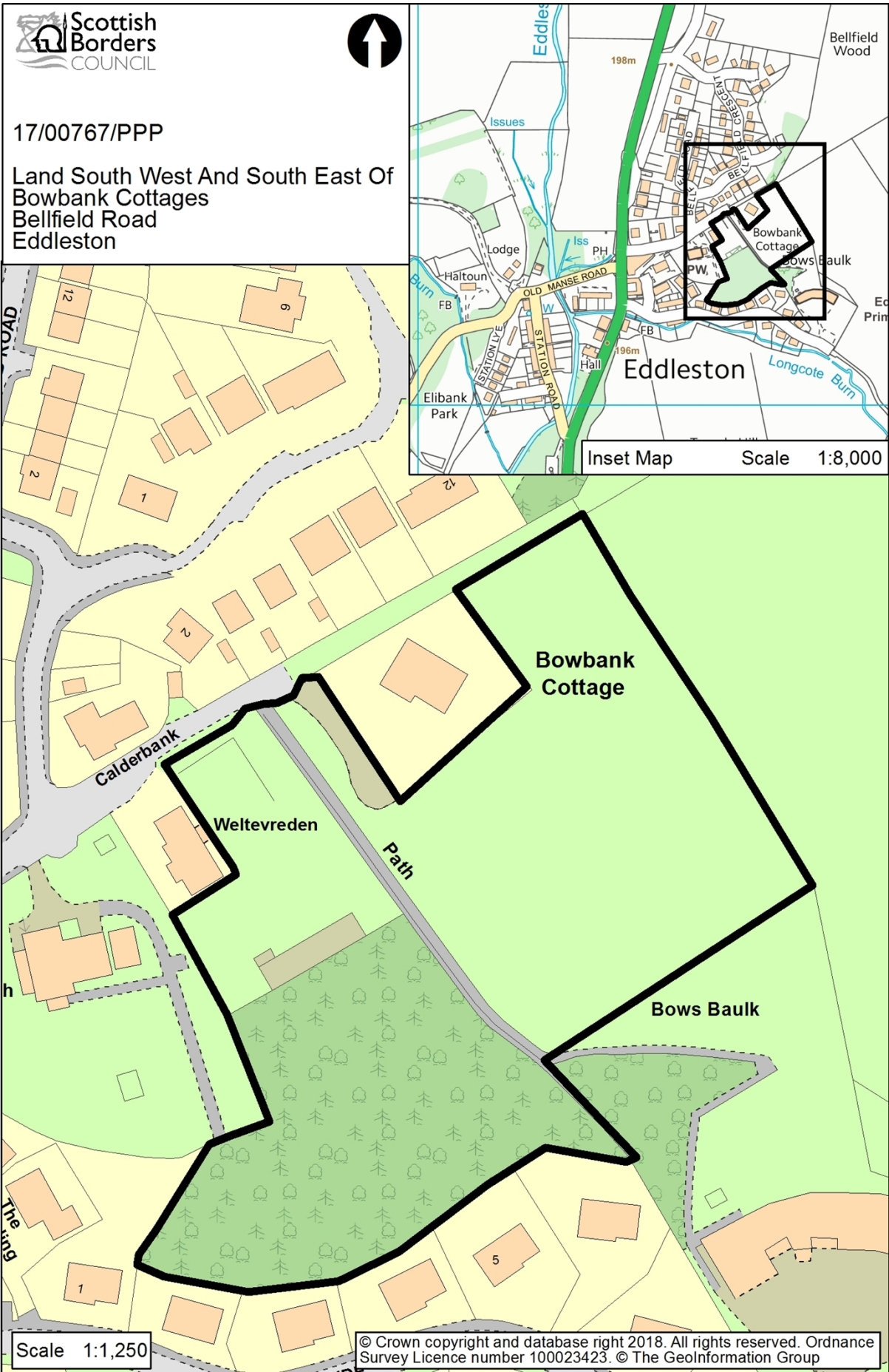
Approved by

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
Ranald Dods	Planning Officer



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

26 MARCH 2018

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 17/01348/FUL
OFFICER:	Paul Duncan
WARD:	East Berwickshire
PROPOSAL:	Erection of 2 No wind turbines 11.8m high to tip
SITE:	Land South West Of 6 Lamberton Holding, Lamberton
APPLICANT:	Mr William Mykura
AGENT:	None

SITE DESCRIPTION

The proposed site lies west of existing agricultural sheds on the prominent ridge between Mordington and Lamberton which forms the skyline looking west from the A1 at Lamberton. The site itself is located up a farm track from No 5 Lamberton Holdings and is not prominent from the public realm, being located over 400m from Lamberton (Whale's Jaw), where the nearest dwellinghouses and public roads sit and from which the site is not visible. On the Mordington side of the ridge, the nearest public road is over 1km from the site. Three dwellinghouses sit at around 800m to the west of the site in the Mordington area. The site is most visible from a public footpath which runs to the south of the site at a distance of roughly 100m.

Notable existing features in the immediate landscape include the existing agricultural buildings which are finished in grey corrugated iron and timber cladding to a height of around 6-7m. An existing radio mast of around 10m in height is sited amongst these buildings. The development site is within an adjoining field to the west which is currently used for grazing. Other features in the surrounding landscape visible from the ridge area include further telecoms masts, overhead lines and poles, and a single micro-scale turbine at Moor Side to the north of the proposed site. A single turbine is located on lower ground south of the border towards Berwick-upon-Tweed at a distance of around 3km from the proposed site. This turbine is understood to be 50m to height.

PROPOSED DEVELOPMENT

Original proposal

The application originally sought full planning permission to erect 2no wind turbines, one on either side of the existing agricultural sheds. The rotor diameter of the proposed turbines was 5.6m. The turbine tower height was 15m giving an overall tip height of 17.8m. The specific model was Kingspan KW6.

Amended proposal

Following landscape objections (detailed below) the proposals were subsequently amended to reduce the overall turbine height to 11.8m to tip height. The proposed sites of the turbines were moved to the south west of the existing sheds. The revised proposals also utilise the Kingspan KW6 model of turbine with a 5.6m diameter. The turbines have a power capacity of 6kW and feature black turbine blades and galvanised grey towers. The height of the

proposed turbine towers was reduced from 15m to 9m, resulting in the lower overall tip height.

No ancillary buildings or tracks are proposed.

PLANNING HISTORY

There have been previous wind turbine proposals in the vicinity of the site. Those proposed within the Scottish Borders are detailed below:

- 11/01543/FUL - Land South East Of Moorside 7 Lamberton - Erection of wind turbine 15.05m high to tip – Approved
- 11/01585/REN - Ardenlea 6 Mordington Holding - Erection of wind turbine 11.8m high to tip – No objection (since removed from the site)
- 13/00743/FUL - Land South West Of 6 Lamberton Holding Lamberton - Erection of wind turbine 54m high to tip, associated access track, electrical control building and crane hardstanding – Application withdrawn prior to determination following landscape objection

REPRESENTATION SUMMARY

Twelve households lodged objections to the original proposal for two turbines with a tip height of 17.8m. Two campaign groups, Songbird Survival and Lamberton and Mordington Action Group (LMAG) also objected to proposals. A summary of these objection comments is listed below:

Landscape objection comments

- Adverse impact on skyline
- Visual impact from Berwickshire Coastal Path; the Scotland/ England Border and associated visitor parking area; a nearby public footpath; and the A1.
- Impact on setting of battlefield site of Halidon Hill
- Fails to comply with Scottish Borders Council planning guidance 'Landscape and visual guidance on single and small groups of wind turbine developments in Berwickshire'
- No visual impact assessment
- Cumulative effects are likely to exceed the capacity of the landscape

Ecological objection comments

- No EIA, ecological assessment or habitat survey conducted
- Impact on local birdlife including corn buntings, yellowhammers, curlew and skylarks
- A precautionary principle should be applied to protect a species at risk of local extinction.
- SRDP funding has sought to protect and enhance the local habitat
- The corn bunting population is teetering on the brink of local extinction in the Scottish Borders
- The RSPB response is vague and unconvincing/ is wrong to assume there are no examples of local corn buntings on the basis that no birdwatchers, visitors etc log their observations with the Bird Track System or RSPB
- Objector states that they witnessed a corn bunting on Lamberton hill in June 2016

Other objection comments

- Turbines should be closer to the house they are supplying energy to
- Insufficient supporting materials/ documentation submitted
- Shadow flicker impacts on the A1
- Noise impacts/ no noise assessment
- Insufficient information
- Wind turbines are not efficient
- Would set a precedent
- Proposals would not comply with policy ED9
- Renewable energy targets will be met/ may be relaxed
- The objections to the earlier 2013 application should be taken into consideration
- The applicant should commit to responsibility for decommissioning including removal of the concrete base in the event of approval
- Energy storage should be used to address the intermittency of wind turbines
- Site restoration and decommissioning cannot be guaranteed unless through a legally binding obligation on current and future title holders
- Potential economic benefits will be relatively minor in terms of the Scottish Borders and the wider area economies
- Adverse impact on view from dwellinghouse [*not a material planning consideration*]

The proposals were subsequently amended following landscape objections. The two turbines were reduced in height from 17.8m to 11.8m high to tip and moved to the south-west of the original proposal. Further supporting information was provided in the form of photomontage visualisations. Objectors to the original proposals were notified of the amended proposals. Objections to the amended proposals were received from eleven of the same twelve households. Further objections were also received from both Songbird Survival and LMAG. Several objectors welcomed the reduction in height and/ or repositioning. Others felt the new turbine sites could exacerbate possible impacts on birds or on landscape impacts on the Mordington side of the ridge. The following new reasons for objection were lodged:

- Hazard to walkers/ footpath users
- Council should insist on a safety assessment and guarantee
- Photomontages incorrect/ basic/ incomplete
- No wireline visualisations submitted
- The photomontages do not provide a fully accurate impression of the extent to which the turbines would remain visible from the Border given the moving turbine blades would catch the eye to a degree that wholly static structures would not
- No confidence the changes will make much difference from the Mordington side of the hill
- The Landscape Officer consultation responses do not consider impact on the area West and South-west of the Lamberton ridge and do not consider landscape impact at all
- There is no consideration of the community of sensitive receptors living and working West and South-west of the Lamberton ridge
- The Planning Authority should not have allowed the applicant to amend the red line boundary without the need for a new planning application

All representations can be read in full on *Public Access*.

As noted above it was suggested that objections to the aforementioned 2013 application for a much larger scale turbine should be considered in the determination of this application.

These comments related to a quite different development proposal and separate application which was withdrawn four years ago. Reference to these previous comments is neither required nor appropriate as the current application should be considered on its own merits.

APPLICANT'S SUPPORTING INFORMATION

The applicant submitted photomontage visualisations, elevation drawings, a noise report, and a short supporting statement with the revised proposals. The applicant also responded to objection comments via the public portal. This information can be inspected on *Public Access*.

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

PMD1 Sustainability
PMD2 Quality Standards
HD3 Protection of Residential Amenity
ED9 Renewable Energy Development
EP1 International Nature Conservation Sites and Protected Species
EP2 National Nature Conservation Sites and Protected Species
EP3 Local Biodiversity
EP5 Special Landscape Areas
EP14 Coastline
IS5 Protection of Access Routes

OTHER PLANNING CONSIDERATIONS:

Scottish Planning Policy
SPG Biodiversity (2005)
SPG Renewable Energy (2007)
SPG Wind Energy (2011)
SPG Local Landscape Designations (2012)
SPG Landscape and Visual Guidance for Single and Groups of 2 or 3 Wind Turbines in Berwickshire (updated 2015)
Draft Supplementary Guidance on Renewable Energy (2017)
SNH Siting and designing wind farms in the Landscape Guidance (2017)

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Landscape Officer (first response): Objection. While the turbines are of the 'small' typography, their proposed location on the skyline means they are seen from a section of the A1 approaching the border and from the lay-by at the border, as a feature on the ridge which otherwise has virtually no vertical elements. Skylines are identified as potentially sensitive in both SNH Siting and Designing Wind Farms in the Landscape Guidance (2017) and in the Landscape and Visual Guidance for Single and Groups of 2 or 3 Wind Turbines in Berwickshire SPG. Despite the modest size of the proposed wind turbines they will appear as a skyline feature in an area of high sensitivity. While the location plan shows sections of the ownership boundary blue line, it does not show the extent of land owned. The applicant could investigate an alternative site so that the turbines are not seen on the skyline from the A1 corridor or from the border. If the visual impact of the proposed turbines could be reduced by moving them out of the most sensitive zone along the ridge skyline, when seen from the A1 corridor and the border, this would need to be considered afresh. The

landscape could accommodate turbines of this size away from the more sensitive ridgeline location.

Landscape Officer (second response): No objection. The reduction in height and the relocation of the turbines has helped to take them back off the skyline so that their visibility is greatly reduced from the sensitive receptors, as demonstrated by the submitted photomontages. Any residual visual impact is so minimal there are no remaining landscape impact concerns.

Ecology Officer (first response): A proportionate Preliminary Ecological Appraisal (PEA) should be undertaken prior to determination of the application to identify the scope of any further surveys that may be required for habitats or protected species including breeding birds, badgers and bats.

Ecology Officer (second response): No objection. Based on a thorough desk and field study, it has been established that no designated sites and no protected species are likely to be significantly impacted by the proposed development, due to the scale, nature and location of the proposal, lack of field signs or desk study records, and/or lack of suitable habitat for wildlife (linked to the effects of livestock grazing, the absence of habitat diversity, the dominance of improved grassland, poor habitat structure, and a general lack of breeding bird habitat, as well as a lack of roost sites for bats).

Domestic micro-wind turbines are not predicted to have any effect on the qualifying features and interests of designated sites. No impacts on badger are predicted from the installation or operation of the micro-turbines. No impacts on bats are predicted. I agree with the judgement of the ecological surveyors that further bat activity transect surveys are unnecessary given the overall negligible suitability for bats on site. Based on the evidence from the desk and field surveys and the nature and scale of the development, along with other supplementary information and guidance as outlined, no significant impacts on breeding birds are predicted from this domestic micro-turbine development.

Environmental Health: No objection, subject to conditions. A noise report from Sgurr Energy has been submitted in respect of the proposed turbine model. The Applicant has also provided information on the locations of nearby noise sensitive premises and other wind energy developments in the locality.

Access Officer: No objection. According to the records held by Scottish Borders Council (SBC) there is one right of way / core path within this area of land (Core Path 99 / Right of Way BB54). There are other rights of way and core paths in the local area from which the development will be clearly visible, including the Berwickshire Coastal path (Core Path 2), which is one of Scotland's Great Trails. Wind turbines should be set back at a reasonable distance from core paths, rights of way and other potential recreational routes. The Access Officer initially had concerns about the proximity of the turbines to the Right Of Way but has since confirmed his concerns have been addressed.

Roads Planning: No objection. As the components of these turbines are likely to be delivered by standard road legal vehicles, there will be minimal impact on the public road network.

Archaeology Officer: No objection, subject to an archaeological watching brief and metal detection. The development area is within the area suspected to be where in 1333 the Scottish Army arrayed themselves before the Battle of Halidon Hill, after which they marched to Halidon Hill. There is a potential within the development area for finding evidence relating to the battle. This may include items (personal objects, armour, weaponry) dropped before or after the battle, and a lower potential for encountering buried human remains in, for

instance, grave pits. The scale of development is such that there should be no impact on the setting of the battlefield on either the Scottish or English sides. Taller turbines may, however, have this effect. There is a risk for encountering buried archaeology, and it is recommended that the development area (including turbine bases and cabling) undergo archaeological watching brief and metal detection. This is in accordance with guidance on battlefield archaeology.

Other Consultees

Ministry of Defence: No objection.

National Air Traffic Services (NATS): No objection. The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal.

Royal Society for Protection of Birds (RSPB): No objection. Corn buntings are a species of conservation concern whose numbers have declined nationally by 90% between 1970 and 2014. This trend has been broadly ascribed to intensification of and changes in agricultural practices, notably in arable areas.

In south-east Scotland (Lothian and Borders), corn bunting underwent a steep decline in the 1970s and 1980s and by 1993 there were only some 10 singing males left in the region. The species became extinct in Lothian soon after this and for a number of years Lamberton held the only remaining corn buntings in south-east Scotland. There were never more than 2-3 pairs here and by 2013 only a single pair remained. There was a single male in 2014 and '15 but, to the best of my knowledge, none has been seen since.

Over the years, a targeted programme of conservation measures at Lamberton and adjoining land, including supplementary feeding and the provision of winter foraging crops, has failed to retain a population of corn buntings. There has been little or no change in agricultural practices or the general habitat of the site over this period to which the birds' disappearance could be ascribed.

The species is, therefore, functionally extinct in the Borders. Consequently, the presence of two small wind turbines at Lamberton, sited close to an existing farm building, are not of significant concern. We would, therefore, consider it unrealistic to invoke the historic presence of corn buntings as a reason to refuse this application. Furthermore, to refuse the application on anticipatory grounds, in case the birds returned, would also be inappropriate. If corn buntings are to recolonise the region, they are as likely to choose any arable site in Berwickshire, in particular those where agri-environment measures have been recently undertaken to improve the habitat for farmland birds, as they are to choose Lamberton.

Fouliden, Mordington and Lamberton Community Council (first response): The community council raised the following concerns:

The turbines will be seen clearly above the skyline both from local properties and from the A1. Their siting on top of a 153m (500ft) hill will greatly increase their visual intrusion. The turbines are positioned a considerable distance from the farm that they are intended to serve. Previously approved turbines in this area are at the rate of one per farm/dwelling and generally are shielded by trees or seen against rising ground which lessen their visual intrusion.

The planning application also does not contain any Environmental or Ecological assessment. Information supplied on noise is generic and not specifically related to this location. The area attracts at least 4 species of birds on the RSPB's Red Endangered list. There is serious

local concern about the effect of these turbines on these and other wildlife, especially as a number of other local farmers are receiving government grants to encourage birds and wildlife in the immediate area.

Noise and visual impact will effect the public footpath from Mordington to Lamberton which passes close to the proposed location.

There is increasing concern about the proliferation of wind turbines in the area. While the need for increased use of green energy generation is understood, poorly considered developments could set a precedent that will bring about the proliferation of turbines. At a local public meeting for our constituency there was almost unanimous opposition to the proliferation of wind turbines in this area.

Foulden, Mordington and Lamberton Community Council (second response): The previous observations are still relevant and should be read alongside the following further observations:

The applicant been permitted to amend a planning application whilst it is still in progress. The normal procedure is for the original application to be withdrawn and a new application to be made with any amendments included.

The revised location of the turbines means that their moving blades will still be seen clearly above the skyline from the A1 main road. These reduced height (11.8m) turbines are still proposed to be sited near the top of a 153m (500ft) hill which will increase their visual intrusion from all viewpoints to the west and south of the Lamberton ridge. Residents in this area will have as great a visual intrusion as before. In addition these turbines will be clearly seen from the minor road running from Mordington to Lamberton Moor which is part of the National Cycle Network and attracts tourist visitors both nationally and internationally.

We question the need for the quantity of turbines for the farm they are intended to serve. Other less intrusive forms of renewable energy generation such as solar panels should be considered.

The planning application also does not contain adequate Environmental or Ecological assessment. A proper landscape assessment that properly assesses the impact on this area of very high landscape value should be undertaken. The photomontages are inadequate and do not consider a wide enough range of viewpoints and also omit any wire frame assessments.

The revised lower turbine heights will put the rotating blades closer to the normal flight patterns of birds of concern.

A previous application for a wind turbine in this exact location in 2013 was refused planning permission based on most of the above issues. We contend that all of these issues are still very relevant.

KEY PLANNING ISSUES:

Whether the proposed wind turbines can be satisfactorily accommodated into their proposed surroundings, whilst protecting the historic and natural environment, and residential amenity.

ASSESSMENT OF APPLICATION:

Principle

Planning policy within the Scottish Borders is generally supportive of renewable energy developments where they can be accommodated without unacceptable adverse impacts or effects. This includes both large scale commercial wind farms, and smaller scale developments such as this proposal. Scottish Borders Local Development Plan policy ED9 (Renewable Energy Development) sets out the overarching policy context for all renewable energy proposals and lists the key impacts and considerations proposals which should be assessed. Key considerations include landscape and visual impacts, ecological impacts and impacts on communities and individual dwellings. These impacts are considered below.

Landscape

Wind turbine proposals are often contentious. Visual and landscape impacts are a key factor in this. The Council's wind energy policies have sought to ensure that wind energy developments within the Scottish Borders are appropriate for their location. The most sensitive locations may have no capacity for wind energy developments, whilst other areas may have capacity for only smaller scale turbines. It should be noted that the proposed site is not within an area designated for its special landscape qualities or sensitivities such as a Special Landscape Area (SLA) or National Scenic Area (NSA). The area is nevertheless subject to its own local sensitivities. The Council has previously published guidance to supplement Local Development Plan policy EP9 (Renewable Energy) in identifying landscape capacity and constraints in all areas of the Scottish Borders for turbine developments of different scales.

For Berwickshire, specific guidance is set out within the Single and Groups of 2 or 3 Wind Turbines in Berwickshire Supplementary Planning Guidance document. This details the potential capacity of the landscape to accommodate turbines either as multiple single features or multiple small groups and identifies the scale of turbines which may be appropriate within the varying Landscape Character Types (LCTs) within Berwickshire, and where these could be located within them. The guidance for each LCT takes into consideration matters including the numbers and heights of existing approvals within the vicinity, resulting cumulative impact issues and the characteristics of each LCT. Whilst this guidance mainly relates to small (20m+ to blade tip) to large scale turbines (80m+ to blade tip) it is also relevant to smaller turbines such as this proposal for micro-scale turbines of 11.8m in height. For comparison, the average height of a typical two-storey dwellinghouse in this country is around 8m to roof pitch.

The proposed site is located within LCT 20. This covers a cone-shaped area from Mordington and Lamberton north across Lamberton Moor to Ayton Hill and beyond to Fairnieside Farm. The SPG characterises the landscape in this area as being within the coastal pasture typology. The higher ground of this landscape forms a skyline as seen from the A1 on the approach to Scotland when travelling north and is punctuated by smallholdings, farms and small woodlands. The guidance identifies the landscape as having a high sensitivity to large and medium scale turbines. There is therefore no scope for turbines of such height within the LCT, but there is generally capacity for smaller scale turbines. The guidance identifies key constraints as well as opportunities. Intrusion on the skyline as seen from the A1 between Berwick-upon-Tweed and Burnmouth should be avoided and the guidance suggests this can be achieved by siting turbines on lower hill slopes or on the flatter areas of moorland and rough pasture at the core of the landscape. It states that impact as seen from the Scotland-England border - including the associated visitor parking area - should be given specific consideration. This also reflects other guidance which identifies skylines as potentially sensitive, for example the SNH guidance

document Siting and Designing Wind Farms in the Landscape Guidance. As an objector has noted, the prominence of turbines from the border was a point of specific consideration in the refusal by Government Reporter of a previous scheme for large turbines at Horn Burn. The Reporter considered impacts on tourist routes into and out of Scotland added a further element of sensitivity to the perception of adverse landscape and visual impacts. Other receptors on this side of the ridge include the Berwickshire Coastal Path.

There is no specific guidance contained with the SPG relating to the Mordington side of the ridge, though the land immediately west of the agricultural building would be considered to sit within an area of rough pasture at the core of the landscape which the SPG identifies as having greater suitability. This landscape is not considered to have a complex smaller scale landform which the SPG identifies as retaining sensitivity. General guidance for micro-scale turbines would also apply.

The original proposals for the larger 17.8m high turbines adjacent to the agricultural buildings on the ridge north of Lamberton (Whale's Jaws) would have been visible on the skyline from a section of the A1 approaching the border and from the visitor parking area at the border. The turbines would have been a feature on the aforementioned ridge which otherwise has few vertical elements. The Landscape Officer objected to the original proposals on this basis but suggested that the applicant investigate an alternative site so that the turbines would not be seen on the skyline from the A1 corridor. It was noted at this time that the landscape could accommodate turbines of this size away from the more sensitive ridgeline location.

As detailed above, the proposals were subsequently amended to both reduce the size of the turbines from 17.8m to 11.8m and to move the turbines west of the existing agricultural buildings. Upon request, the applicant also submitted photomontage visualisations of the revised proposals. Additional 'wireline' visualisations would also have been useful, but it has been possible to assess the impact of the revised proposals without them in this instance. The level of information submitted is proportionate to the scale of the proposal.

The amended proposals would see the turbines reduced in height and relocated to the rear of the agricultural buildings when viewed from the east. The photomontage visualisations show that from the Scotland-England border the turbines are only visible from the nacelle and above. It is acknowledged that moving blades will be visible, but at such a distance the thin blades will have a limited impact. From Lamberton (Whale's Jaws) the photomontage visualisations show one turbine visible from the nacelle and above. The blade of the second turbines is also partially visible. From this viewpoint, the turbines will be seen as part of the group of agricultural buildings, which already break the skyline, minimising the impact further. The Landscape Officer considers the visual impact of the amended scheme to be minimal and the objection on landscape impact grounds has been removed.

It is accepted that the turbines have been moved closer to receptors on the Mordington side of the ridge. However, the turbines have been reduced significantly in height and receptors on this side of the ridge are located a greater distance from the site. The amended proposal sees the turbines nestle in front of the agricultural buildings rather than on either side. This should further reduce the visual impact of the turbines. The photomontage visualisation from Mordington is located some 1.4km from the proposed site and shows no visibility of the turbines.

Overall, the amended proposals are considered to have suitably minimised the impact of the turbines on the skyline and from the key receptor locations along the A1. The resulting visual impact of the amended proposal is considered to be minimal. Cumulative impacts, taking into account the other nearby small scale turbine development and large scale wind

energy developments further afield are similarly minimal. It is concluded that the proposals satisfy the Council's policies and guidance with respect to landscape capacity and impacts.

Whilst objectors are concerned that approving this application would set a precedent, it should be noted that each application is considered on its own merits taking into account cumulative impacts arising from earlier approvals.

Ecology

Potential adverse impacts on ecological interests - most notably the potential local presence of endangered corn buntings - were a key concern for objectors to both the original and revised proposals. The Ecology Officer was consulted on the original proposals and requested a proportionate Preliminary Ecological Appraisal (PEA) be undertaken in order to identify the scope of potential ecological interests. There was no requirement for EIA, or to screen for EIA. The PEA has since been submitted and the Ecology Officer's consultation response to the revised proposals takes account of the results of this report.

Local Development Plan policies EP1 (International Nature Conservation Sites and Protected Species) and EP2 (National Nature Conservation Sites and Protected Species) aim to give designated sites and protected species protection from potentially adverse development. These policies are supplemented by the Council's Biodiversity SPG. The Ecology Officer is satisfied that the amended proposals should have no effect on the qualifying features and interests of designated sites which are located within the wider area. These sites are Burnmouth Coast SSSI, Berwickshire Coast (intertidal) SSSI, and the Berwickshire and North Northumberland Coast SAC, all of which are located over 1km from the proposed site. The proposals therefore achieve compliance with policies EP1 and EP2 with respect to designated sites.

Policies EP1 and EP2 also aim to safeguard protected species. The Ecology Officer is satisfied that no impacts on badgers, or bats can be predicted from this proposal. Objector concerns have focussed on potential impacts on local birdlife, with reference mainly to corn buntings, but also yellowhammers, curlew and skylarks. It is noted that one objector believes a corn bunting was identified at Lamberton on one occasion in 2016 but no additional evidence is available to support this. Both the Council's Ecology Officer and the RSPB have been consulted on the potential for impacts on these species. The RSPB advise that corn buntings are a species of conservation concern whose numbers have declined steeply since the 1970s, a result generally attributed to changes in farming practices. In south-east Scotland only one pair of corn buntings remained by 2013. This was at Lamberton. The RSPB advise that to their knowledge, none have been seen since 2014, despite a targeted programme of conservation measures. The RSPB consider the species to be functionally extinct in the Borders. The Ecology Officer consulted The Wildlife Information Centre (TWIC) and the Environmental Records and Information Centre North East (ERIC). 11 TWIC records for corn buntings exist for the period 1989 to 2012, with no records returned thereafter.

SNH advise that consideration of birdlife impacts of a proposed wind farm should be proportionate to the scale of the wind development, the level of bird interest in the area, and restricted to those species likely to be affected by wind farms. Micro-scale turbines are not generally considered to be a significant risk to birds and similarly farmland passerine species are not generally considered to be significantly impacted by wind farms, even large-scale developments. In the case of farmland passerines and wind turbines, SNH advise that information should be gathered on crop and grazing rotations near the site. This data has been provided and confirms that crops are not currently in rotation. It is understood that crops provide a more attractive habitat for corn buntings than grazing land. The applicant has offered to retain the field in permanent pasture for a minimum period of five years should

consent be granted. A return to crop rotation could attract corn bunting back to the site after the turbines are erected if the species is not in fact locally extinct. This offer of precautionary mitigation is welcomed by the Ecology Officer and Members may wish to decide whether the recommended condition is necessary if the development is considered acceptable.

This application must be assessed and determined against the evidence available. Based on an assessment of the information available, and the assessment of the development characteristics, the Ecology Officer is satisfied that no significant impacts on breeding birds can be predicted from this proposed development. The Ecology Officer is satisfied that given the lack of suitable habitat or specific records attributable to the proposed site, no impacts can be predicted on other species. As a result, the proposals accord with the Council's ecology policies EP1, EP2 and EP3 and the related Biodiversity SPG.

The precautionary principle is not relevant to this assessment as it only applies to designated sites. Scottish Rural Development Programme (SRDP) funding for habitat improvement is a matter for the funder and is not strictly relevant to this application which must be assessed against relevant planning policies.

Archaeology and Heritage

Local Development Plan policy EP8 aims to give strong protection to various archaeological interests including buried archaeology, Scheduled Monuments and the setting of designated battlefields.

The Battle of Halidon Hill (1333) battlefield is designated south of the border by English Heritage and the proposed site sits where the Scottish army grouped before marching to battle. There are no designations north of the border. The Council's Archaeology Officer is satisfied that the proposed development will have no impact on the setting of the battlefield on either side of the border. There is however potential for encountering buried archaeology or human remains within the development area and a condition to require an archaeological watching brief and metal detection is recommended. Subject to compliance with this condition the proposals would accord with the aims of Local Development Plan policy EP8.

Residential amenity

Members will be familiar with Local Development Plan Policy HD3 which aims to protect residential amenity. The nearest dwellinghouse is located at a distance of over 400m from the proposed site, on the Lamberton (Whale's Jaws) side of the proposed site. Dwellinghouses to the north and west are located at a distance of 750m or more from the proposed site. Dwellinghouses to the south of the site are located at a greater distance from the site. The policy is also relevant for this proposal which must be assessed for potential amenity impacts which could include noise and shadow flicker.

Potential noise impacts have been assessed by Environmental Health. The applicant submitted a noise report in respect of the proposed turbine model and information on the locations of nearby noise sensitive premises and other wind energy developments in the locality. Environmental Health have no objection to the proposals but have recommended planning conditions are added to any consent granted to control noise and tonal character of noise, and to ensure there is a complaints process should issues arise. This is not unusual and although no impacts are anticipated it is recommended that this condition is added should Members be minded to approve this application.

Objectors have raised concerns in relation to possible shadow flicker effects. Shadow flicker generally refers to the phenomenon whereby, under certain combinations of geography and timing, the sun passing behind rotating blades can cast a shadow over neighbouring

residential properties. This can create a shadow which appears to flick on and off, and is normally experienced within buildings. The small diameter of micro-wind turbines greatly reduces the probability of shadow flicker occurring and there is a general acceptance that shadow flicker is only experienced at distances of 10 rotor diameters or less. In this case the distance of 10 rotor diameters would be 56m. As the nearest dwellinghouse is located some 400m from the proposed site there would be no expectation for shadow flicker impacts to affect neighbouring properties.

Other matters

The site is located over 400m from the nearest public road at the Lamberton (Whale's Jaws) building group, and over 1km from the A1 trunk road to the east. The proposals have however been assessed by the Roads Officer. Given the distance of the turbines from the nearest road it is not considered that the installation would raise any Roads concerns. The short height of the turbines will ensure components of these turbines are likely to be delivered by standard road legal vehicles. The significant distance to the public road is well beyond that which would be liable to cause shadow flicker impacts for road users.

It is acknowledged that potential economic benefits will be relatively minor. Economic impact is not a key consideration in wind energy developments of this scale. There is no requirement for the turbines should be closer to the farm/ house to which they may relate and there is no need to insist on energy storage for a proposal of this scale.

Two simple planning conditions are recommended to ensure the turbines are decommissioned upon the end of their working life, or 25 years if no planning permission is granted for their retention. This should include the removal of concrete bases. Planning permission runs with the land and it will be the landowner's responsibility to address this when the time comes.

Concerns have been raised that amendments were made to the proposals during the application process but addressing adverse impacts through negotiation and revisions is one of the fundamental purposes of the planning application process. This is common practice and so should not be a concern. A more specific point has also been raised in relation to the change of the red line site boundary during the application process. This is a procedural matter within the discretion of the Council to consider in its role as planning authority. The original boundary had been very tightly drawn around the turbine locations, leaving no scope for revision. The request was considered in the context of regulations and government guidance which only require that an application only requires sufficient detail to identify the site, rather than specifically restrict its location, even though that is the convention. In this instance, in order to achieve the necessary revisions, and taking consideration of the benefits and disbenefits of doing so, it was concluded that this approach has not resulted in any breach of regulations. Objectors were duly advised of the revised proposals through renewed notification to ensure they were aware of the changes proposed and therefore no party has been disadvantaged by this approach.

The efficiency or suitability of wind turbines as a means of generating energy is considered in the formation of national and local planning policies. Recent changes in national renewable energy policies and targets, and concerns around potential oversupply have been considered at recent large scale wind farm inquiries. There is no suggestion at present that renewables applications should now be refused on such grounds.

The responsibility for health and safety impacts of the development lies with the landowner/ developer. Concerns relating to such potential impacts on the public footpath are noted, but the 11.8m turbines will be located over 80m from the public footpath. This should be a safe distance from the footpath.

The Ministry of Defence has been consulted and has no safeguarding objection to the proposed development. A condition is recommended to ensure the developer provides the MoD with information that has been requested relating to the location, height and construction of the turbines.

CONCLUSION

The proposals have been amended to address key landscape concerns and suitable evidence has been provided to allow potential ecological impacts to be properly assessed. There are no residential amenity concerns. Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 including Policy ED9 (Renewable Energy) as well as the Landscape and Visual Guidance for Single and Groups of 2 or 3 Wind Turbines in Berwickshire SPG and there are no material considerations that would justify a departure from these provisions.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

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

Conditions:

1. Noise from the installation must not exceed 35dBA L90,10 min up to wind speeds of 10 metres per second measured at 10m height, when assessed in free field conditions outside any noise sensitive premises where the occupier of the property has no financial interest in the development and having Planning Consent at the time of determining this Application.
Reason: To protect the amenity of other Occupiers.
2. There will be no tonal character to the noise from the installation, audible within any noise sensitive premises. Tonality shall be determined with reference to BS 7445.
Reason: To protect the amenity of other Occupiers.
3. At the request of the Planning Authority, following a complaint to Scottish Borders Council relating to noise from the wind turbines, the wind turbine operator shall shut down the turbine/s not later than 24 hours after receipt of the request and at his own expense employ an independent consultant, approved by the Planning Authority, to assess the level of noise emissions from the wind turbines (inclusive of existing background noise). The background noise level shall also be measured without the wind turbine operating. The noise of the turbine alone can then be calculated by logarithmic subtraction. If requested by the Planning Authority the assessment of noise immissions shall include an investigation of amplitude modulation in a manner agreed with the Authority. Such mitigation as is required to overcome any identified nuisance shall thereafter be agreed with the Council and put in place before the turbine/s is/are brought back into operation.
Reason: To protect the amenity of other Occupiers.
4. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of

archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.

Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

5. The turbine(s) hereby consented and any ancillary equipment or structures associated with them (including any foundations) shall be removed from the site, and the site restored to its former condition, within 25 years of the date of this planning permission unless a further planning permission is achieved that allows for the retention of the turbine(s) on the site beyond this period.

Reason: In the interests of the amenity of the area so that the turbine(s) hereby consented will be removed to avoid any unnecessary environmental impact resulting from the retention of turbine on the site beyond 25 years.

6. When either or both of the wind turbines hereby consented cease(s) to be required for the purposes of electricity generation, the wind turbine(s) concerned, and any ancillary equipment or structures no longer required for the purposes of electricity generation, shall be dismantled and removed from the site, and the site, or that part of the site no longer in use for electricity generation, shall then be restored to its former condition within 12 months of the cessation of operation of the turbine(s) concerned.

Reason: In the interests of the amenity of the area so that in the event of the turbines reaching the end of their operational life, these will be removed within a reasonable period of time to avoid any unnecessary environmental impact resulting from the retention of non-operational turbines on the site.

7. Unless otherwise agreed in writing by the Planning Authority and in advance of installation, the wind turbines shall match in all respects the finished appearance (including finished colour) of the approved drawings hereby consented. Further, and unless otherwise agreed in writing by the Planning Authority, there shall be no symbols, signs, logos or other lettering displayed on any part of the turbines other than those required for health and safety reasons, and the rotors of both turbines shall only rotate in the same direction.

Reason: In the interests of ensuring that the finished and operational appearance of the wind turbines has landscape and visual impacts which are sympathetic to the amenity of the site and surrounding area.

8. No development shall commence until the Developer has first provided the Planning Authority with documentary evidence that the Ministry of Defence has received, and confirmed its acceptance of, appropriate notification of the following details:
 - i) the date(s) of commencement of the construction of the turbine(s);
 - ii) the date(s) of completion of the construction of the turbine(s);
 - iii) the maximum height (including extension height) of the construction equipment to be used to erect the turbine(s); and
 - iv) the latitude and longitude of the turbine(s) when completed.

Reason: To ensure that appropriate notification is given to the Ministry of Defence to address the latter's concern that accurate information about the delivery and location of the development hereby consented, should be supplied to allow the Defence Estates Safeguarding to update its records.

9. Fields 7 and 8 on the land ownership plan submitted by the applicant on 5 December 2017 shall be retained in permanent pasture for a minimum period of five years from the date of the first turbine hereby approved being erected.

Reason: to ensure the surrounding habitat does not attract corn buntings to the site once the turbines are in operation, in the interests of biodiversity.

DRAWING NUMBERS

Type	Reference number	Drawn Date	Received Date
Site Plan			20/12/17
Elevation			21/12/17
Brochure	Kingspan KW6		28/09/17

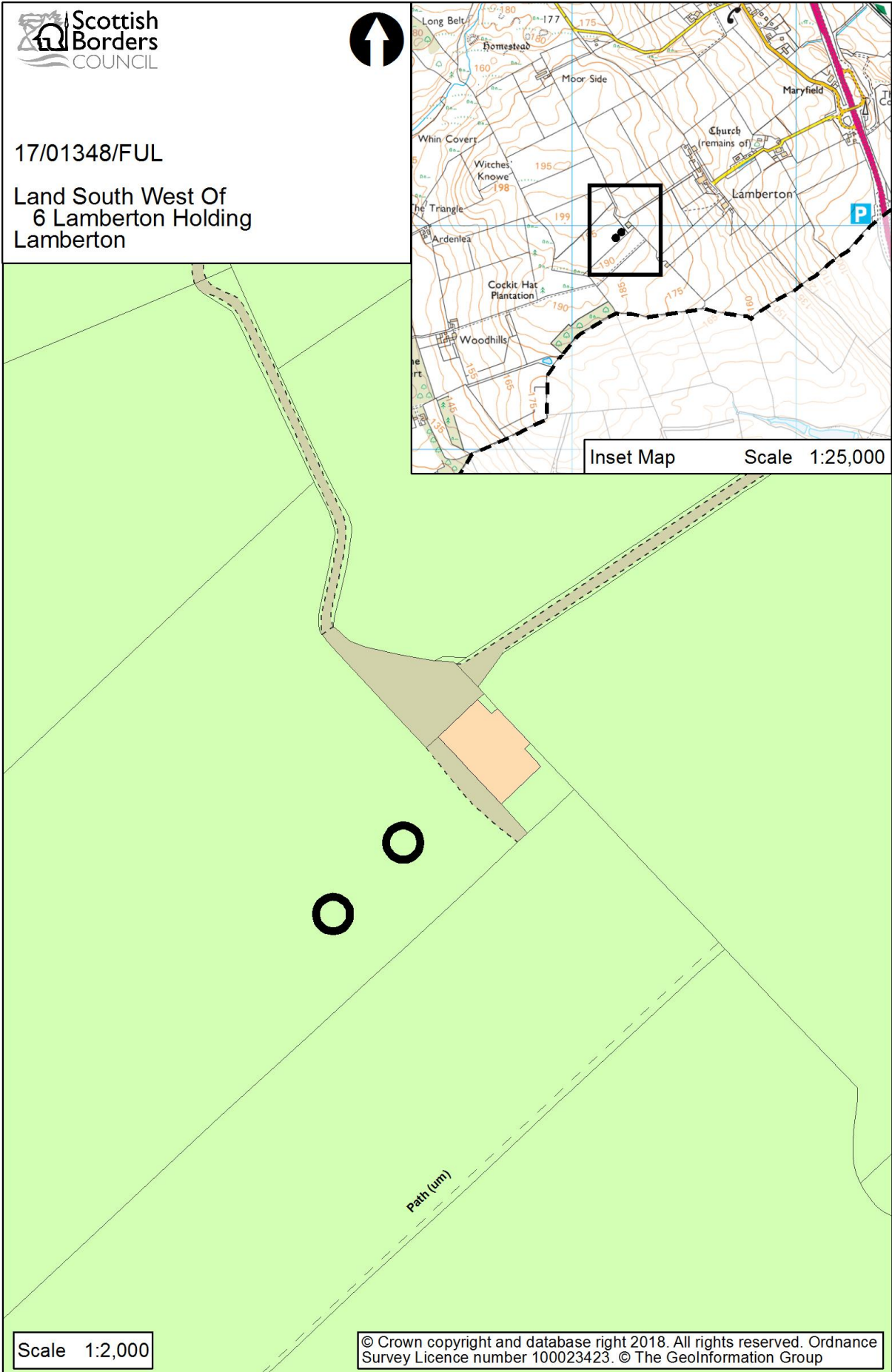
Approved by

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
Paul Duncan	Assistant Planning Officer



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

26 MARCH 2018

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 17/01709/FUL
OFFICER:	Carlos Clarke
WARD:	Galashiels and District
PROPOSAL:	Erection of four dwellinghouses
SITE:	Land east of Craigpark Court, Galashiels
APPLICANT:	Eildon Housing Association
AGENT:	Camerons Ltd

SITE DESCRIPTION

The site is located at the south-easterly end of, and to be accessed via, Craigpark Gardens, a well-established, albeit relatively modern, residential street. It comprises part of a residential development that is currently being constructed and is referred to as Craigpark Court. It is bound to the north-east by a wooded area (which includes some trees subject to Tree Preservation Order), and to the south-east and south-west by residential properties (which include a Category C Listed Building (The Manse)). As noted below, the site is subject to past and current planning applications for dwellinghouses totalling eleven detached and semi-detached units. To date, nine houses have been approved of which two (Plots 1 and 2) have been built.

PROPOSED DEVELOPMENT

This application seeks full planning consent for four houses within a pair of semi-detached buildings. These would be on the site of two detached house plots, consented under a previous approval (15/00832/FUL) as Plots 4 and 5. The proposed houses would be single-storey-and-attic on former Plot 4 and single-storey on former Plot 5. The house types are described as 4, 5 and 5A. The houses would be served by ten communal parking spaces within a turning head (revising the consented road layout). The ten spaces would serve the four houses and approved Plot 6.

This development would comprise four of what would then be a total of eleven houses. As noted, two of these have been built (plots 1 and 2). The remaining plots (3 and 6-9) are to be built by the applicants under the original planning consents (subject to the parking for Plot 6 being adjusted to accommodate this revised proposal).

PLANNING HISTORY

Relevant applications and consents include:

00/01119/FUL – Erection of ten dwellinghouses approved in October 2000

12/00811/FUL – Erection of three dwellinghouses (Plots 1-3) approved in June 2014

13/01109/FUL – Erection of six dwellinghouses (plots 4-9) – withdrawn

14/00412/FUL – Change of house type on Plot 3 and erection of four houses on plots 7-10 (renamed Plots 6-9) approved in February 2015

14/01227/FUL – Amendments to Plots 1 and 3 approved in December 2015

15/00832/FUL - Erection of two houses on Plots 4 and 5 approved in August 2016

17/01328/FUL – Erection of seven houses (replacing consented Plots 3 - 6) - withdrawn

17/01757/MOD75 - Modification of planning obligation pursuant to planning permissions 12/00811/FUL, 13/01109/FUL, 14/00412/FUL and 14/01227/FUL – currently being processed

REPRESENTATION SUMMARY

Representations on behalf of twelve households have been submitted. These are available to view in full on *Public Access*. A summary of the key objections is as follows:

- Clarification was sought on the type of house proposed for house type 5 because the site plan and drawing description differed (*note - this has since been corrected in the current site plan*)
- Insufficient information has been submitted to enable an informed view as to whether issues raised in response to 17/01328/FUL have been adequately addressed, if at all. There are only minor changes
- Neighbour notification was inadequate, and why were neighbours notified just before Christmas?
- The road is not capable of accommodating the extra traffic. The road has deteriorated since only two houses have been built and is already very busy and full of cars. Young children tend to play on the road (as there is no play area). The road was built in the 1970s for Craigpark Gardens only and a new access should have been considered for Craigpark Court.
- Council collection vehicles will not be able to gain access along the narrow road when cars inevitably park on it, and there is a lack of visitor parking. The ability of emergency services to access the site is questioned, and it is noted that no swept path analysis has been provided
- The density is objectionable. This proposal increases the number of occupants compared to the previous application. The Council previously concluded only ten houses should be built
- Impact on privacy
- Noise from residents
- Two bungalows would have been more amenable
- Effects on view and property values

APPLICANT'S SUPPORTING INFORMATION

The application is supported by a Planning Design Statement

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

PMD2 Quality Standards
PMD3 Land Use Allocations
IS2 Developer Contributions

IS3 Developer Contributions Related to the Borders Railway
IS6 Road Adoption Standards
IS7 Parking Provision and Standards
IS9 Waste Water Treatment Standards and Sustainable Urban Drainage
EP1 International Nature Conservation Sites and Protected Species
EP7 Listed Buildings
EP13 Trees, Woodlands and Hedgerows
HD1 Affordable and Special Needs Housing
HD3 Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS:

Scottish Planning Policy 2014
Designing Streets 2010
SPG Affordable Housing 2015
SPG Development Contributions 2011 (updated 2018)
SPG Trees and Development 2008
SPG Landscape and Development 2008
SPG Green Space 2009
SPG Placemaking and Design 2010
SPG Guidance on Householder Development 2006
SPG Waste Management 2015
SPG Designing out Crime in the Scottish Borders 2007

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: Confirmed that they have no objections to the proposal in principle. The site is already allocated in the Local Development Plan for 13 houses and the previous approval was for 9 houses so the level of this application is acceptable as regards overall traffic flows. Also noted that the parking level is acceptable in terms of numbers (10 spaces is suitable for 175% for five houses). However, in response to the original application submission, the RPS raised concerns regarding parking space positions relative to approved drainage (and that drainage proposals are inconsistent) and parking space positions hard up against Plots 3 and 6 and close to access/egress for Plot 5 (northern house).

Following subsequent submission of amendments to the parking proposals, the RPS raised a number of detailed issues with respect to boundary treatments, drainage and levels, though made no requests for amendments to the proposed layout. They also advise that technical approval before Roads Construction Consent is issued is required for all retaining walls adjacent the public road and that the site boundary does not include the full extent of access road which will need completed as part of this application.

Housing Strategy Officer: The project is identified in the Council's agreed Strategic Housing Investment Plan 2018/23, which was agreed by the Council in October 2017 and submitted to Scottish Ministers. The Scottish Government have agreed to grant-assist delivery of the project.

Landscape Architect: The revised proposal has reduced the potential conflict of building works with existing trees along the north side of, and outwith, the site. As long as a robust boundary fence is in place along the north boundary, on the line of the existing/previous fence, and protective fencing is erected as shown on the site plan around the Root Protection Area (RPA) of Tree 36 which is located just outside the east boundary of the site, the landscape architect is satisfied that the existing trees will be adequately protected from

possible damage to their RPA. A simple scheme of planting to the front gardens and common areas should be a condition of approval.

Archaeology Officer: There are no known implications

Statutory Consultees

Galashiels Community Council: No reply

Scottish Water: No reply

Other Consultees

None

KEY PLANNING ISSUES:

Whether or not the proposed development would comply with development plan policies and guidance, particularly with regard to density, design and layout; impact on residential amenity; and, impact on road and pedestrian safety, including whether the proposed development would be adequately served by the public road network and sufficient parking provision

ASSESSMENT OF APPLICATION:

Principle

The site is allocated for housing in the Local Development Plan 2016, with a capacity of 13 houses. The allocation includes the wooded area to the north, so comprises a larger site than that accommodating the eleven dwellings that would be developed if this application were consented. There are no known plans to develop the remainder of the allocation, albeit this development could potentially be extended into it in the future. However, no such proposal is for consideration here.

The main part of the allocation already has extant consents for nine dwellinghouses and access road. The site was also subject to consent for 10 houses granted in 2000, but not implemented. The principal issue here is whether the two additional units are acceptable as regards the impact of the development on the site and surrounding area. Aside from ensuring the additional units can be adequately serviced with parking and infrastructure (as considered below), the key considerations are whether the resulting eleven-house development would be visually sympathetic to the remainder of the development and surrounding area, and safeguard neighbouring amenity. These matters are considered in more detail further in this assessment, which is guided by other LDP policies and related supplementary guidance.

Trees

The LDP allocation requires that development account for trees subject to Tree Preservation Order. The application is not supported by a tree survey, and the information presented on the site plan with respect to trees is not sufficient in itself. However, a tree survey undertaken for earlier applications allows for an informed assessment. Trees subject to Tree Preservation Order will not be affected to the north, and our landscape architect is content that retention or replacement of an existing fence along the edge of the woodland here will protect trees during construction. To the east, the site layout accounts for a TPO'd tree outside the site and refers to protective fencing being used to safeguard it. A condition can

secure this, though it is noted that retaining walls and boundaries are shown within it, so it will be for the applicant to apply mitigation to limit any potential of root damage here, or adjust proposals at this point. It will also be necessary (as with the original consent 15/00832/FUL) to restrict future Permitted Development rights here to protect the roots of this tree.

Scale, density, design and layout

The houses are set in the same basic layout as the approved development, albeit incorporating semi-detached houses, rather than detached units. However, the layout and scale of the houses will fit with the existing and approved townscape. The areas of garden ground are not substantial, but neither are they out of sorts with the remainder of the development. The house types are similar to each other and, though they share few obvious characteristics with the other houses in the overall development, they do share some aspects (such as external cladding). Their scale, form, design and details, as well as external materials (which are specified in the design statement as being to reflect existing houses), will allow them to complement the other houses in the development. It should form a varied but cohesive grouping of houses that does not stray significantly from the character of Craigpark Gardens.

The four houses will generate more parking requirements than two houses and, as a result, the turning head is predominantly derived of parking. However, most parking will not be in view on approach from Craigpark Gardens and the frontages of all four plots will be free of parking. Despite that, the layout initially appeared overdeveloped, with parking very close to plots 3 and 6 in particular. The most recent layout has, however, relaxed the arrangements. The resulting layout is now acceptable, with a gap between parking and Plot 6, and parking alongside a blank wall and rear garden of Plot 3. The revised proposal does rely on an amendment to Plot 3 (approved under a separate consent) by handing that house type so it no longer has windows directly adjacent to the parking. This amendment can be agreed as non-material and, since it is within the applicant's control, its implementation can be sought by condition. A condition should also require fencing along the boundaries of plots 3 and 6 as this is necessary in order to achieve a buffer from communal parking. The fencing need not be higher than 1 metre beyond the frontage of Plot 6, and can be higher to the rear of both plots.

Level information suggests cut and fill across the site, with large retaining walls limited to the northern and southern areas where they have no real impact on the public realm. During the processing of the application, more indication of retaining wall and underbuilding requirements has been provided, suggesting walls are required between plots and that the northernmost plot will require steps wrapping the gable corner in order to access the rear garden. These works are all to the rear and provided the walls and associated boundary fencing tie neatly into the boundary wall behind, the visual effects will be reasonable. A full levels scheme will, in any case, be required as the plans and drawings are not comprehensive enough.

As regards boundary treatments, boundary walls are already established to the south-west and south-east. As regards other boundaries within the site, the proposals make vague reference to fencing, though a clearer scheme is required. Though there is a need to provide some screening and demarcation of communal parking spaces, this layout should otherwise be capable of being complemented by an appropriate fencing scheme and, therefore, a condition can cover this aspect.

The development will not adversely affect the setting of the nearby Listed Building to the south-west (Manse), or a Category C Listed church hall to the north-east, due to the location of the site and scale and siting of the dwellings.

Other requirements of Policy PMD2, such as energy efficiency and mobility, will be addressed by the Building Warrant process, however, the layout does not raise any particular concerns in these regards. There are also no planning-related concerns regarding safety and security. There are limitations on future adaptability of the buildings, because of the potential implications for neighbouring amenity (as noted below), but this is not an overriding concern, given the need to safeguard the amenity of existing properties.

Neighbouring amenity

The proposals demonstrate that clear efforts have been made on the part of the applicants to reduce effects of the development on neighbouring amenity, with limitations on window positions, single-storey houses on former plot 5, and no windows at all applied to the rear of the northernmost plot (5A). Rooflights within that house will direct light to the ground floor only. In terms of privacy, having accounted for distances, levels, siting and orientation of existing and proposed houses, our SPG and existing obstructions to view, the proposals are agreeable. As noted above, due to level changes, it is unfortunate that the plot 5A requires steps and underbuilding but the arrangement will largely be functional, and planting will filter views from the neighbour behind. The overall proposal should be subject to planting being provided along the entire south-eastern boundary to filter views as well as controls over Permitted Development rights (due to the proximity to the neighbouring properties and number of dwellinghouses now proposed) and rooflight heights above floor level.

As regards daylight and sunlight, the applicant has submitted sectional drawings which are of some assistance in making a judgement as regards potential light loss. However, accounting for these as well as known level differences, house types, distances and existing light obstructions, the proposals should not have any significant effect on light levels for neighbouring properties such that their amenity would be seriously compromised. Similarly, though the proposals will have some bearing on outlook from neighbouring properties, the potential effects will not be seriously adverse.

Effects on views and property values are not material planning considerations. Potential noise from normal residential use of the proposed houses is not going to be inappropriate for what is a residential area.

Access and Parking

The LDP allocation refers to the preference for vehicular access to be taken from Craigpark Gardens, as is proposed here. The connection into Craigpark Gardens has already been consented for nine dwellinghouses. This proposal would add two further houses, and modify the approved turning head. However, the Roads Planning Service has advised that the number of dwellinghouses now proposed is not a concern. The road leading to this site already has planning consent, and the RPS raise no concerns with respect to its capacity to accommodate the level of traffic likely to be generated, or its capacity for refuse or emergency vehicles. This proposal modifies only the turning head at the end to accommodate communal parking. The RPS has noted that the site boundary does not include the full extent of the access road leading to the site. Its completion, however, can be secured by a condition as it falls within the applicant's control, albeit outside the site boundary.

The number of spaces proposed complies with LDP standards. The communal arrangement did, however, generate some concerns at how the parking spaces relate to the houses. As noted above, the layout has been revised and now provides better spacing between them and neighbouring plots. The amended road and parking layout is acceptable overall as regards RPS requirements, subject to conditions. All spaces will be sized to meet standards,

and detailed levels will be considered by planning condition. The RPS also has control over the road specifications via the Roads Construction Consent, though this proposal appears to be fundamentally agreeable.

Services

Public foul drainage and water supply connections are proposed. A condition is necessary to ensure the connections will be provided. This will satisfy Policy IS9.

As regards surface water drainage, the layout is supported by an indicative drainage plan that shows the use of filter drains before connection with an existing drain (for onward disposal to mains sewer). The scheme is, therefore, SUDs-based providing at least one level of treatment. The proposal will also be designed to maintain pre-development run-off rates. The communal parking spaces will not be porous (due to level issues) but they will be surfaced in non-porous blocks. Following submission of further information, the RPS has advised that the proposal is agreeable, and that only details are likely to be changed at the RCC stage. On this basis, the proposal is agreeable. It will be for the RCC, Building Warrant and Scottish Water adoption processes to be concerned with the scheme's engineering details.

Affordable Housing and development contributions

The applicants are a Registered Social Landlord and the site is earmarked for affordable housing in the Strategic Housing Investment Plan. The applicants intend to operate all but one of the eleven units as affordable housing. On the basis that the four proposed houses are managed and occupied for the purposes of affordable housing, then this will satisfy Policy HD1, and will exempt the development from contributions due under Policies IS2 and IS3. A condition can be imposed to this effect.

Affordable housing developments are not exempt from contributions for green space. In this case, because the development would exceed ten units overall, this will require a contribution towards play space. The site is too small to require a play area on site when applying current planning policies and guidance. As nine units have already been approved, a financial contribution to off-site play space would apply to the two additional units. A legal agreement will be necessary to secure these contributions.

Archaeology

No archaeological mitigation is required.

Ecology

The site is not designated and is already subject to development. No tree removal is proposed. There are, therefore, no notable ecological implications.

Waste

Supplementary Planning Guidance on Waste Management requires that developments adequately accommodate bin storage. This proposal provides for storage for two bins within each plot behind their frontages.

Neighbour Notification

Notification of neighbours was carried out in accordance with the Development Management Procedure (Scotland) Regulations 2013, requiring notification of neighbouring properties

within 20 metres of the application site. There is no requirement to notify any further properties, albeit all representations on behalf of any property that are submitted and raise valid planning objections are considered. The fact notification occurred just before Christmas is due to timing of the application submission.

CONCLUSION

The proposed development will provide affordable housing within a consented housing development. The number of units exceeds that which was originally approved, and the resulting layout has proven a challenge in terms of fitting it comfortably with other plots, in a way which also maintains neighbouring amenity to a reasonable level. However, following amendments, the layout, design and density of the houses and their gardens suggest they will reasonably sympathetically relate to the remainder of the development and the surrounding area. Subject to conditions, the development will not have a significantly adverse effect on the amenity of neighbouring properties. The development will also be adequately served by the existing access road and proposed parking, and there are no known issues with respect to mains services. Subject to a legal agreement and compliance with the schedule of conditions, therefore, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to a legal agreement and the following conditions and informatives:

1. All approved residential units shall meet the definition of "affordable housing" as set out in the adopted Local Development Plan 2016 and Supplementary Planning Guidance "Affordable Housing" 2015 and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority prior to development commencing.
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools and the reinstatement of the Borders Railway.
2. No development shall commence until a protective fence is erected in accordance with BS5837:12 alongside the tree to the east of Plot 4, as identified on the approved site plan, and the fence shall not be removed until all construction activities on site are fully complete. The existing fence along the northern boundary of Plot 5A shall be retained (or reinstated before works commence) until after construction works are complete. There shall be no construction works, including storage of plant or machinery or provision of retaining walls/boundary treatments (notwithstanding the approved site plan) within the protected areas unless construction details of such works have been submitted to and approved by the Planning Authority, and there shall be no services installed unless compliant with National Joint Utilities Group Guidelines.
Reason: To safeguard trees of value adjoining the site, including trees subject to Tree Preservation Order
3. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage services shall be made available to serve the development, and until a surface water drainage connection to the mains has been approved, and the means of maintenance of the surface water drainage scheme have been submitted to and agreed with the Planning Authority. The development shall

be serviced by a surface water drainage scheme based on the indicative proposals on drawing 9307 L(52)001 B and existing pre-development run-off rates from the site during and after construction shall be maintained. All services shall be operational prior to the occupancy of any dwellinghouse hereby approved.

Reason: To ensure the development can be adequately serviced, without flood risk to other properties

4. No development shall commence until specifications (and samples where required by the Planning Authority) of all materials for the parking spaces, paths, house roofs, external walls, basecourses and retaining walls have been submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the approved specifications.

Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

5. No development shall commence unless in accordance with a scheme of ground, house and road/parking area levels that has been submitted to and approved by the Planning Authority. The scheme shall be related to an off-site datum and shall include existing and proposed levels throughout the application site. The development shall be carried out in accordance with the approved scheme.

Reason: Further information is required regarding finished house and site levels to ensure the development is visually sympathetic and acceptable as regards road safety

6. No development shall take place except in strict accordance with a scheme of landscaping works, which shall first be submitted to and approved in writing by the planning authority. The scheme of works shall include:

- a) details of new fences/walls, their route, height, design and materials (notwithstanding references on the approved site plan)
- b) schedule of planting, including screen planting for the easterly boundary, to comprise location, species, plant sizes and proposed numbers/density
- c) programme for completion (including timescale for fencing alongside parking spaces and all planting) and subsequent maintenance

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings and to mitigate effects of the development on the privacy of adjacent properties

7. No dwellinghouse shall be occupied until the road serving the development leading from Craigpark Gardens and the road and parking layout approved under this consent have been completed in accordance with the Council's adoptable standards and until bin stances specified on the approved site plan have been provided. The layout shall accord with the approved site plan and the development shall only be implemented and occupied where the development of Plot 3 has been implemented in accordance with the same site plan

Reason: To ensure each dwellinghouse can be adequately serviced by road, parking and bin storage provision, and that parking arrangements relate sympathetically to the adjacent approved development

8. Notwithstanding the General Permitted Development (Scotland) Order 1992 (as amended 2011 or any subsequent revision or replacement of the Order) there shall be no development involving excavations to finished ground levels within the hatched area identified on the approved plan, and there shall be no extension, enlargement or other external alteration of the dwellinghouses, and no outbuilding, deck or other raised platform erected within the curtilage of any dwellinghouse without a planning application having first been submitted to and approved by the Planning Authority

Reason: To minimise risk of damage to the roots of a protected tree and minimise risk to the amenity of neighbouring properties

9. All rooflights identified on the plans and elevational drawings approved under this consent located on the easterly-facing (rear) roof slopes shall be set a minimum of 1.8 metres above the internal floor level to which they relate

Reason: To safeguard the privacy of adjacent properties

Informatives

The Council's Technical Approval (Roads Planning Service) shall be required for all retaining walls adjacent to the public road

An amended Road Construction Consent will be required for the site. This must include amendments to the lighting, drainage and road layouts and details

DRAWING NUMBERS

9307 L(52)001 B Indicative surface water drainage proposals

9307 L(2-)002 G Proposed site plan

9307 L(2-)004 E House Type 5A

9307 L(2-)005 B House Type 5

9307 L(2-)006 C House Type 4

9307 L(2-)008 D Site Sections

9307 L(2-)009 B Proposed Site Sections

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.

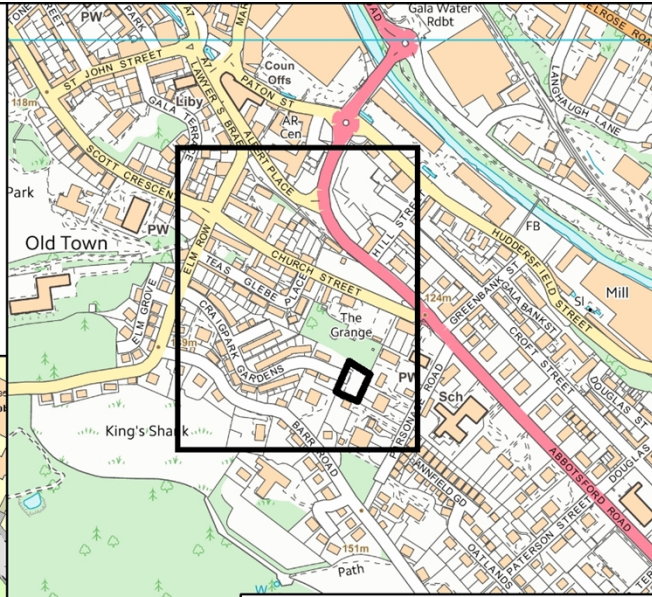
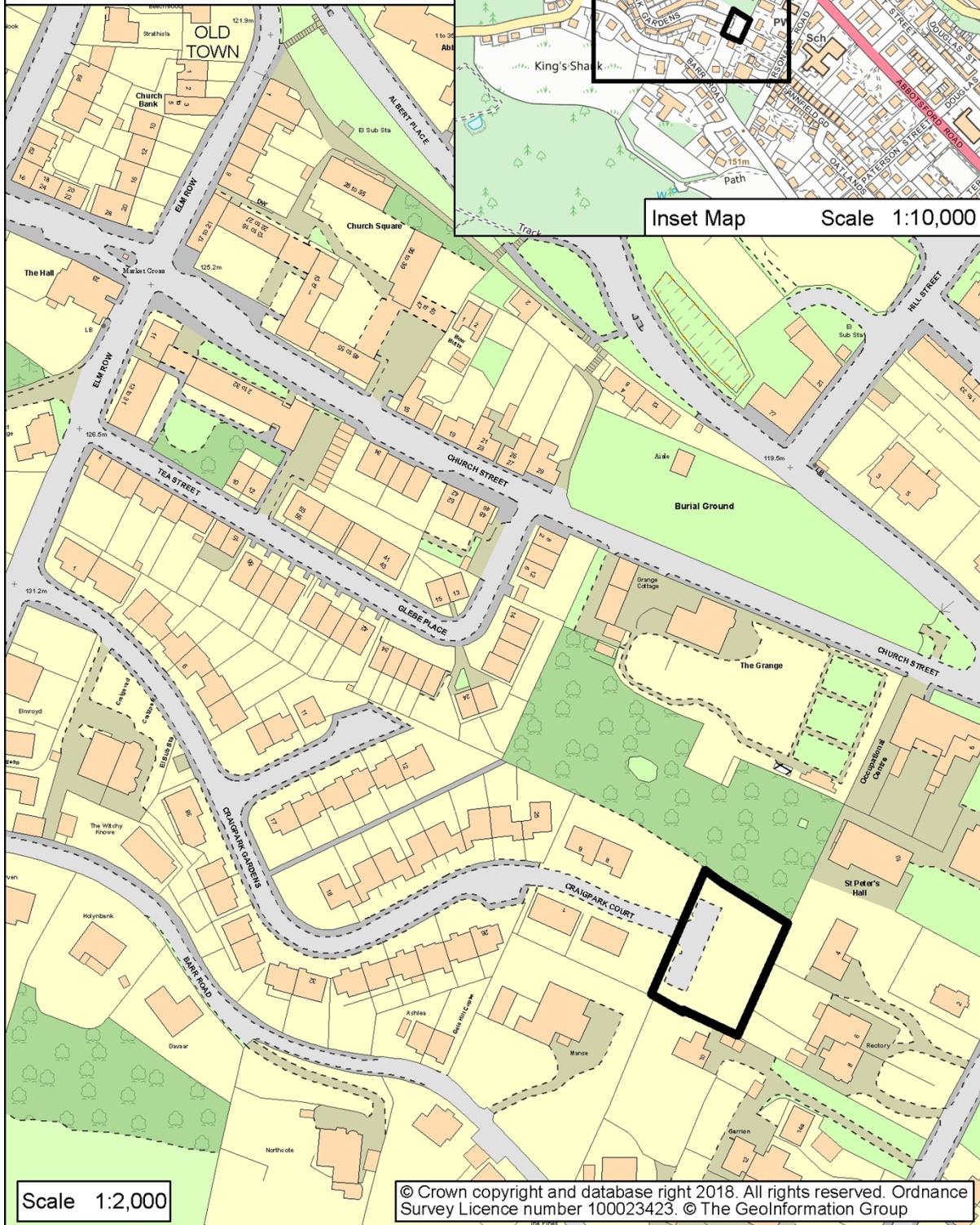
Author(s)

Name	Designation
Carlos Clarke	Team Leader Development Management



17/01709/FUL

Land East Of Craigpark Court
Galashiels



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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

26 MARCH 2018

APPLICATION FOR MODIFICATION OF A PLANNING OBLIGATION

ITEM:	REFERENCE NUMBER: 17/01757/MOD75
OFFICER:	Carlos Clarke
WARD:	Galashiels and District
PROPOSAL:	Modification of planning obligation pursuant to planning permissions 12/00811/FUL, 13/01109/FUL, 14/00412/FUL and 14/01227/FUL
SITE:	Land adjacent Craigpark Gardens, Galashiels
APPLICANT:	Eildon Housing Association
AGENT:	None

SITE DESCRIPTION

The site is located at the south-easterly end of, and to be accessed via, Craigpark Gardens, an established residential street. It is bound to the north-east by a wooded area, and to the south-east and south-west by residential properties. As noted below, the site is subject to past and current planning applications for dwellinghouses totalling eleven detached and semi-detached units. To date, nine houses have been approved of which two (Plots 1 and 2) have been built.

PROPOSED DEVELOPMENT

This application seeks approval of a modification of Section 75 legal agreements relating to three planning consents for seven houses on this site (one of the applications (13/01109/FUL) was withdrawn). The applicants have purchased Plot 2 (already built) and the remainder of the site. The houses will be operated as affordable units by the applicants and, therefore, they seek removal of development contributions applicable to the units. These are required towards the Borders Railway reinstatement, schools (St Peter's Primary School and Galashiels Academy) and affordable housing.

PLANNING HISTORY

Relevant applications and consents include:

00/01119/FUL – Erection of ten dwellinghouses approved in October 2000

12/00811/FUL – Erection of three dwellinghouses (Plots 1-3) approved in June 2014

13/01109/FUL – Erection of six dwellinghouses (plots 4-9) – withdrawn

14/00412/FUL – Change of house type on Plot 3 and erection of four houses on plots 7-10 (renamed Plots 6-9) approved in February 2015

14/01227/FUL – Amendments to Plots 1 and 3 approved in December 2015

15/00832/FUL - Erection of two houses on Plots 4 and 5 approved in August 2016

17/01328/FUL – Erection of seven houses (replacing consented Plots 3 - 6) - withdrawn

17/01709/FUL – Erection of four houses (on approved Plots 4 and 5) – currently being processed

REPRESENTATION SUMMARY

None

APPLICANT'S SUPPORTING INFORMATION

The application is supported by copies of the relevant legal agreements

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

IS2 Developer Contributions

IS3 Developer Contributions Related to the Borders Railway

HD1 Affordable and Special Needs Housing

OTHER PLANNING CONSIDERATIONS:

Circular 3/2012 Planning Obligations and Good Neighbour Agreements

SPG Affordable Housing 2015

SPG Development Contributions 2011 (updated 2018)

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Legal Services: Note that there is also a planning obligation in respect of 15/00832/FUL but that modification of this agreement is not sought in the application. If the Development Management Service is satisfied in terms of policy that it is appropriate to modify these agreements, it is advised that if any of the dwellinghouses to be developed under the various permissions have already reached any of the relevant milestones referred to in the agreement (i.e. sale, completion, occupation, habitation), then contributions in respect of those plots may be due depending on the terms of the particular obligation and the particular plot or plots relates to. In addition, if approved, each planning obligation will require to be modified to delete the clause relating to developer contribution amounts (and ancillary clauses) and replace this clause with an obligation to provide on-site affordable housing to prevent the units being sold or rented at market price.

KEY PLANNING ISSUES:

Whether or not the proposed modifications would be consistent with Circular 2/2012 with respect to necessity; planning purpose; relationship to the development; scale and kind; and reasonableness.

ASSESSMENT OF APPLICATION:

Principle

This application seeks a modification to legal agreements affecting seven dwellinghouses (plots 1-3 and 6-9). Plots 4 and 5 were consented under planning approval 15/00832/FUL

and are not subject to the proposed modification. The applicants do not propose to develop Plots 4 and 5, but instead have applied for a separate planning approval to develop four houses on those two plots (17/01709/FUL).

The legal agreements were required in order to ensure that the developments complied with the Local Development Plan (then the 2011 plan) and related supplementary planning guidance with respect to development contributions towards the Borders Railway, affordable housing and local schools. The agreements are considered, in their current form, to meet the five tests of Circular 2/2012.

This application seeks to modify the agreements such that the contributions are not payable for all but one of the plots (Plot 1), since these would now be owned and managed as affordable housing. The principle of the modification is agreeable, provided it allows the modified agreements to still meet the five tests.

Circular 2/2012 tests

To seek contributions for schools, railway or affordable housing from residential developments that comprise affordable housing would not comply with the five tests of Circular 2/2012. This is because supplementary guidance on Development Contributions explicitly exempts affordable houses from such contributions. Affordable housing developments are not exempt from contributions for play facilities, but such contributions are only sought from developments of ten or more houses. Only seven houses are affected here, and only nine have been approved overall, so far. Should 17/01709/FUL be approved (bringing the overall total to eleven), then contributions towards play facilities from the two extra units in that part of the development will be due by means of a legal agreement for that consent.

The applicants are a Registered Social Landlord, so their ownership and management of the houses will meet the Council's criteria for affordable housing. The agreements would need to be modified by replacing the development contribution requirements with a clause that requires that the units be managed as affordable housing. This is necessary and reasonable if the development is still to comply with the Local Development Plan 2016 and related supplementary planning guidance. The clause would also have a direct planning purpose, would relate appropriately to the development and be proportionate in scale and kind. It would, therefore, meet the tests of Circular 2/2012.

Plot 1 is, however, not subject to the proposed modification as it is in private ownership. At the time of writing, contributions are still due from that development for schools and the Borders Railway (not affordable housing, since it is the first unit in the development). The applicants intend to pay the contributions for Plot 1. The final version of the modified agreements will, therefore, account for Plot 1 depending on the status of contributions required for it.

CONCLUSION

The proposed modification would remove the requirement for development contributions from six of the seven approved dwellinghouses (excluding Plot 1). This would be subject to a replacement clause requiring that the dwellinghouses be owned and managed by the applicant (a Registered Social Landlord) or other RSL as affordable housing. This modification would allow the development to remain compliant with the Local Development Plan 2016 and related supplementary policy guidance.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to a clause requiring that the units be owned and managed by the applicants, or other Registered Social Landlord, as affordable housing, with the exception of Plot 1 which shall remain bound by the original contributions (pro rata).

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.

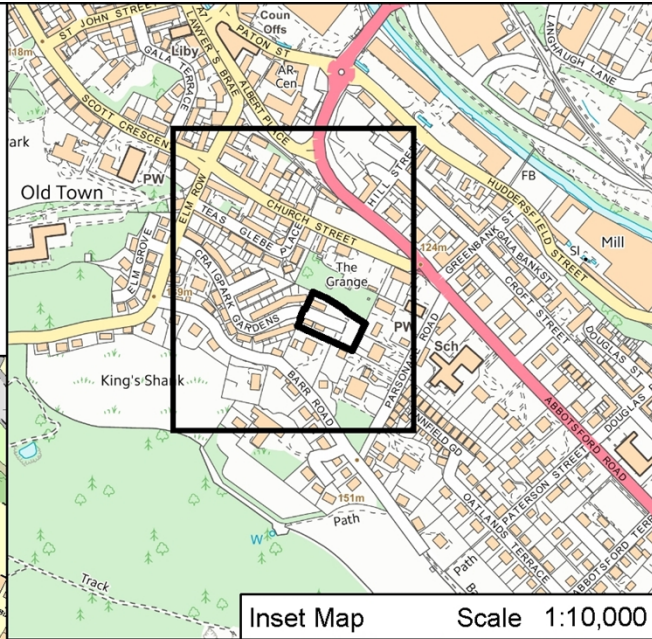
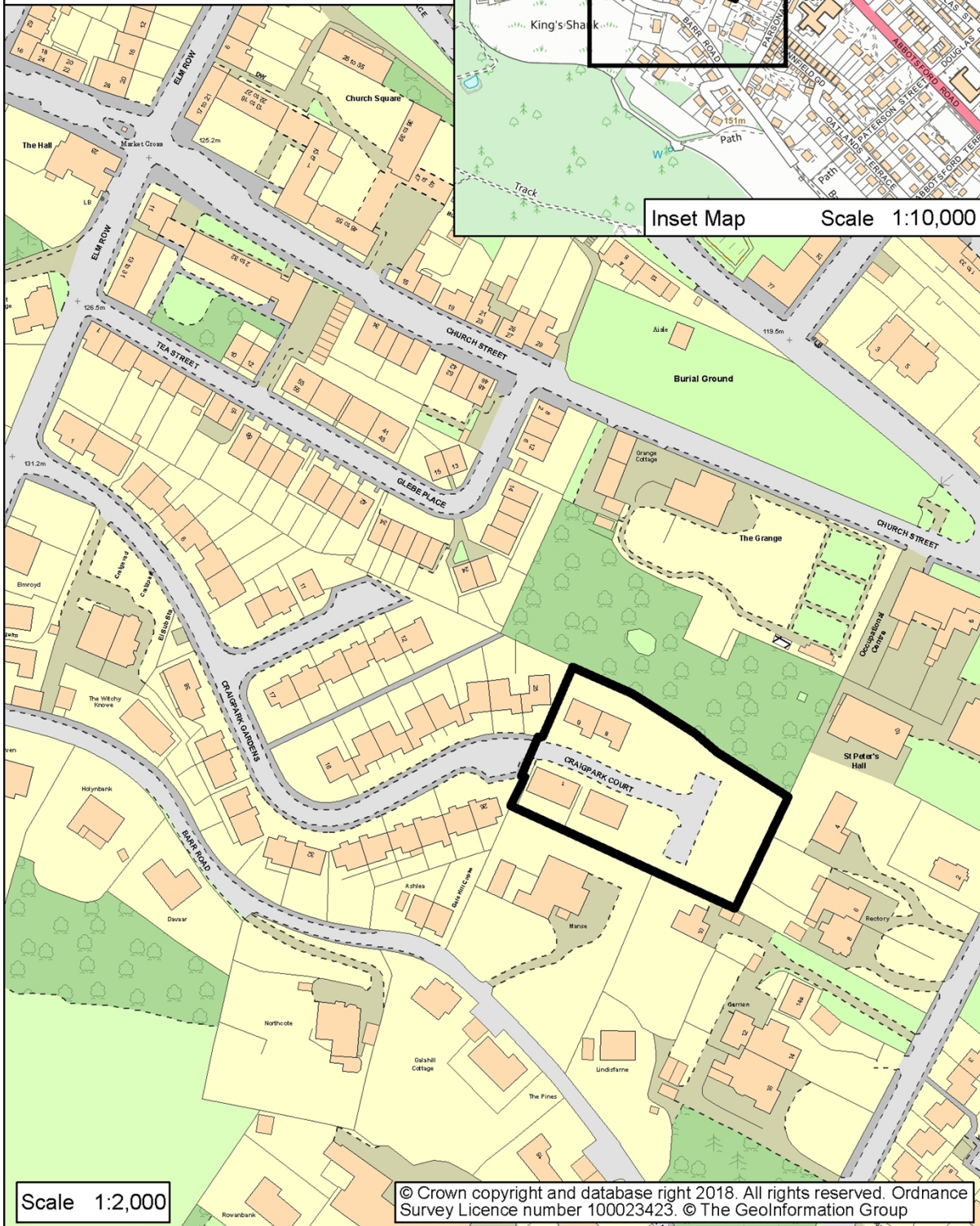
Author(s)

Name	Designation
Carlos Clarke	Team Leader Development Management



17/01757/MOD75

Land Adjacent
Craigpark Gardens
Galashiels



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PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

26th March 2018

1 PURPOSE

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

2 APPEALS RECEIVED

- 2.1 Planning Applications

Nil

- 2.2 Enforcements

Nil

3 APPEAL DECISIONS RECEIVED

- 3.1 Planning Applications

Nil

- 3.2 Enforcements

Nil

4 APPEALS OUTSTANDING

- 4.1 There remained 9 appeals previously reported on which decisions were still awaited when this report was prepared on 20th March 2018. This relates to sites at:

• Land North of Howpark Farmhouse, Grantshouse	• Poultry Farm, Marchmont Road, Greenlaw
• Land South West of Easter Happlew Farmhouse, Peebles	• Hutton Hall Barns, Hutton
• Land East of Knapdale 54	• Land North West of Gilston Farm,

Edinburgh Road, Peebles	Heriot
• Land South West of Lurgiescleuch (Pines Burn), Hawick	• 13 St Ella's Place, Eyemouth
• Land North West of Kirkburn Church, Peebles	•

5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 17/01409/FUL
Proposal: Extension to form new living room
Site: 16 Craig Brown Avenue, Selkirk
Appellant: Mr Harry Thomson

Reason for Refusal: The proposed extension would reduce the available off-street parking below the minimum standard specified in the Local Development Plan 2016. The extension would also not relate well to the adjoining proposed property to the north east, and would be potentially detrimental to its amenity. The development is, therefore, contrary to Policies PMD2, HD3 and IS7 of the Local Development Plan 2016.

- 5.2 Reference: 17/01572/PPP
Proposal: Extension to dwellinghouse
Site: Land South East of Beckhope, Kailzie, Peebles
Appellant: Mrs Anne McKelvey

Reasons for Refusal: 1. The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the proposed development breaks into a previously undeveloped field which is located out with both natural and man made boundaries of the building group. This location fails to respect the character of the building group and would potentially lead to ribbon development which would further undermine its character. 2. The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the proposed development fails to reflect and respect the scale and siting of other individual dwelling plots within the group and would therefore adversely affect the character of the building group.

- 5.3 Reference: 17/01613/PPP
Proposal: Erection of dwellinghouse
Site: Land East of Keleden, Ednam, Kelso
Appellant: Mr & Mrs Brian Soar

Reason for Refusal: The proposals would be contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the erection of a dwellinghouse on this site would result in development outwith the development boundary of the village as defined on the settlement profile map for Ednam, leading to unjustified encroachment into the open countryside and coalescence with the Cliftonhill building group. The proposed dwelling is not a job generating development in the countryside that has economic justification under Policy ED7 or HD2; it is not an affordable housing development that can be justified in terms of Policy HD1; a shortfall in the provision of an effective 5 year land supply has not been identified and it is not a development that would offer significant community benefits that would outweigh the need to protect the development boundary.

6 REVIEWS DETERMINED

- 6.1 Reference: 17/00479/FUL
Proposal: Erection of dwellinghouse
Site: Land North East of and Incorporating J Rutherford Workshop, Rhymers Mill, Mill Road, Earlston
Appellant: Austin Travel

Reasons for Refusal: 1. The proposal does not comply with Adopted Local Development Plan Policy IS8 and Scottish Planning Policy in that the site is subject to a significant flood risk and the development would be both at significant risk of flooding and would materially increase the probability of flooding elsewhere. 2. The proposal in the positioning of the dwellinghouse and the overall site layout, does not comply with Adopted Local Development Plan Policies PMD2 and PMD5 in that it would not respect the character of the surrounding area and neighbouring built form. 3. The proposal does not comply with Adopted Local Development Plan Policies PMD2 and IS7 in that the access arrangements are unsuitable to serve the development and inadequate provision has been made for the accommodation of the parking of two vehicles within the curtilage of the site, such that there would be adverse impacts upon road safety. 4. The proposal does not comply with Adopted Local Development Plan Policies PMD5 and HD3 in that the operation of the workshop building in such close proximity to the proposed dwellinghouse has potential to have unacceptable impacts upon the residential amenity of the occupants of the proposed dwellinghouse.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld (Terms of Refusal Varied)

- 6.2 Reference: 17/01039/FUL
Proposal: Erection of temple
Site: Land South West of Kirkburn Parish Church, Cardrona
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies ED7 of Scottish Borders Local Development Plan 2016 in that it has not been demonstrated that the proposal meets any of the acceptable land uses listed in Policy ED7 and no overriding justification for the proposed building has been provided 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 and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location. 2. The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the scale and design of the proposal would be prominent in the landscape and would result in an unacceptable adverse visual impact on the designated area. The proposed development would detract from the character and quality of the Tweed Valley Special Landscape Area and it has not been adequately demonstrated that the adverse landscape impact would be outweighed by social or economic

benefits of national or local importance. 3. The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that the proposed temple would result in an unacceptable adverse impact on road safety. The proposed building would increase traffic levels on the existing minor public road and it has not been adequately demonstrated that any traffic generated by the proposal can access the site in manner which does not detrimentally impact on road safety. 4. The application is contrary to Policy EP8 of the Scottish Borders Local Development Plan 2016 in that the siting, scale and design of the proposed development would have an unacceptable adverse impact on the setting of the Our Lady's Church. It has not been adequately demonstrated that the proposal can be accommodated on the site in a manner which does not adversely affect the heritage value of a nationally important archaeological site. 5. The application is contrary to Policy EP7 of the Scottish Borders Local Development Plan 2016 in that the siting, scale and design of the proposed development would have an unacceptable adverse impact on the setting of the William Cree Memorial Church. It has not been adequately demonstrated that the proposal can be accommodated on the site in a manner which protects the setting of the category C listed building.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.3 Reference: 17/01230/FUL
 Proposal: Erection of boundary fence and formation of parking area (retrospective)
 Site: 1 Eildon Terrace, Newtown St Boswells
 Appellant: Mr Greg Blacklock

Reason for Refusal: The proposed fence along the boundary with Bowden Road is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it represents an overbearing structure in relation to the adjacent footpath and is a prominent and incongruous form of development in the wider streetscene that is harmful to the visual amenities of the area.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to conditions and informatives)

- 6.4 Reference: 17/01406/FUL
 Proposal: Erection of dwellinghouse with attached garage
 Site: Land North West of Alderbank, Macbiehill, West Linton
 Appellant: Mr And Mrs D Gold

Reason for Refusal: The proposed development does not relate well to the existing building group due to its location in undeveloped ground, in an elevated position and being remote from the existing building group. This would have an adverse effect on the character and setting of the building group. The proposal is contrary to policy HD2, council guidance on "New housing in the Borders countryside" and "Placemaking and design".

Method of Review: Review of Papers

7 REVIEWS OUTSTANDING

- 7.1 There remained 2 reviews previously reported on which decisions were still awaited when this report was prepared on 20th March 2018. This relates to sites at:

- | | |
|--|--------------------------------------|
| • Derelict Dwelling Land West of Glenkinnon Lodge, Peelburnfoot, Clovenfords | • Land East of Keleden, Ednam, Kelso |
|--|--------------------------------------|

8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

Nil

10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

- 10.1 There remained 3 S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 20th March 2018. This relates to sites at:

- | | |
|--|-------------------------------|
| • Fallago Rig 1, Longformacus | • Fallago Rig 2, Longformacus |
| • Birneyknowe Wind Farm, Land North, South, East & West of Birnieknowe Cottage, Hawick | • |

Approved by

Ian Aikman
Chief Planning Officer

Signature

Author(s)

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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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