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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 4TH FEBRUARY 2019

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on MONDAY, 4TH FEBRUARY 2019 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,

28 January 2019

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Minute. (Pages 3 - 10) Minute of Meeting of 7 January to be approved and signed by the Chairman. (Copy attached.)
5.	Applications. Consider the following application for planning permission:-
	(a) Coopersknowe Phase 4 and 5, Coopersknowe Crescent, Galashiels - 18/01417/FUL (Pages 11 - 34) Residential development comprising of 69 dwelling units with associated works. (Copy attached.)
	(b) 1 - 39 Tweedbridge Court, Peebles - 18/01086/FUL (Pages 35 - 60) Erection of 2 blocks of residential flats comprising 40 No units of mixed accommodation with communal bike store, bin stances and associated parking and landscaping. (Copy attached.)
	(c) Land North East of 3 The Creamery, Dolphinton - 18/01377/FUL (Pages 61 - 78) Erection of Class 6 storage and distribution buildings, associated Class 5 use and erection of ancillary dwellinghouse with associated development and landscaping works. (Copy attached.)
6.	Appeals and Reviews. (Pages 79 - 84) 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
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**SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE**

MINUTE of Meeting of the PLANNING
AND BUILDING STANDARDS
COMMITTEE held in Council
Headquarters, Newtown St Boswells TD6
OSA on Monday, 7 January 2019 at 10.00
a.m.

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

1. **MINUTE**

There had been circulated copies of the Minute of the Meetings held on 10 December 2018.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATION**

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

DECISION

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

3. **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. The Depute Chief Planning Officer advised that the Section 36 Public Local Inquiry in respect of Birneyknowe Wind Farm on Land North, South, East and West of Birnieknowe Cottage, Hawick had been dismissed by the Reporter. He went on to highlight the work undertaken by the Appointed Officer (Julie Hayward), Solicitor (Emma Moir) and Principal Officer (Charles Johnston)

DECISION

NOTED that:-

(a) Appeals had been received in respect of:-

- (i) the Erection of residential units, formation of dwellinghouse from engine house, relocation of allotment space, erection of workshop units with associated access and infrastructure works at March Street Mills, March Street, Peebles – 17/00063/PPP;**

- (ii) the demolition of Mill buildings at March Street Mills, March Street, Peebles – 17/00064/CON
 - (iii) an enforcement notice issued for a Residential caravan placed without Planning Permission on Land West of Gallowberry Bank, Blyth Bridge – 15/00045/UNDEV; and
 - (iv) an enforcement notice issued for Use of dwelling house as a Party House, Greenloaing, The Loan, West Linton – 18/00074/UNUSE
- (b) Scottish Ministers had dismissed an appeal in respect of the Certificate of Lawfulness for an Existing Use: Class 9 Residential at Glenacre, Camptown, Jedburgh – 18/00849/CLEU
- (c) there remained four appeals outstanding in respect of:-
- Land North West of Gilston Farm, Heriot
 - Land East of Keleden, Ednam
 - Land West of Whitslaid (Barrel Law), Selkirk
 - 22 Craigmyle Park, Peel
- (d) Review Requests had been received in respect of:-
- (i) the erection of a dwellinghouse on Land North West of Chapel Cottage, Melrose – 18/00956/FUL;
 - (ii) an Extension to dwellinghouse at 10 Townhead Way, Newstead – 18/01215/FUL;
 - (iii) an Extension to provide an additional 7 No workshop units (Class 5/6), 1 No unit to provide dog daycare facility and change of use of paddock to dog exercise area at the Storage Units, Farknowes, Langshaw Road, Galashiels – 18/01229/FUL; and
 - (iv) Erection of dwellinghouse and detached garage/stable on Land North East of River Cottage, Linthill, Melrose – 18/01332/PPP; and
 - (v) Erection of dwellinghouse and detached garage on Land South East of Tarf House, West Linton – 18/01341/PPP
- (e) the decision of the Appointed Officer had been varied (Revised Conditions) in respect of alterations and extension to dwellinghouse and erection of detached garage/workshop at Elsielea, 61 West High Street, Lauder – 18/00580/FUL
- (f) the decision of the Appointed Officer had been upheld in respect of replacement of shop front window and door screens at Scotts View Take-away, Main Street, St Boswells – 18/01010/FUL
- (g) there remained no reviews outstanding.
- (h) there remained three Section 36 Public Local Inquiries Outstanding in respect of:-
- Fallago Rig I, Longformacus

- **Fallago Rig 2, Longformacus**

4. **URGENT BUSINESS**

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

5. **PLANNING SITE VISITS**

The Chairman referred to two planning applications for Peebles which would come before the Committee in the near future and requested the Committee consider whether or not they wished to visit the sites prior to the applications being presented for consideration. The Committee considered that a formal site visit was not required. However, any Members could visit the site if they so wished..

DECISION

AGREED that no formal site visit be arranged.

The meeting concluded at 10.45 a.m.

APPENDIX I
APPLICATION FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/00486/FUL	Erection of 64 dwellinghouses and associated works	Land North of 24 Sergeants Park, Newtown St Boswells

Decision: Approved, subject to conclusion of the required legal agreement covering the implementation and maintenance of structural planting to the north of the site and developer contributions towards play space and subject to the undernoted conditions.

1. The proposed residential units shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Consolidated Local Plan 2016 and accompanying supplementary planning guidance 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.
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would attract contributions to infrastructure and services, including local schools.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications including Drainage Strategies hereby approved by the Planning Authority, unless otherwise agreed in writing by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
3. No development shall commence until precise details (including samples where requested by the Planning Authority) of all external wall and roof finishes 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 ensure the material finishes respect the character and appearance of the surrounding area.
4. No development shall commence until a protective barrier in accordance with BS5837:2012 has been erected in the location identified on Drawing No L (01)02 Rev G. Once erected all development works shall comply with BS5837:2012. The protective barrier shall only be removed when the development has been completed and thereafter the trees shall be retained unless otherwise agreed in writing with the Planning Authority.
Reason: To protect and retain trees which enhance the visual amenity of the surrounding area.
5. 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
 - i. Precise details of all soft landscaping works which includes the location of new trees, shrubs, hedges and grassed areas and the schedule of plants to comprise species, plant sizes and proposed numbers/density

- ii. Precise details of all proposed means of enclosure, which include the introduction of boundary walls where the boundaries of Plots 26, 52, 53, 55 and 49/50 face on to the road
- iii. Specification of the barrier to be installed behind the parking area along the top of the embankment
- iv. A programme for completion and subsequent maintenance.

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

6. Notwithstanding the details illustrated on Drawing No L(01)02 Rev G, no development shall commence until the following access and parking mitigation measures have been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:
 - a) Revised parking proposals which include a reduction in non-allocated parking spaces, inclusion of visitor spaces opposite Plots 39-42 and provision of dedicated disable parking spaces.
 - b) A plan which shows that the access points which will provide links into the adjoining sites will be constructed to the boundary of the application site.

Reason: Further details are required to ensure that adequate information is provided to ensure that suitable parking provision and access is provided within the development site.

7. Prior to occupation of the first dwellinghouse a scheme of street lighting details shall be submitted to and agreed in writing by the Planning Authority and thereafter the lighting shall be installed as per the approved details.

Reason: In the interests of road and pedestrian safety and to safeguard residential amenities and limit light pollution.

8. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Planning Authority. As a minimum this should outline how the site will comply with the British Standard 5228:2009 Code of Practice for noise and vibration control on construction and open sites and should include the hours of construction, vehicle movements, protection and monitoring of private water supplies, noise mitigation, equipment maintenance, dust mitigation and management and a complaints procedure/communication of noisy works to receptors. **No Heavy Goods Vehicles shall be permitted on Sprouston Road during school drop-off and pick-up times.** The development then to be carried out in accordance with the approved Construction Method Statement.

Reason: To safeguard residential amenities and in the interests of road safety.

9. No development shall commence until a scheme of details for the temporary diversion of Core Path 209 during development works (to include provision of a short link path from the re-aligned route illustrated on Drawing No Drawing No L (01)02 Rev G to the existing path adjacent to the hedge to the west of the site) has first been submitted to and approved in writing by the planning authority. The development shall be completed wholly in accordance with the approved details.

Reason: Further details are required to ensure the right of way remains open and free from obstruction.

10. No development shall commence until precise details of the siting of solar PV panels has been submitted to and agreeing in writing with the Planning Authority and thereafter the development shall be completed in accordance with the approved details.
Reason: To ensure a sustainable form of development which maximises the use of renewable energy resources.
11. Notwithstanding the details shown on Drawing No 120981/2022, no development shall take place until a revised site plan showing all existing and proposed ground levels, as well as finished floor levels of the dwellings hereby approved, has been submitted to and approved in writing by the planning authority. Thereafter the development shall be completed in accordance with the approved plan. The revised plan should ensure that the finished floor levels of all residential properties are satisfactorily above the adjoining finished ground levels.
Reason: To mitigate surface water flood risk.
12. No development shall commence until a detailed report confirming that the public mains water supply is available and can be provided for the development has first been submitted to and approved in writing by the Planning Authority. Prior to the occupation of the first dwellinghouse(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.
13. No development shall commence until written confirmation has been provided from Scottish Water that the public drainage system can accept the loading of foul and surface water drainage from the development or that works will be undertaken to ensure that the existing drainage infrastructure will have the capacity to serve this development before the first dwellinghouse is occupied. Thereafter prior to the occupation of the first dwellinghouse(s), written confirmation shall be proved for the approval of the Planning Authority that the development has been connected to the public drainage network.
Reason: To ensure that site drainage is adequately handled without impinging on existing users.
14. No development shall commence until a Construction Environmental Management Plan, including measures to protect watercourses and boundary habitats in accordance with the Preliminary Ecological Appraisal (Tweed Ecology, November 2017), shall be submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved scheme.
Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.
15. No development shall commence until a Species Protection Plan (SPP) including measures for bats , badger, red squirrel and breeding birds in accordance with the Preliminary Ecological Appraisal (Tweed Ecology, November 2017) shall be submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved scheme. No development shall commence during the breeding bird season (March to August), unless in accordance with the SPP. The SPP shall include provision for mitigation including supplementary surveys for badger and birds and no development areas if breeding birds are found.
Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.
16. No development shall commence until a Landscape and Habitat Management Plan, including measures to enhance boundary hedgerow habitats, create new native broad-leaved scrub and wildflower habitat and an enhanced SUDs pond in accordance with the Preliminary Ecological

Appraisal (Tweed Ecology, November 2017), shall be submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.

17. Notwithstanding the details illustrated on Drawing No L(01)02 Rev G, no development shall commence until a revised site plan which relocates the refuse/recycling bin stances serving Plots 36 - 39 are relocated within the rear curtilage of these plots and provision is made for a refuse/recycling bin stance for Plot 41 is provided. Thereafter no development shall take place except in strict accordance with the approved drawing.

Reason: To satisfy waste collection requirements and ensure that bin stances are sited in appropriate locations which maintain the character and appearance of the development

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

4 FEBRUARY 2019

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 18/01417/FUL
OFFICER:	Mr C Miller
WARD:	Galashiels and District
PROPOSAL:	Residential development comprising of 69 dwelling units with associated works
SITE:	Coopersknowe Phase 4 and 5, Coopersknowe Crescent, Galashiels
APPLICANT:	Eildon Housing Association
AGENT:	Collective Architecture

SITE DESCRIPTION

The site is an undulating area of land sited alongside Coopersknowe Crescent, located at the easterly end of Galashiels. Coopersknowe Crescent is a residential development of 30 houses, comprising the first three phases of an incomplete development, of which this site has been intended to form part. The existing houses are served by a road network which has a junction with the C77 to the north, sweeps through Coopersknowe Crescent, incorporating a number of cul-de-sacs, and extends through the centre of the application site, before leading back to the C77 to the east. The road is incomplete in its construction as it passes through the application site. The site bounds the existing houses at Coopersknowe Crescent to the west and north, the gardens of a grouping of houses to the north-east, a commercial/industrial estate to the south-west and south, and the C77 public road to the east, the other side of which is an emerging housing development which will eventually comprise over 500 residential units. There is also a farm steading area across the C77 to the north-east which has previously received planning permission in principle.

PROPOSED DEVELOPMENT

This application seeks consent for 69 residential units, of which 15 would be flatted dwellings and 24 in the form of "Colony Houses" with flats on the ground floor and maisonettes on the floors above. All units would meet with the Council definition of "affordable". The layout comprises semi-detached and terraced units, three "Colony" blocks and three blocks of flats. They include single and 1 ½ storey houses, with the "Colony" and flatted blocks being 2½ storey. The dwellings would be served by a new access road linking Coopersknowe Crescent to the C77, via a small square towards the eastern end. A range of in-curtilage and communal parking spaces are proposed, and the layout includes a play area to the north of the "Colony Houses" and south of existing cottages fronting the C77, swale to the southern boundary for surface water drainage and proposals for boundary treatments and planting.

The application also involves the removal of existing drainage and roadways within the central part of the site and treatment with a 600mm capping layer to deal with the contaminated land area at this location. This part of the site will be largely filled together

with adjoining parts of the site to the west and south. There will also be areas of cut to the north, west and south.

The application is classed as a 'Major' development under the Hierarchy of Developments (Scotland) Regulations 2009. The applicants publicised and held a public event prior to the application being submitted, as well as consultation with Galashiels Community Council and the Coopersknowe (and Easter Langlee) Residents Association. The outcome of the public consultation exercise has been reported in a Pre-Application Consultation Report submitted with the application. The requirements of the Development Management Procedure (Scotland) Regulations 2013 have been satisfied.

In addition to the submitted plans and drawings, there are also statements and reports in support of the application, as follows:

- Design and Access Statement
- Stage 1 Geoenvironmental Investigation Report with associated correspondence
- Drainage Survey Report
- Appendices and Correspondence relating to Pre Application Consultation
- 3D presentation

PLANNING HISTORY

Planning consents for residential development of this area date back to 1990. The houses currently forming Coopersknowe Crescent were built under detailed planning permissions granted (mainly) between 2001 and 2004. Thirty houses have been built, though the overall development was never completed as the construction company went into liquidation. This application incorporates the six unbuilt plots originally forming part of the third phase of the development.

In January 2008, full planning consent (06/01838/FUL) was granted for the erection of 50 houses on the site.

In June 2014, full planning consent (12/00709/FUL) was granted for the erection of 42 houses on the site. This consent expired in June 2017.

In December 2016, full planning consent (16/00869/FUL) was granted for the erection of 58 affordable residential units on the site, the initial proposal for 60 being reduced by a Condition imposed by the Committee, as follows;

No permission is granted for the proposed houses on plots 59 and 60 identified on the approved site layout plan. Details of the landscaping of this land (plots 59 & 60) shall be submitted to and approved by the Planning Authority prior to the commencement of the development. Thereafter, the approved scheme shall be carried out in accordance with the approved details and within an agreed timescale.

Reason: The Planning & Building Standards Committee considered that there needed to be visual break between the development at Coopersknowe Crescent and the proposed development and that the provision of a landscape area at this point would assist the transition between the two distinctly different phases of development.

This consent was granted to the current applicant but has not been proceeded with and remains valid until December this year. The new application is to seek an alternative development of the same site.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning: Recognises the site's allocation and consent history and considers that the C77 has the capacity to accommodate this development, given the short section affected. It will also reduce traffic using Coopersknowe Crescent and is accessible to public transport, albeit improved pedestrian crossing points to the bus stop would be sought. Provides a series of comments generally accepting the layout and parking provision but requests further consideration of swept path analyses, driveway sizes, Scottish Water adoption, clarification of levels, visibility splays, drainage details, consistency between drawings etc. Suggests a meeting to resolve matters.

Education Officer: The development is within the catchment areas of Peebles High School and Kingsland Primary School, requiring contributions of £1051 and £7463 respectively, based upon management of capacity issues. Would allow the phasing of contributions but also states that contributions can change per year based upon the BCIS index.

Landscape Architect: A more detailed landscaping scheme is required which includes protection of the mature tree on the C77, replacement of high fences with hedges/shrubs, improved scheme for the open spaces, hedging along the C77, a new path to Block 8, restriction of fences to the rear gardens of blocks such as 63-66 etc.

Housing Strategy: Supports the 100% affordable scheme and it is included in the 2019 SHIP. Also supported by the Scottish Government who are willing to provide grant funding to assist the project.

Environmental Health: A Noise Impact Assessment is needed to demonstrate that noise impacts from the adjoining Industrial Estate do not already affect new residents. If the outcome suggests adverse impact, then mitigation measures need to be explored and detailed. A Construction Method Statement is also required by condition.

The site contains a former sheep wash area of potential contamination. Previous site investigations and risk assessment have suggested remedial measures but no finalised report has been received. Recommended that further site investigation and risk assessment is carried out and a suspensive condition imposed to control this.

Flood Protection: No objections. The site is not at risk from river flooding but surface water flooding may be a risk due to the steep topography. Further information should be sought including swale discharge and surface water flow calculations to ensure the greenfield run-off rate is maintained and a 1 in 30 flood event can be accommodated.

Neighbourhood Services: Generally no objections to the play area provision but not supportive of the retaining wall which should be avoided. No policy to adopt a play area in this location and would have preferred contribution for off-site provision. Recognises the connectivity difficulty with the nearest Council play facility in Langlee and the plans at that facility making spend of contribution unlikely in short term. If provision on site, details of provision would need to be agreed to BS:EN standards, proposed and designed by the applicant.

Statutory Consultees

Scottish Water: Response awaited.

SEPA: No objections. Impacts of a small watercourse through the site need to be checked with the Council Flood Protection Team. There is also a Scottish Water asset needs investigation with no development on top or adjacent to the culvert. Surface water flow needs to be managed through the site and finished floor levels set accordingly. Provides advice on the SUDS system which is reliant on a storm cell and small swales and also on licensing and CAR requirements.

Galashiels and District Community Council: Response awaited.

REPRESENTATION SUMMARY

Letters of objection have been received to the application from the occupants of 13 properties. These can be viewed in full on the Public Access website and the main grounds of objection include the following:

- Increased road safety risks from extra traffic including junction with C77, lack of roundabout, inadequate footpath provision, no safe bus stop crossing, disabled housing too far from bus stops etc.
- Parking overspill and driveway conflicts in areas of Plots 1-4 and Block 3.
- Inaccurate site levels and inadequate detail of treatment of levels.
- Concerns over site contamination and play area, site previously housing a sheep dip with asbestos and septic tanks present in the play area vicinity.
- Concerns over contamination generally and the impacts of raising soil levels as mitigation.
- Play area location unsuitable as are levels and retaining wall. Play area not well overlooked and unlikely to be used due to provision at Melrose Gait.
- Overdevelopment of the site increasing from 58 previously approved, contrary to Policy PMD2, over the LDP allocation of 50 and using up previous play area for development. Particular overdevelopment in area of Blocks 5-7 with lack of space and impacts on residents.
- Two houses previously been removed from site at request of Committee, site should be left as open space and also has drainage issues.
- Overdevelopment will increase noise, litter and traffic problems.
- No attempt to integrate with existing layouts and densities.
- Viability is not a valid reason to increase density.
- Overlooking of existing houses.
- The Colony and flatted blocks are too high impacting on the amenity of the area and have been moved higher up the site, affecting existing houses.
- Concerns over the site levels and whether the 600mm capping is incorporated.
- Unimaginative designs with inappropriate materials and colours.
- Inappropriate design and massing of blocks facing the C77.
- Inappropriate use of external staircases.
- Increased flooding from site onto surrounding land and footpath.
- Inadequate existing services.
- Lack of details regarding treatment of existing pond.
- Scheme inconsistent with the Deed of Conditions.
- Road name will need to be changed.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016

PMD2 Quality Standards
PMD3 Land Use Allocations
IS2 Developer Contributions
IS3 Developer Contributions Related to the Borders Railway
IS4 Transport Development and Infrastructure
IS6 Road Adoption Standards
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
EP13 Trees, Woodlands and Hedgerows
EP16 Air Quality
HD1 Affordable and Special Needs Housing
HD3 Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS

SESplan Strategic Development Plan 2013
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 Developer Contributions 2016
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

KEY PLANNING ISSUES

The main determining issues with this application are compliance with Local Development Plan Policies and Supplementary Planning Guidance on development outwith settlement boundaries, impacts on landscape, residential amenity, road safety, archaeology and the water environment.

ASSESSMENT OF APPLICATION

Planning Policy

The site is allocated in the Local Development Plan 2016 for housing, with an indicative capacity of fifty units. The density of the site, and detailed LDP criteria are assessed further in this report but it is a material consideration that the site currently has Planning Permission for 58 affordable houses and flats on the basis of a similar layout and from the same applicant and agent. That consent remains extant and establishes not only

the principle of development but also much of the design approach, density and layout aspects.

The adjoining land uses were discussed in the previous scheme consideration, noting that there were residential developments of varying proximity and density to the north, west and east and industrial uses to the south. Consideration of the previous scheme included assessment of how the development would relate to these uses, layouts and densities and this development, whilst similar, does raise further issues in relation to the increased unit numbers and additional higher blocks within the site.

Whilst the relationship with houses will be discussed in the following sections, the issue with regard to the industrial uses to the south was considered with the previous development and there is little change with the proposed scheme except some slightly greater proximity in the blocks 13-16. Maintaining the tree belt within the estate that acts as a buffer between it and this development is desirable, as is planting alongside it to infill any gaps. Though the trees were not specifically safeguarded under earlier permissions, the previous and current applications include a higher number of residential units than previously approved.

In the previous application, the root protection area of those trees was identified together with gap planting to secure sufficient privacy and amenity for the new houses. This was considered sufficient protection, controlled by condition. Whilst the current development places some units slightly closer to the trees and protection zone, which are still highlighted on the plans, the units themselves have been reduced from two storey to 1½ storey which compensates in terms of shadowing and rear garden impact. There is no objection from the Landscape Architect to the relationship of the proposed houses to the existing trees. As stated on the previous application, it is in the applicant's own interests to safeguard the amenity of their tenants by securing a retained and augmented planted boundary with the industrial estate. A condition will be attached to control this and seek further details.

Although there is concern expressed by Environmental Health over noise impacts on the proposed houses from the industrial estate, it is not considered that a Noise Impact Assessment is justified given that such a report was not sought on the approved scheme and that the site is allocated for housing in the Local development Plan. The agent has responded on this matter by listing the adjoining current industrial uses which tend not to suggest a prospect of major conflict, albeit uses can change. They identify their intention to retain and augment the trees but also would carry out an Impact Assessment if required. For the reasons mentioned, it is considered that the tree retention and augmentation is sufficient in this instance.

Density and layout

The general layout of this scheme is similar to the previously approved scheme, utilising a curving link road between Coopersknowe Crescent and the C77, interrupted by a square, various communal parking areas and spur roads serving the "Colony Houses" and flatted blocks. The previous scheme represented an increase in unit numbers over the earlier consent but that was accepted as being largely as a result of the incorporation of the three flatted blocks of 2½ storey design in that scheme.

One of the main issues with the design and layout was to ensure that the development provided an acceptable transition between the large, low density housing in Coopersknowe Crescent and the more varied, denser development across the C77 at Easter Langlee. It was considered that the currently approved layout, with the exception of the plot next to 28 Coopersknowe Crescent, did that - with single storey

houses immediately adjoining the existing houses, leading to 1½ and two storey blocks and the higher 2 ½ storey blocks towards the lower southern part of the site and adjoining the C77. It was felt that there were also 2 ½ storey blocks at Easter Langlee which gave context for an element of 2 ½ storey blocks at the eastern end of the site.

Given the acceptance of these relationships and transitions in layout and general design, the issue with the current application is whether the increase in unit numbers from 58 to 69 together with adjustments to the ratio and position of the higher blocks, has detrimentally affected the transition and made the balance inappropriate, after assessment against relevant LDP policies including PMD2, PMD3 and HD3. These Policies generally seek compatibility and respect between new developments and their immediate surroundings.

Whilst there is criticism from the objectors that the new application does not achieve this, given that the current scheme for 58 houses and flats was approved with a very similar layout, it is appropriate to concentrate on those areas where the increased density may be more noticeable i.e. the two additional 2½ storey blocks which replace a mixture of 1, 1½ and 2 storey housing. However, in considering the impacts of this increase in massing on slightly higher parts of the site, there should also be consideration of the changes made to the scheme between Coopersknowe Crescent and the higher blocks, where additional single and 1 ½ storey blocks have replaced 1.5 and 2 storey blocks. This larger area of lower height housing has helped offset the impacts of the additional 2 ½ storey blocks and, given the general drop in levels and elevated position of the houses to the north and north-west together with their distance away, it is not considered that the increase in density through two additional higher blocks has created any impression of overdevelopment or lack of transition or sympathy to the extent that the scheme should now be opposed.

The submitted Design and Access Statement states how important it was to achieve a low height transition, illustrated by massing 3D plans and site sections. The latter show the drop in the ground and the relationship of roof heights between the higher blocks and the existing houses. Whilst levels are referred to later in this report, it is not considered that the additional two blocks of 2½ storey houses and flats represent any townscape or overdevelopment reason to oppose the new application. The sections generally demonstrate a fall in roofs as the ground falls from north to south and from west to east. The transitions and relationships with surrounding buildings and ground levels are generally still acceptable and it must also be noted that the currently approved scheme was still subject to final approval of site and floor levels which could have resulted in local variations in roof height relationships.

Nevertheless, to reflect the objections and also to recognise that the “Colony Houses” are intended to occupy higher raised land compared to the previous scheme, the agent was requested to review the heights of these particular blocks to see if some lowering was possible. It was also considered that the building roofs had a rather dominant impression and that the design would benefit from a ridge height reduction. The agent has now revised these units and achieved a 500mm ridge height reduction which narrows the difference between the height and massing of the previous scheme compared to the current one. The reduction also improves the roof proportions and reduces the massing of these blocks.

One of the new higher “Colony Houses” is intended to be located on the C77, north of two other 2 ½ storey flatted blocks which are in a similar position to the previously approved scheme. There has been criticism of this block, concentrating on the rural nature of the road and the modest proportions of the cottages adjoining to the north. The agent was asked to look at substituting this block with a block of 1/1½ storey height

to reflect the approved scheme. It was also suggested that a higher block could have been proposed elsewhere to the south of the site to compensate. The agent has responded by retaining the proposed block, considering that the 50m plus gap between buildings combined with the drop in levels and consistency with other blocks to the south facing the C77 are reasons to retain the design. The agent also points out that the ridgeline is dropped by 500mm and that the northern gable facing up the C77 has been reduced in bulk by removal of the corner dormer window. Whilst more significant amendment in this location was requested, it is accepted that there is an 8m floor level difference with the nearest affected property to the north and that this drop in levels is demonstrated on the site sections. With the 500mm drop in ridge height, the new ridgeline should still be at or below the eaves of the nearest house to the north. Ultimately, the relationship and transition in this location between the proposed development and the existing houses has to be considered acceptable, given the drop in levels, the distance and the context of both approved and existing 2½ storey blocks in the vicinity.

In terms of the remainder of the layout and general design approach, it is considered that as with the last approved layout, the current design complies with Placemaking and Design and Designing Streets guidance. The development continues to adopt the improvements and changes secured during processing of the last application, the design principles outlined in the Design and Access statement. The scheme generally continues to allow visual connectivity with the houses in Coopersknowe Crescent through the choice of lower height buildings, the townscape and ridge heights then flowing through to the higher blocks in the centre, east and south of the site, utilising the generally dropping levels.

As with the previous scheme, attention has been paid to focal points throughout the development, landscaped and architectural treatment of end gables, minimisation of parking courts where possible and narrowing certain entry and lane junction points to improve enclosure and sense of place. The mixture of houses and flats in distinct blocks, set within areas of communal landscaping, continue the theme that was accepted in the previous application.

Much of the local objections and concern relate to the increased unit numbers, rather than the actual design principles. The agent has clarified that the increased footprint from the previously intended 60 to 69 units is approximately 200 square metres. Given that the Committee removed two of the units from the previous approval, it is fair to assume that the actual increase in footprint is around 300 square metres. They also point out that each individual unit has actually reduced in comparative footprint, effectively from approximately 60 to 53 square metres. As previously mentioned, much of the unit increase has been as a result of additional storey heights to two of the "Colony Houses" blocks, rather than an intensification of layout and smaller spacing between units throughout the development. Whilst 69 units is 19 above the indicative capacity figure in the Local Development Plan, this has already been exceeded by 8 in the current approval and it is not considered that an additional 11 units, comprising of approximately an additional 300 square metres, causes issues of overdevelopment or compaction of layout to any extent considered unacceptable or unsympathetic. Indeed, when comparing ratio of density to recent schemes (affordable and private) elsewhere in diverse parts of the Borders, the density is not excessive e.g. 31.3 units per hectare compared to 38 in Chirnside or 34.5 in Lauder.

Objectors do not consider that the increased density of development should be justified on the basis of increased site costs as a result of contamination remediation, as claimed by the applicants in the Design and Access Statement. Members need to be aware of the reasons, however, leading to the resubmission and increased density,

albeit decisions on the application should properly be based upon the provisions of the Development Plan and compliance with its Policies and any other material considerations. Whilst viability and deliverability of any scheme could be considered to be a material consideration, the development must be primarily assessed and determined on compliance with the Development Plan. For the reasons mentioned above, it is not considered that the increased unit numbers or footprints result in conflict with the relevant policies in the Local Development Plan or the advice within Supplementary Planning Guidance.

One of the significant issues with the currently approved layout was the link of the development with the layout and houses in Coopersknowe Crescent. Though the building line was not considered critical (given the existing variation within the estate) any development alongside it needs to comfortably relate to it, to achieve a reasonable flow between new and existing, particularly since Coopersknowe Crescent was abruptly curtailed part-way through a cul-de-sac. The most recently approved scheme achieved it by using house types on the adjacent plots that broadly reflected the existing (albeit they were semi-detached) and planting to create visual breaks.

Whilst this development continues the connection with single storey houses and alignment matching the arrangements adjoining, the application again proposes development of the ground between 28 Coopersknowe Crescent and the footpath to the industrial estate. Previously, a semi-detached bungalow was proposed on this ground replacing an earlier intention to site the children's' play area in that location. Although the Case Officer felt that different approaches to use of the ground might have been considered, he ultimately did accept that a single storey semi-detached house on this plot would not cause significant visual harm, subject to appropriate colours, materials and planting.

The Committee felt differently about this plot and imposed a planning condition prohibiting any development on it and seeking it to be landscaped open space instead. They considered that there needed to be visual break between the development at Coopersknowe Crescent and the proposed development and that the provision of a landscape area at this point would assist the transition between the two distinctly different phases of development. Clearly, the current application is seeking to again develop this plot with the same type of single storey, semi-detached unit. The Design and Access Statement argues that it is in the best interests of the efficient use of land and that development would complete the streetscape and form a better transition.

The agent has looked again at this plot and whilst two houses are still proposed, the building line has been set back so that it no longer projects ahead of the house to the west. Although it is slightly closer to that house boundary, it relates better to the front and rear building lines, albeit there is less space now available for intervening planting which will take the form of a triangle in front of the building lines. A deeper planted boundary remains proposed alongside the footpath leading to the industrial estate. Overall, the relationship is improved and, although development of this plot was prohibited by a condition imposed by Committee, the applicant is entitled to seek reconsideration of this matter. Ultimately, the proposed development is little different to that supported by the Case Officer under the previous application and it is not considered that there is justification to take a different view in this instance. Members will need to consider whether to adhere to the prohibition or accept the development, in order to achieve acceptable transition between schemes.

In summary, it is considered that the new scheme continues to provide an acceptable layout and transition between different areas of housing development, the increased

density being able to be accommodated without the scheme presenting problems of overdevelopment or character which is out of context with adjoining development.

Design and materials

The approved development is significantly different from Coopersknowe Crescent, with a more simplistic, crisper design approach, albeit one largely based on traditional forms. Improvements were made during the previous application to window proportions, and deep gabled house types were removed. Better townscape flow was achieved by changes to the placing of buildings, though there was still a variety of storey heights and some narrow gables. Nevertheless, the scheme was felt to be large enough to absorb the variations, and would still provide a reasonable visual connection between Coopersknowe Crescent and the development to the east.

It was felt that the flatted blocks were largely devoid of visual interest with poorly proportioned dormers. Dormers were also an issue with the H5 house type, being generally square in overall form, rather than vertically proportioned. Conditions were imposed on the current consent to seek improvements in these matters.

The new application follows a very similar design approach with the single and 1 ½ storey houses and these designs remain acceptable. Windows remain vertically proportioned and timber panels merge with doors on the front elevations to add interest. The dormers on the 1 ½ storey units are considered acceptable subject to some minor repositioning and trimming. On the 2 ½ storey blocks, the dormers are generally better proportioned by being deeper and the wider dormers provided with Juliet balconies and three vertically proportioned windows.

The biggest design change has generally been with the “Colony Houses” on Blocks 5-7. These units have already been reduced in height by 500mm which improves the bulk and dominance of the roofs. Whilst there have been concerns expressed over the external staircases, these are generally presented to rear gardens and parking courts, providing some interest and punctuation to rear facades. The front elevations facing the C77 and the southern part of the development are similar in appearance to the other 2½ storey blocks with modest square dormers and ground floor timber panelling. The dormers have been amended and repositioned slightly to line up more successfully with windows below.

Given the prominent location of the gables of the “Colony Houses”, active and interesting gables remain important. The other 2 ½ storey blocks have varied gables due to being T or L shaped but the “Colony Houses”, being linear blocks, need interest on the gables to improve the public realm and focal points. The agent was asked to review the gables with reference to one of the gables perhaps being enhanced and mirrored on the opposite gable. Their changes are somewhat limited, however, although they are still prepared to mirror the better gable. This matter can be reserved by condition and probably only requires a setback dormer projection and enhanced timber panelling to be acceptable.

The Design and Access Statement refers to the rural farm stading influences in its selection of off-white dry dash render, timber panelling, dark grey windows and fibre cement slate. The use of off white colouring throughout has been criticised by objectors and this uniformity was also recognised as an issue in the currently approved scheme. As with that consent, the combination of materials is generally appropriate for the setting in principle. However, it is considered that a variety to render and timber cladding colours is necessary. A single colour would depart significantly from the variety that exists within the surrounding area. A condition is recommended to require

details of all finishes, including an appropriate colour/finish palette for all. The fibre cement slate will also be selected from samples submitted.

In summary and subject to conditions, the design of the units and the materials will allow connection and integration with the surrounding urban fabric whilst providing a sense of place and variety of townscape and design, in keeping with Local Development Plan Policies and Supplementary Planning Guidance.

Landscape

The Design and Access Statement bases the designed layout and landscaping on “Designing Streets”, reducing the dominance of traffic and on-street parking by providing in curtilage parking and parking courts, rather than parking to front elevations. The landscaped structure involves tree planting which will be maintained by the applicants and varied surface treatments throughout. This general landscaping approach was accepted under the current approved scheme as presenting greater public open space and communal landscaped areas than would perhaps have been expected in a development of wholly private housing, especially around the flatted blocks.

The Landscape Architect raised no objections to the current landscaping proposals but sought a more detailed landscaping scheme which includes protection of the mature tree on the C77, replacement of high fences with hedges/shrubs, an improved scheme for the open spaces, hedging along the C77, a new path to Block 8 and restriction of fences to the rear gardens of blocks such as 63-66.

The agent has now submitted revisions to the landscaping scheme in order to address the points made by the Landscape Architect and her response will be reported to Members at the meeting. There would need to be an assurance that the hedge and path works along the C77 are compliant with British Standards 5837:12 and a condition regarding protection will be attached in that respect. It would, as per the existing consent, still be advisable to ensure detailed landscaping and boundary treatments are reserved by condition as there are still likely to be further details needing to be adjusted and requirements for timing and maintenance that can only be controlled by condition.

Residential Amenity

Environmental Health recommend a construction method statement. Given the site is subject to previous consents, one of which is extant, there will be construction activity on this site in any case. The site is accessible from the C77 without requiring access via Coopersknowe Crescent. Nuisance arising from construction works is a matter that the EHS can control under separate legislation and construction works should be carried out in compliance with British Standards to minimise effects on the amenity of neighbouring property. An informative note is recommended. There are also standard recommendations contained within planning consent notices that guide applicants on minimisation of construction noise.

There should be no impacts on neighbouring properties by way of daylight, sunlight or outlook loss that would be unacceptable when assessed against Policy HD3. Much attention has been paid to the low-height designs of the proposed houses nearest the existing houses in Coopersknowe Crescent. Similarly, sufficient distance and dropping levels also determines that the relationship between Block 6 and the cottages to the north is acceptable in terms of the “Privacy and Sunlight” SPG. Privacy should also be safeguarded, albeit some side and rear garden screen fencing is required. The current

plan for boundary treatments awaits comment from the Landscape Architect but a general landscaping and screening condition is recommended in any case to require a final detailed scheme.

Access

Policies PMD2 and IS6 require safe access to and within developments, capable of being developed to the Council's adoptable standards and in accordance with the guidance in "Designing Streets".

Despite the increase in residential unit numbers, Roads Planning continue to have no concerns with the number of units or proximity of the access on the C77 to the access serving the housing development to the east. They consider that the C77 and the B6374 have the capacity to cope with the additional units. They also consider that the development will reduce the number of vehicles using Coopersknowe Crescent to the north. They are also satisfied with the on-site parking provision for the development and note that the development layout does not prejudice development of the allocated mixed use site to the south. They would, however, prefer to see improved pedestrian crossing points at the C77 for bus users.

The layout has been designed to suit a swept path for refuse and standard vehicles, although this still requires demonstration to satisfy Roads Planning. In this regard, there has been particular attention to the design of the central square. Visibility onto the C77 should be achievable, albeit a condition is imposed to ensure this is the case.

The layout is similar to that within the approved scheme. The layout plan includes an arrangement of shared surfacing (using coloured asphalt) within the main road, with standard surfacing/design linking to Coopersknowe Crescent and the C77 at either end. Block paving will be used for rear 'lanes', with grey permeable paving for parking areas. The arrangement effectively reduces the road specification down from the standard approach in Coopersknowe Crescent, to a more pedestrian friendly arrangement.

The layout continues to incorporate a pedestrian connection from Coopersknowe Crescent via a footpath to the centre of the site, which leads between Blocks 5 and 7. This is not such a circuitous route as a path following the road would be, and takes pedestrians away from the main road through the site. Other footpaths include one in the south-eastern corner to the C77, and retention of the footpath to the industrial estate. In terms of traffic speed, there is no need for speed humps. The layout has been designed to slow cars down, incorporating tighter corners and a square (like the previously approved scheme). Plot 5 (adjacent Coopersknowe Crescent) also has a build out. Ultimately, the street layout and pedestrian arrangements are designed to reduce the influence of the car.

Parking provision meets Roads Planning requirements, and comprises a range of in-curtilage and communal spaces. The layout incorporates parking courts within 'lanes' to the north and south of the square, to reduce the visual impact of the spaces on the main route through the scheme. Lanes and parking areas are overlooked, especially as building gables also contain windows. Flats have cycle storage incorporated within the layout, and a condition will require details to ensure these are visually agreeable, and incorporate one space per flat.

There were a series of other matters raised by Roads Planning in their response primarily related to driveway dimensions, levels, surface water drainage and other issues related to the drainage drawings. These have been raised with the agent and

any further comments from Roads Planning will be reported to Members at the Committee meeting.

Drainage

Local Development Plan Policies IS8 and IS9 are the most relevant in consideration of the impacts of development of this site on the water environment. Mains water and drainage is proposed. A planning condition will be required to ensure that connections to these services will be achieved. Scottish Water have made no representation on this application, though it is understood that foul drainage capacity exists. Ultimately, it will be up to the applicants to demonstrate that Scottish Water have granted consents to connect and service the proposed number of residential units.

There are significant local concerns about surface water drainage problems being potentially exacerbated by this development. Surface water drainage is proposed by underground storage, permeable paving (parking spaces) and a swale along the southern boundary. SEPA do not object to this arrangement although they direct the applicants to SUDS guidance for preventing run-off from the site and, ultimately, comment that it would be for Scottish Water and Roads Planning to agree such a drainage scheme.

Details of the swale, in any case, will be needed, to ensure that it will be an attractive feature that can incorporate acceptable planting. Confirmation on porous paving within the site will be needed. The full details of the drainage scheme are not wholly a matter for the planning consent, but assurance is needed that the layout can support a final detailed scheme based on the approach now proposed, and which maintains greenfield run-off levels. There are also Roads Planning queries to be accommodated as well as responses from the Council's Flood Prevention Team. A condition is, therefore, recommended to address these matters.

Floor levels are advised to be set above ground levels where required but SEPA's advice is based upon knowledge of the floor levels proposed and they have not objected. The views of SBC Flood Prevention are not opposed to the levels proposed but they do seek final verification of surface water flow paths which can influence ground levels. Future maintenance will also need confirmed by condition. Interference with existing field drainage is a matter for the applicants to address.

Contamination and levels

It is known that the site's previous agricultural use may have potentially led to some contamination. The previous and current applications have been supported by assessments which have sought to address any potential contamination of the site. These include consideration of potential contamination from the nearby landfill site, former mill pond and sheep wash. The latest report identifies contaminants, including asbestos, proposing a number of remedial measures including 600mm ground capping. The potential contamination and methods of treatment are of great concern to the objectors and local residents. The applicants are claiming that this constraint has contributed to the need for the increased density of development.

Environmental Health do not appear to have significant concerns as they feel that there has been extensive investigation into the ground conditions and potential contamination. Nevertheless, they comment that a finalised report is still required which involves further site investigation and risk assessment, including remediation measures. All of this would be required to be carried out and agreed prior to any development commencing and a standard suspensive condition would be imposed to

cover this matter. However, Environmental Health are not advising that providing a 600mm capping layer is an inappropriate form of treatment nor are they advising that there are issues with regard to properly treated contaminated ground and public health, whether for existing/proposed residents or for users of play space.

Much comment has been made about the finished levels on site but the agent has clarified that, as stated, they include the 600mm capping level within the potentially contaminated part of the site. A new simplified floor level plan has also been submitted to attempt to demonstrate that, despite the areas of fill, final ridge heights and floor levels are still reasonable throughout the site and especially at the site edges where they more closely relate to existing houses. The area of capping is generally limited to the area for the three "Colony Houses" blocks and, in reality, overall townscape impacts are reduced both by their general distance from existing houses, the general falling levels and the fact that a ridge height reduction of 500mm has already been achieved following design amendments.

The overall levels have not generally changed within the simplified new floor plan. Whilst they appear to be generally reasonable in relation to the ground and allow for the capping layer and areas of cut and fill, they still need to be finally verified and accepted by Roads Planning and Flood Protection Officers at the time of writing this report. As with the current consent on the site, it would, therefore, be advisable to reserve a final scheme of levels for approval by condition to ensure that all technical matters in relation to gradients and drainage are taken into account, together with assessment of the townscape relationship of floor and ridge levels.

Play Area

Previous consents have applied a requirement for play area provision here, and the last two consents for this site included an area to be developed for this purpose, firstly within the ground now occupied by Plots 68/69 and previously at the road bend between Plots 63/64. The original three phases have never been provided with the play area required under previous consents. Applying current policy Green Space guidance, and accounting for the history of this site as well as the lack of other facilities, and the potential risk of children crossing the C77 to access the facilities to be provided in the Easter Langlee housing development, suggests that a play area on site is justified.

The location now proposed is to the north-east of the location chosen in the previous consent. It occupies land that has greater level differences on it but is still considered to be close to the centre of the main road through the site with two access points to different parts of the development. The proposed site is appropriate as regards size and proximity to neighbouring properties (subject to detailed design), and will be overlooked, albeit the rise in levels will be challenging and will need alternative treatment rather than the initially intended retaining wall. A condition will be necessary to secure details, implementation (as part of a phasing scheme) and future maintenance. It is expected that the applicant will maintain the play area as per the previous condition requirement. If the Council is to adopt it, this would require a financial contribution to the Council, notwithstanding that the play area would serve affordable housing. The Neighbourhood Services Officer also confirms that if an off-site contribution was sought, there may be some delay in spending it in association with proposals for the current play facility at Langlee.

Other open space includes land around the flatted blocks, alongside parking areas and planting strips. Though additional planting will be required in some areas, the open space will otherwise provide meaningful complement to the built townscape, the

amount of open space in the public realm being greater than if the development had been housing and all enclosed private gardens. A detailed planting scheme and future maintenance will be required. The open space will be maintained by the applicants.

Other issues

Compliance with Building Standards will cover the principal energy efficiency requirements of the LDP. That said, the Design and Access Statement refers to minimising water usage, using responsibly sourced timber, low emission boilers and other such measures. Photovoltaics and heat recovery systems are also being considered. Implementation of such measures can be addressed via the Building Warrant. Any visual changes that result may require separate application, as noted above.

In terms of the layout, solar gain has been accounted for as far as is practicable, having accounted for other considerations. There may be some overshadowing by trees in the south-western part of the site adjoining the industrial estate but, compared to the approved scheme in this location, any slight increase in proximity to the trees would not create any demonstrably increased shading. Overall, however, accounting for various other constraints, including townscape and parking, the layout has reasonably accounted for solar gain.

The site layout includes bin storage, albeit the details of these are for the Building Standards. Details of the screening of flatted block bins should, however, be agreed by condition.

It is known there is a major gas pipeline nearby, though Scotland Gas Networks had previously advised that this will not be affected by the development. The pipeline is too distant to fall within Health and Safety Executive consultation requirements. Other pipes and infrastructure within the site that may be affected are a matter for the applicants to address.

The site is not designated and there are no nearby designations likely to be affected. There are no buildings to be removed, albeit there will be removal of some vegetation/trees (particularly as the site has become overgrown of late) and disturbance of the ground. However, bearing in mind the previous planning permission remains extant and has no requirement to mitigate any potential ecological impacts by condition, an 'informative' continues to be considered sufficient to advise the applicants of their obligations under protected species licensing.

A phasing condition will be necessary to ensure delivery of all supporting works e.g. paths, roads, open space, water and drainage.

Developer Contributions

Local Development Plan Policy IS2 requires all housing developments to contribute to infrastructure and service provision where such contributions are considered necessary and justified, advised by the Development Contributions SPG. This application is stated as being fully affordable housing and, as with the current consent, a condition would be imposed to ensure all units are occupied as such. Given this, there is no further requirement for development contributions for affordable units. The one exception to this would have been in relation to play space provision had there been a justification to seek contributions towards off-site facilities. Given an on-site facility is required for the reasons previously mentioned, there will be no requirement

for any commuted sum. The play facility will be provided and managed by the applicants, secured by condition.

CONCLUSION

In conclusion and subject to compliance with the proposed schedule of conditions, the development is considered acceptable when assessed against the Local Development Plan and having accounted for the extant planning consent for the site. The increase in numbers has generally been handled without significant detrimental impact on the relationship of the scheme with surrounding housing schemes, particularly when compared with the current approved plans for the site. Ultimately, the impact of the development, when viewed within the wider context and provided suitable mitigation can be achieved by way of planting, materials, colours, and boundary treatments, is considered to be acceptable and in compliance with Council Policies and Guidance.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to 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 Waverley Railway.
2. The development shall be carried out in accordance with the plans and drawings approved under this consent, unless otherwise agreed in writing with the Planning Authority, or requiring to be amended by this or other conditions in this schedule.
Reason: To ensure the development is carried out in accordance with the approved plans and drawings unless amendments are specified by or agreed by the Planning Authority
3. No development shall commence on the Colony Houses on Blocks 5-7 or the houses on Blocks 13-16, notwithstanding plans and drawings approved under this consent, until revised elevation drawings and supporting floor plans have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in strict accordance with the approved plans and drawings.
Reason: To achieve design improvements to these aspects of the development
4. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

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

- A 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 Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

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

5. No development shall commence until a phasing programme for the development has been submitted to and approved in writing by the Planning Authority. This shall include all buildings, roads, paths, parking areas, cycle storage, water, foul and surface water drainage services. Development shall only be carried out in accordance with the approved phasing programme. All flatted blocks shall be provided with cycle storage (one per unit) in the locations identified on the approved site plan (GA01 Revision W) and in accordance with details of the visual appearance of the cycle storage units which shall be submitted to and approved in writing by the Planning Authority prior to their installation.

Reason: To ensure the development is carried out in a manner which ensures that occupied residential units are provided with necessary infrastructure and services.

6. No development shall commence until a) written evidence on behalf of Scottish Water that the development will be serviced by mains foul drainage and water supply and b) until a final surface water drainage scheme, based on the approved site layout (GA01 Revision W) have been submitted to and approved in writing by the Planning Authority. The surface water drainage scheme shall specify permeable paving/surfacing for all parking spaces, underground storage and swale; shall provide information on swale discharge points: shall demonstrate that this shall maintain greenfield run-off levels and accommodate a 1 in 30 flood event; shall demonstrate pre and post-construction flow paths: shall include full details of the swale (sufficient to establish its visual appearance); and, shall specify future maintenance of the scheme. The approved services shall be installed in accordance with the approved phasing scheme (Condition 5)

Reason: To ensure the development can be adequately serviced and minimise risk of off-site surface water run-off

7. No development shall commence until a scheme of details for the children's play area has first been submitted to and approved in writing by the Planning Authority. Details shall include the layout, levels, boundary treatment, specification, implementation date(s) and future maintenance of the play area. The play area shall be installed and maintained in accordance with the approved scheme of details.

Reason: To ensure the development is provided with adequate children's play space.

8. No development shall commence, (notwithstanding the details provided in the approved drawings), until a revised and augmented scheme of landscaping and boundary planting (incorporating layout, location, species, schedule, implementation date(s) and future maintenance of all new planting and communal open space within the site) has first been submitted to and approved in writing by the Planning Authority. The development shall only be carried out in accordance with implementation and maintenance of the approved scheme.

Reason: Further information is required to achieve an acceptable landscape scheme for the site.

9. No development shall commence, (notwithstanding the details provided in the approved drawings), until a revised and augmented scheme of boundary treatments (walls and fencing and bin store enclosures) has first been submitted to and approved in writing by the Planning Authority. The scheme shall include the layout/route of all existing and proposed walls and fencing, and their detailed design, height and materials. All boundary treatments within the application site shall accord with the approved scheme.

Reason: Further information is required to achieve an acceptable boundary treatment scheme for the site.

10. No development shall commence until a scheme of external materials (including specifications and samples of materials and colours) for all buildings within the development, and of all roads, paths and parking areas, has first been submitted to and approved in writing by the Planning Authority. The road surfacing layout shall accord with Plans 15.602-810 and 811 Revision B. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure external materials are visually appropriate to the development and sympathetic to the surrounding area, and that the road layout accords with the approved layout, in the interests of road and pedestrian safety

11. No development shall commence until further details of proposed levels within the site have first been submitted to and approved in writing by the Planning Authority. These details shall include existing and proposed ground, road and other hardstanding levels; proposed house and flat floor levels and any retaining wall height and specifications. The levels shall relate to a fixed, off-site datum. The development shall be carried out in accordance with the approved details

Reason: To ensure levels and retaining walls within the site achieve a sympathetic visual appearance

12. No development to be commenced until a plan is submitted to, and approved in writing by the Planning Authority, demonstrating a driver visibility splay for the proposed junction onto the C77. Once approved, the splay shall be provided free of obstruction prior to occupancy of the first dwellinghouse/flatted dwelling within the development and maintained free from obstruction thereafter (with the exception of the tree to be retained).

Reason: In the interests of road and pedestrian safety.

13. The existing tree within the site adjacent the proposed C77 junction, and trees adjacent the boundary of the site with the industrial estate alongside Blocks 12-17 shall be safeguarded during the construction of the development in accordance with a Tree Protection Plan that shall first be submitted to and approved in writing by the Planning Authority prior to development commencing. The Tree Protection Plan shall apply BS5837:12. The development shall only be implemented in accordance with the approved plan. The existing tree adjacent the C77 shall be retained following completion of the development and shall not be lopped, felled or otherwise disturbed without the prior written approval of the Planning Authority

Reason: To safeguard a tree of value within the site and minimise risk to trees on land adjacent the site, in the interests of the visual amenity of the surrounding area and the amenity of future residents

14. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:

- i. Development at (Note 1)
- ii. Notice is hereby given that planning permission has been granted, subject to conditions (Note 2) to (Note 3) on (Note 4) by Scottish Borders Council.
- iii. The development comprises (Note 5)
- iv. Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose. Telephone 0300 100 1800, or by visiting <http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).

Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

15. No development to be commenced until revised Proposed Road Layout Drawings (15.602-810 and 811) are submitted to, and approved in writing by the Planning Authority. Once approved, the development then to proceed in accordance with the approved details.

Reason: To ensure that amendments made to the Site Plan and other plans are consistent with the more detailed road layout drawings.

Informatives

1. If future maintenance of the play area and communal open space planting/landscaping is to be adopted by the Council, this shall require a legal agreement to cover financial contributions for this arrangement.
2. Colours and finishes for external materials shall be expected to be sympathetic to the varied palette evident within adjacent and nearby housing areas, in particular Coopersknowe Crescent
3. Roads Construction Consent will be required. The applicant should discuss this separately with the Council's Roads Planning Service to establish the scope and requirements of Council adoption.
4. Field drains (understood to be potentially affected by Plot 68), pipelines and other infrastructure are matters the applicants must account directly for prior to commencing work on site. It is also understood from previous application correspondence for this site that that a tail drain for a septic tank (Rowallan) is believed to fall within the site. The applicants/developers should address these matters directly with the owners and utility companies
5. Where alterations to the buildings are required to incorporate zero/low carbon technologies, such works may require separate Planning Permission, unless these do not materially alter the approved development. Amenity implications for neighbouring properties and other residents within the development (in particular, air quality and noise) should, in any event, be accounted for when designing and locating such works.
6. Development should be carried out in a manner consistent with British Standard guidance on construction works, to maintain neighbouring amenity, in particular BS5228.
7. Any unauthorised disturbance to protective species habitats is an offence under European and UK habitat legislation. The applicants/developers should ensure precautions are taken before commencing work on site (including vegetation clearance) and the advice of an ecologist is recommended.
8. The Notes required of Condition 14 should be completed as follows:
 - Note 1: Insert address or describe the location of the development
 - Note 2: Delete "subject to conditions" if the planning permission is not subject to any conditions
 - Note 3: Insert the name and address of the developer

- Note 4: Insert the date on which planning permission was granted (normally the date of this Notice)
- Note 5: Insert the description of the development.
- Note 6: Insert the application reference number.

DRAWING NUMBERS

Location Plan (EX) 01
 Site Survey 01 B
 Existing Plan (EX) 02
 Site Plan GA (01) Rev W
 Footprint Comparison GA (04)
 Existing and Proposed Site Levels GA (05)
 Site Layout Drainage 15.602-700 Rev C
 Proposed Road layout 15.602-810 Rev B
 Proposed Road layout 15.602-811 Rev B
 Site Sections 1-4 15.602-851 Rev A
 Site Sections 5-8 15.602-852 Rev A
 Site Section 9 15.602-853 Rev A
 Site Section A-A SE (101)
 Site Section B-B SE (102)
 Site Section C-C SE (103)
 Site Section D-D SE (104)
 Site Section E-E SE (105)
 Cut and Fill Layouts 15.602-855 Rev A
 Elevations 1-4 EL (51)
 Elevations 5-8 EL (52)
 Elevations Block 8 EL (57) rev A
 Elevations 9-32 EL (53) rev B
 Elevations 9-32 EL (54) rev B
 Elevations 9-32 EL (55) rev B
 Elevations 33-38 EL (56) rev A
 Elevations 39-47 EL (58)
 Elevations 39-47 EL (59)
 Elevations Blocks 10 & 11 EL (61) rev A
 Elevations Block 11 EL (62)
 Elevations 60-67 EL (63) rev B
 Elevations 68-69 EL (64)
 Floor Plans Blocks 1 & 2 (GA 31)
 Floor Plans Blocks 3 & 4 (GA 32)
 Floor Plans Blocks 5 & 7 (GA 33)
 Floor Plans Blocks 5 & 7 (GA 34)
 Floor Plans Blocks 5 & 7 (GA 35)
 Floor Plans Block 8 (GA 36)
 Floor Plans Block 8 (GA 37)
 Floor Plans Block 9 (GA 38)
 Floor Plans Block 9 (GA 39)
 Floor Plans Block 9 (GA 40)
 Floor Plans Blocks 10-12 (GA 41)
 Floor Plans Block 11 (GA 42)
 Floor Plans Blocks 13-16 (GA 43)
 Floor Plans Block 17 (GA 45)
 Floor Plans Flat B3 (GA 200)
 Floor Plans Flat B4 (GA 201)

Floor Plans Flat C1 (GA 202)
 Floor Plans Flat C2 (GA 203)
 Floor Plans Flat C3 (GA 204)
 Floor Plans Flat C4 (GA 205)
 Floor Plans Flat W4-1 (GA 206)
 Floor Plans Flat W4-2 (GA 207)
 Floor Plans Flat F1 (GA 208)
 Floor Plans Flat F3 (GA 210)
 Floor Plans Flat F4 (GA 211)
 Floor Plans Flat F5 (GA 212)
 Floor Plans Flat F6 (GA 213)
 Floor Plans Flat F7 (GA 214)
 Floor Plans Flat F8 (GA 215)
 Floor Plans Flat F9 (GA 216)
 Floor Plans Flat H4 (GA 217)
 Floor Plans Flat H5 (GA 218)
 Floor Plans Flat F10 (GA 221)

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.

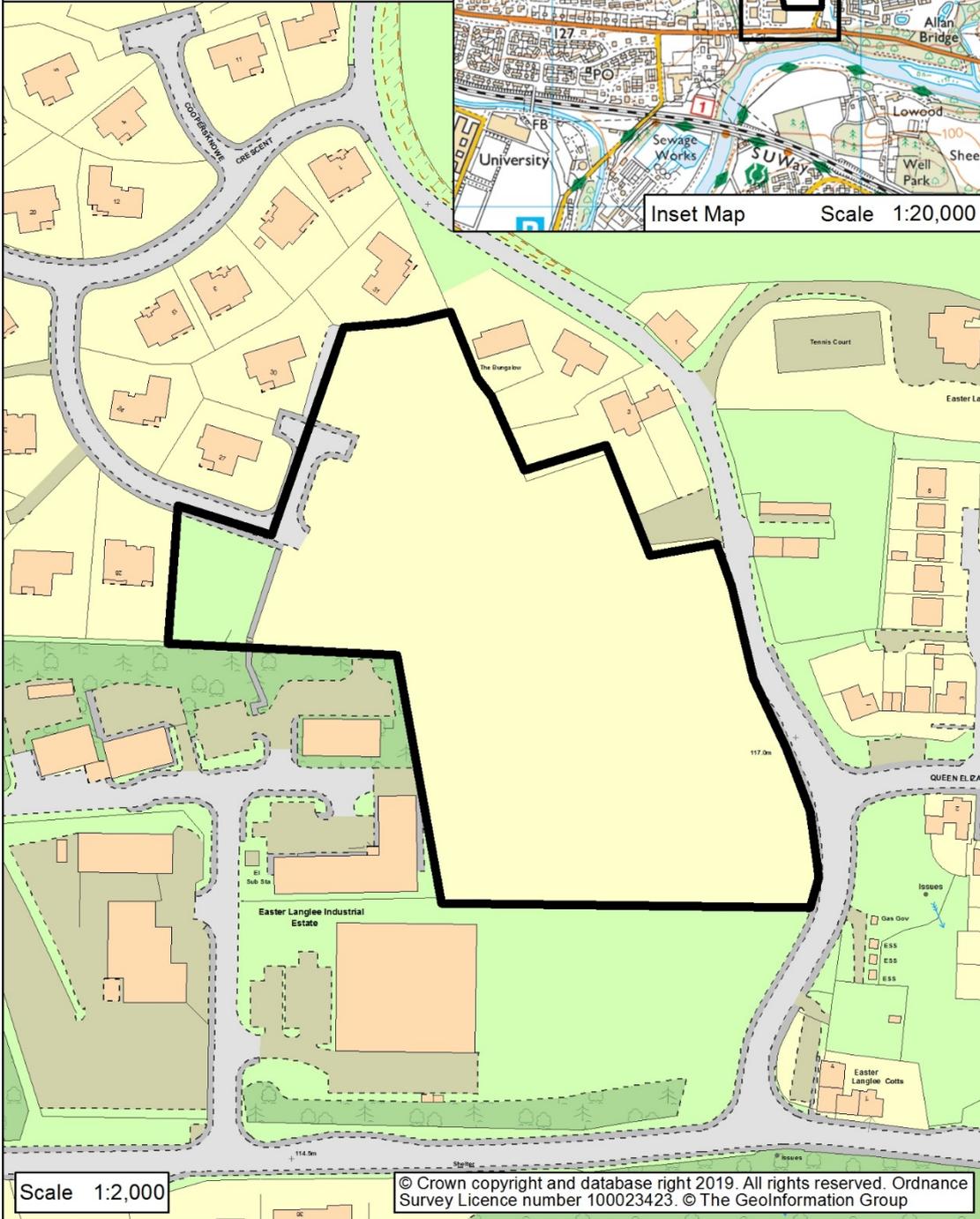
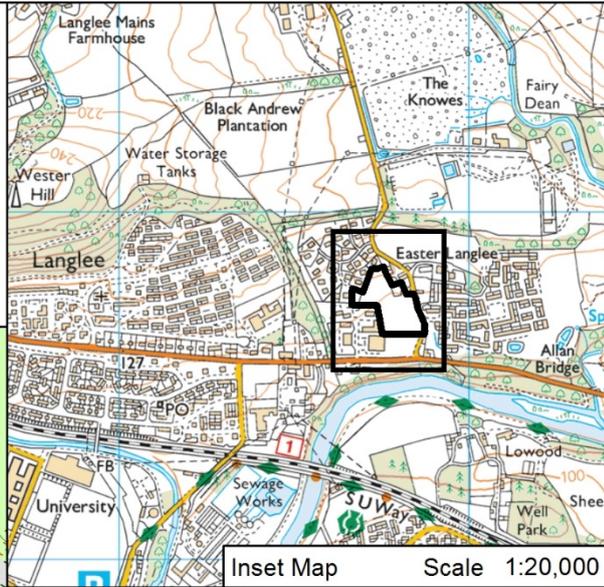
Author(s)

Name	Designation
Craig Miller	Principal Planning Officer



18/01417/FUL

Coopersknowe Phase 4 And 5
Coopersknowe Crescent
Galashiels



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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

4 FEBRUARY 2019

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 18/01086/FUL
OFFICER:	Mr Scott Shearer
WARD:	Tweeddale East
PROPOSAL:	Erection of 2 blocks of residential flats comprising 40 No units of mixed accommodation with communal bike store, bin stances and associated parking and landscaping
SITE:	1 - 39 Tweedbridge Court Peebles
APPLICANT:	Eildon Housing Association Ltd
AGENT:	Camerons Ltd

SITE DESCRIPTION

The application site measure 0.5ha and is located to the south of the River Tweed in Peebles. The site is relatively flat apart from a rise in the ground levels towards the north eastern corner which extends up towards the southern end of Tweed Bridge and the B7062. A stone wall encloses the northern boundary of the site and separates it from the mature tree lined River Tweed walkway. The southern and western boundaries of the site are enclosed by tree cover of a medium scale which separates the site from a mixture of single and two storey residential properties of a suburban design. The site is accessed through the Dukehaugh housing estate however there is also a direct access to the B7062 to the north east but this is restricted by bollards. The site provides direct access to the riverside path to the north and Tweed Green to the east.

The site is located on the edge of the Peebles Conservation Area. The River Tweed Special Area of Conservation (SAC) and the River Tweed Special Area of Scientific Interest (SSSI) is located to the north of the site.

Historically, the site formed part of the former Caledonian Railway station and goods yard until the 1960s when the railway was closed and dismantled. The site was part the residential redevelopment of Dukehaugh. Prior to its closure in 2014 and demolition in 2018, the site was occupied by a Margret Blackwood flatted development with associated bungalows.

PROPOSED DEVELOPMENT

Planning permission is sought for the erection of a 40 unit flatted development with the number of units split equally over two blocks. The two flatted blocks are located within the northern half of the site. The buildings have been re-designed through the course of this application with changes provided to the roof form and elevational treatment. The majority of the accommodation is set within 3½ storey pitched roof blocks which are linked by a central flat roof, the outer wings of are 2½ storey structures. Flat roofed wall head dormer projections assist with the provision of

accommodation within the upper floors. The north and south elevations of the buildings are punctuated with full length windows and Juliet balconies. Balcony areas are also provided on elevations which are set back from the outer edge of the building. The two blocks are handed versions of each other.

Two bin stores are provided, one to the south of each block. These buildings are of a flat roofed design. A lean-to cycle store is also proposed along the southern boundary of the site.

The buildings are to be finished with a dark stone base course and a mixture of grey and white rendered walls. The roofs are to be finished with dark grey standing seam metal finishes. All windows and doors are provided within mid grey aluminium-clad timber framed openings.

Vehicle access will remain to be provided via Dukehaugh. The existing pedestrian links to the east are retained and a ramped access is provided to the riverside walkway.

PLANNING HISTORY

17/01529/HON - Demolition of flats and 2 No dwellinghouses. Approved 04/12/2017.

REPRESENTATION SUMMARY

133 letters of objection were received in response to the original proposals (dated 17th Aug 2018). Of the 133 comments, some multiple objections were submitted from the same household. All objection comments are available in full on *Public Access*. A summary of the objection comments are provided under the headings below;

PLANNING POLICY

- Contrary to a range of Local Development Plan policies, including; PMD2, PMD3, PMD5, HD3, EP7, EP9, IS5

SCALE

- The scale of the proposals, in particular their four storey height as well as the mass and proportions are significantly out of keeping with the scale of surrounding buildings and the character of the area.
- The fire tower is a narrow structure does so its scale does not justify the scale and the height of two flatted blocks
- Proposals cannot be satisfactorily accommodated within its site and represent overdevelopment
- The scale of the development will visually dominate the surrounding environment

DESIGN

- This is a sensitive site. The design of the proposal is poor which does not relate to the architectural character of the surrounding area which includes the Conservation Area
- Inappropriate material finishes
- Appearance of proposals are out of keeping with the sense of place of Peebles
- This is a prominent site and the development will detrimentally dominate views from the surrounding area, detracting from the river setting and Tweed Bridge and the Conservation Area

- Flats are not in keeping with the surrounding area where properties in Dukehaugh are houses
- Fails to protect the setting of listed building, including Tweed Bridge, the parish Church and other neighbouring listed building.
- Alteration/demolition of wall
- Location of bike shed is in appropriate
- Failure to provide adequate boundary treatments to help the proposal integrate with its surroundings
- The trees along the riverbank will not screen the buildings
- A development should be designed so that it doesn't require screening
- Occupants of the development are not provided with any garden space

AMENITY

- Detrimental to residential amenity
- Loss of light
- Loss of sunlight
- Overlooking
- Privacy of neighbouring properties, particularly to the west and south is adversely affected by windows and balconies
- Window-to-window overlooking between the flats and the houses to the west, will not comply with planning guidance. Use of obscure glazing will not protect amenity of neighbouring when these windows are open.
- Loss of view

TRAFFIC AND ACCESS

- Increased traffic which the affected road network, particularly Tweed Bridge, Caledonian Road and Dukehaugh cannot support.
- Caledonian Road is saturated with parked cars and cannot safely cater for any further traffic.
- Road safety
- Junction of Caledonian Road/Dukehaugh has poor visibility
- No sufficient parking
- A Transport Assessment is required to properly assess road safety issues
- Development has removed an existing wheelchair access to the river bank

OTHER

- Local services including doctors surgeries and schools do not have the capacity to accommodate increased population
- Missed opportunity for the regeneration of an important site
- Adverse impact on Peebles as a tourist attraction which will adversely impact the local economy
- Value of property
- Air pollution
- Inadequate drainage
- Flood plain risk
- Over provision of facility in area
- Local infrastructure cannot support any further housing development on the south side of Peebles
- Tree/landscape affected
- Tree survey is out of date
- Failure to undertake an appropriate level of community engagement
- Flood risk assessment has not been undertaken in consideration of the finalised plans

- An Environmental Impact Assessment should be provided.
- A Development Brief should be prepared for this site

Following the receipt of amended plans on the 17th of December a notice was placed in the local press advertising that amended plans have been received, this expires on the 1st Feb. At the time of writing 22 objections have been received. All comments will be available on *Public Access*. Objections raised in response to the revised proposals are summarised as follows;

- Amendments have not addressed grounds of third party objections
- Height of the buildings has not changed and remains unacceptable
- Despite the revised roof design, the proposals are still out of scale and proportion to surrounding buildings and will completely dominate the surrounding area
- The design still fails to integrate with the built context of the surrounding area.
- There is ample footprint in the site to provide the required volume of accommodation and reduce the height of the buildings
- Residential Amenity issues have not been addressed
- Access Issue have not been addressed
- Applicants submission fails to justify the proposals against planning policies
- Applicants have no control over the trees on along the riverbank which are being used to justify the screening of the proposals
- A Transport Assessment should be provided as the development is in excess of 25 units
- Standing seam roofs do not relate to roof cladding of any local domestic buildings.
- River Tweed SAC and SSSI impact has not been addressed
- Peebles conservation area should be prevented from this insensitive new development
- Bin stores will attract nuisances
- Still conflicts with LDP planning policy provision

APPLICANTS' SUPPORTING INFORMATION

The application is supported by the following documents;

- Design Statement
- Visual Impact Analysis
- Drainage Strategy
- Ecological Appraisals
- Flood Risk Assessment
- Tree Survey and Arboricultural Constraints Report

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Archaeology Officer: No known archaeological implications.

Ecology: 1st Response - The River Tweed which is designated as a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) is directly adjacent to the site. Further information regarding the potential ecological implications of this new development are required to assess potential impacts from development and to

inform plans for any required mitigation. Previous ecological reports are inadequate to provide this level of information.

2nd Response – 21st January 2019. The submitted report focuses on protected species and not the impact of the development on the SAC and SSSI and it is not viewed to ecological reporting standards or the Councils Technical advice notes.

The surveys have found that there is no evidence of bats. Evidence of signs of Otters were recorded on the river bank but not evidence of any resting places were found within 200m upstream or downstream of the development. Other than otter impact the assessment has not considered the impact on the qualifying interest of the River Tweed SAC. This further detail should be sought, however if this application is to be approved the following planning conditions are required;

- A species protection plan (for otter and birds)
- A Construction Environmental Management Plan to mitigate any impacts on the River Tweed SAC/SSSI including measures to control sediment and pollution run-off.

Director of Education and Lifelong Learning: The site is within the catchment areas of Kingsland Primary School and Peebles High School and Halyrude Primary School. No contributions are sought as this is a development for affordable housing and it has been confirmed that all schools have sufficient capacity to accommodate this development.

Environmental Health (Contaminated Land Officer): The site was formally railway land. This historic land use is potentially contaminative. The developer should carry out further investigations of the sites ground conditions and any subsequent remediation strategies (if required) to ensure that potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed. Recommend that this investigation can be agreed as a condition of any planning consent.

Flood Risk and Coastal Management: The site is located in an area which is at risk of a flood event with a return period of 1 in 200 years which is a 0.5% annual risk of flooding which is confirmed by SEPAs flood mapping and hydraulic modelling which was produced in the Peebles Flood Study Report.

The previous buildings which occupied the site were at risk of flooding. The proposed Finished Floor Levels of this development are to be set between 162.10mAOD and 162.42mAOD which the Flood Risk Assessment confirms is above the 1 in 200 year flood level with a 300mm allowance for free board. The building area is reduced from 2000m² to 1200m² which will increase the amount of functional flood plain storage and no land raising is proposed.

Ideally all of the development would be located outwith the 1 in 200 year functional flood plain and the development would be better situated to another location. This is a brownfield site. Although the site may be surrounded by water during a 1 in 200 year flood event, water is not anticipated to enter the buildings because the FFLs are not at risk of flooding and this development increases the storage capacity for the flood waters. No objection is raised on ground of flood risk provided that the following criteria are met;

- Finished Floor Levels are set to at least 162.10mAOD (Eastern side – Block 2) and 162.45mAOD (Western side – Block 1)

- No land raising out with the current plans
- Suitable access and egress is maintained, as outlined within the Flood Risk Assessment
- The applicant receives flood warning from SEPA and adopts water resilient materials and construction methods as appropriate in the development as advised in PAN 69

Heritage and Design: No objection. Identify that the main considerations are the impact of the development on the adjacent conservation area and the suitability of the design of the proposals, in particular its massing, height, materials and colour. Acknowledge that this is a sensitive site which is viewed from a number of key viewpoints including the north bank of the River Tweed and from Tweed Bridge. It is recommended that the proposals are best represented by the 3D modelling which gives a better perspective of the mass of the proposals. Against the Placemaking and Design SPG, the proposals have been considered on three levels; the wider area local area and details of the proposals itself.

The revised proposals address the concerns previously raised by the H&D Officer. Significant changes have been made to the scheme to develop a more “traditional” solution which has broken down the mass of the overall mass of the building into smaller elements which reflects the character of buildings on the High Street with a mixture of heights and stepping in and out of the plan form.

The ridge height has been reduced slightly but its visual impact is more significantly reduced by the use of pitched roof incorporating dormers. The new buildings are not easily read against the skyline as they will be viewed against the wooded bank above Caledonian Road from either the riverside or bridge.

A range of materials and colours are used in the surrounding area. The use of different external materials and colours also break up the proposals mass. The proposed scheme takes account of these colours and hues and uses them in a careful manner to provide variety and interest in the elevations. The use of a uniform dark materials for the roofs reflects the local traditions. Care has been taken to vary the use of these external material between the two blocks. The impact of the details of the building are less important however the use of modern fenestration are suitable. The development is judged to have created a clear sense of place with a clear linkage to the riverside walk.

This is a significant development for a sensitive site in the heart of Peebles. There is still some scope for a more contemporary design approach however the more traditional solution which has been adopted strikes a careful balance between pastiche and a more radical scheme. On balance the development is acceptable for this location subject to agreement of material samples by condition.

Housing Strategy: No objection. The site is a longstanding regeneration project which is being progressed by Eildon as a priority 100% affordable housing project which has been included in the Council’s current Strategic Housing Investment Plan (SHIP) 2018/23. The development which will contribute towards meeting the Scottish Governments affordable housing target of 50,000 new affordable homes. Advise that the Scottish Government have programmed grant provision to assist Eildon Housing Association with the delivery of the development.

Roads Planning Service: 1st Response - A Transport Assessment is not required to support this application because this is a brownfield site which is located very close to the town centre and all the available sustainable transport opportunities.

The development of sites to the south of the River Tweed raises issues about the capacity of the Tweed Bridge, the reliance on a single point of crossing and impacts on traffic flows and the amenity of the High Street. The Council are generally unsupportive of the development sites which are not allocated within the LDP without a second bridge crossing. The redevelopment of this site and its associated trip generation is not considered to exceed the capacity of Tweed Bridge based on traffic figures obtained by the Council in 2016. The site has good links to the town centre and sustainable transport options and it is located within walking distance to local schools.

The site is accessed through Dukehaugh which adjoins Caledonia Road about a third of the way along on approach from the east. Objectors have raised concerns about traffic problems on Caledonian Road. There are a number of cars parked on Caledonian Road as a result of some properties not benefiting from off road parking but given its linear nature it could be argued that these cars act as a traffic calming measure. There are parking restrictions along this road in between the areas where cars are often parked which allow this road to function. Dukehaugh is a residential road where the majority of properties have off street parking and its geometry does not encourage high speeds. The roads affected by this development are recommended to have the capacity to safely accommodate the traffic this proposal will generate.

The proposed site layout is not opposed and its design maintains pedestrian links through the site and connects the development to the wider path network. Parking provision is very marginally below the recommended level for communal levels. The proximity of the site to the town centre and availability of public transport means the reliance on car use is reduced, therefore the parking provision is acceptable. Similarly the location of the development concludes that sufficient cycle storage is provided also.

No objection is raised provide a pre-construction condition survey of the route from Tweed Bridge to the site is undertaken with regular inspections during the construction period and a post construction condition survey. Any remedial works required on the public road network as a result of the construction works must be carried out within an agreed timescale. Any emergency works will be required to be undertaken immediately.

2nd Response 15th January 2019 – No roads concerns are raised by the proposed amendments and the recommendations provided in the original response remain valid. Some additional comments are provided in response to third party objections which are concerned the development will increase traffic movements which Caledonian Road does not have the capacity to accommodate.

A Transport Assessment (TA) has been submitted for a neighbouring proposed residential development at South Parks. Using the data provided within this TA, the RPS advise that Caledonian Road has ample capacity to accommodate the vehicle movement of both development. Any further on-street parking may reduce the operative capacity of Caledonian Road however this can be controlled by the Council.

Statutory Consultees

Community Council: 1st Response - 7th September 2018 Object. The need for more affordable units is accepted and the principle of developing this site for that purpose is supported however the following concerns are raised;

- The site is directly adjacent to the conservation area. These areas were designated to preserve heritage. The buildings which replaced the former Caledonian Station which stood on this site were of limited architectural interest. The site is located within a historic part of the town surrounded by prominent stone buildings include elegant villas on Caledonia Road, the Tweed Bridge and Parish Church and neighbouring buildings. The modern swimming pool is located on the opposite site of the River Tweed but its low profile maintains views of the historic build setting of the town. The introduction of a four storey building would detract from views of the conservation area and the character of this part of the town.
- The scale, proportions, materials, boundary treatment, handling of open space and vistas of the proposed development are extremely insensitive and fails to preserve or enhance the special architectural or historic character and appearance of the conservation area at a location which is adjacent to the conservation area.
- There are no buildings within this part of Peebles which resembles the proposal. The development is incompatible with the scale, massing, height and density of the surrounding area and overwhelms surrounding buildings. The proposals fails to create a sense of place based on an understanding of the context of the site and designed in sympathy with vernacular architecture. The proposal therefore fails identified criteria of Policy PMD2.
- The development will increase traffic and the proposal has failed to consider the implications of increasing traffic on Dukehaugh and the presently congested Caledonian Road. The development will impact of the road safety, particularly at the junction between these roads.
- While this is an infill development of a brownfield site, the proposal fails to comply with Policy PMD5 as it does not respect the character and amenity of the surrounding area.
- The development will detract from residential amenity by impacting of privacy and noise.
- The adverse visual impact of the development will detract from the attraction of Peebles as a tourist destination which provides economic benefit and jobs to the area.
- No provision of play space or any drying areas are provided.

2nd Response 19th December 2018. Maintain objection on following grounds;

- The revised proposals have failed address most of the concerns raised by objections. The proposals have only been slightly reduced in height and while the reshaped roofline is more acceptable the height, mass and overall scale of the proposals are still unacceptable.
- The proposals remains to have a deleterious impact on the surrounding conservation area.
- Tweed Bridge is iconic and the most famous building structure in Peebles. Siting this development next to this listed building is described as cultural vandalism.
- The proposals do not enhance the character of the conservation area, only detract from it.
- Relating the scale of the proposal to the fire station tower, misjudges the proposals. The development remains out of keeping with the scale of two

storey dwellings and bungalows which surround. The proposal still fails to relate to the context of the site and its significances within the wider townscape.

- All surrounding structures have slate or tile roofs. Metal roofs are more suited to an industrial complex and not a housing development on the edge of a conservation area within a scenic town.
- Fixing west facing windows shut will not address neighbouring amenity.
- Overlooking from balconies will adversely impact on neighbouring properties.
- There is still no provision of any play space or drying areas within the development.
- Residents of the previous building which occupied this site had a low vehicle usage. This development will result in a significant increase on traffic flows in comparison with the former development and this is confirmed by the provision of 59 parking spaces as part of this proposal.
- Cognisance needs to be taken of the traffic impacts on Caledonian Road resulting from this and the proposed development at South Parks. An independent traffic survey should be provided.
- The amended proposals still conflict with LDP policy provision which includes Policies, EP9, PMD2 and HD3 concluding that the development of a four storey block of flats is the wrong development for this important site.

Scottish Environmental Protection Society (SEPA): No objection on flood risk grounds as there will be no increase in total building footprint and no further land-raising within the functional floodplain. Due to some uncertainties with the modelling within the FRA the Council should be satisfied that 300mm is a sufficient freeboard allowance for the FFLs. An allowance of 600mm rather than 300mm may be more appropriate.

Acknowledged that this is a brownfield site and while no objection has been raised because the site is at potential flood risk from multiple sources including the River Tweed, Edderston Burn surface water ponding and groundwater, it is strongly urged that a more suitable site for this type of development is found. This would reduce impact on flooding of residents, the local community and burden placed on emergency services and the council. The demolition of the existing residential development could be seen as an opportunity to reduce the vulnerability of this area through recreational or water compatible land-use. If the development is approved it is recommended that a 600mm freeboard is provided, that there is safe access and egress from the development away from the River Tweed and the application receives flood warning from SEPA.

Advice is provided to the applicant that any engineering works within the vicinity of the river may require a Controlled Activities Regulations (CAR) construction site licence.

Other Consultees

None.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016:

Site Reference: RPEEB003: Tweedbridge Court

Policies;

PMD1: Sustainability
PMD2: Quality Standards
PMD3: Land Use Allocations
HD1: Affordable and Special Needs Housing
HD3: Protection of Residential Amenity
EP1: International Nature Conservation Sites and Protected Species
EP2: National Nature Conservation Sites and Protected Species
EP3: Local Biodiversity
EP7: Listed Buildings
EP8: Archaeology
EP9: Conservation Areas
EP13: Trees, Woodlands and Hedgerows
EP15: Development Affecting the Water Environment
IS2: Developer Contributions
IS5: Protection of Access Routes
IS6: Road Adoption Standards
IS7: Parking Provision and Standards
IS8: Flooding
IS9: Waste Water Treatment and Sustainable Urban Drainage
IS13: Contaminated Land

OTHER PLANNING CONSIDERATIONS:

Supplementary Guidance

- Housing (2017)
- Affordable Housing (2015)
- Waste Management (2015)
- Development Contributions (2011) updated January 2018
- Trees and Development (2008)
- Placemaking and Design (2010)
- Privacy and Sunlight Guide (2006)
- Biodiversity (2005)
- Contaminated Land Inspection Strategy (2001)

Strategic Housing Investment Plan (SHIP) 2018 – 2023

Scottish Natural Heritage - River Tweed Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) 2017

KEY PLANNING ISSUES:

The principal planning issues with this application can be summarised as follows:

- Whether the proposals would represent a suitable development on an allocated redevelopment opportunity within the Peebles settlement boundary;

- Whether the siting, scale and design of the proposals represent a suitable form of development in this location;
- Whether the development would respect the character and appearance of the adjacent conservation area and the setting of neighbouring listed buildings;
- Whether the proposal would harm the residential amenity of neighbouring dwellings or conflict with the established land use of the area;
- Whether the proposals are acceptable in terms of parking, access and impacts on road safety;
- Whether the development is free from flood risk;
- Whether adequate drainage and servicing can be achieved.

ASSESSMENT OF APPLICATION:

Principle

The site is allocated in the Local Development Plan 2016 (LDP) for redevelopment under site reference RPEEB003. This application requires to be assessed principally against Policy PMD3 Land Use Allocations of the LDP. This policy supports in principle proposals which seek to develop allocated sites in accordance with their intended land uses. No planning brief has been undertaken for this site.

The LDP seeks for the site to be redeveloped for residential purposes with the site having an indicative capacity for 50 units. The proposed land use complies with the allocated land use for this site and the number of units proposed within this development falls within the sites indicative capacity. It is important to note that the site was formally used for residential purposes and it also provided accommodation across the same number of units which is being proposed within this application. This is a material consideration that further establishes the principle and the capacity of the proposed development in land use planning terms.

The proposed redevelopment of this site with a residential development containing 40 units represents a land use which is supported by Policy PMD3. The acceptability of the form of development proposed, is assessed further in this report.

Some comments of objection have identified Policy PMD5 as being applicable. While policy PMD5 does cover infill development which is proposed to take place within development boundaries it considers the proposed development of non-allocated, infill or wind fall sites. Because this site has been allocated as part of the LDP process it falls to be considered against relevant policy provision on land use allocations and therefore consideration against Policy PMD5 is not appropriate.

Tenure

The proposed development would comprise 100% affordable housing and the Councils Housing Strategy Officer has confirmed that the site has been identified as a priority affordable housing project, confirmed by its inclusion in the Council's Strategic Housing Investment Plan 2018/23. The site is being developed by Eildon Housing Association who are a registered social landlord who will manage the development once it has been completed as part of their housing stock.

If Members are minded to approve this application, it is advised that a planning condition to control the occupancy of the development for affordable housing tenures only (which comply with the Councils definition of affordable housing listed in the SPG) is required. This control will ensure that the development is delivered in

accordance with its proposed tenure, avoiding the accommodation being available on the open market and being liable for developer contributions which affordable housing proposals are currently exempt.

Placemaking and Design

Policy PMD2 of the LDP strives to ensure that all new development is of a high quality and respects the environment it is contained within. Members are referred to the Site Description where it is confirmed that the site is located outside of the conservation area. Despite this, Policy EP9 of the LDP requires proposals on sites such as this which are adjacent to designated areas to be designed in a manner which preserves their character and appearance.

To understand the merits of the design and scale of the proposed development, it is important to first establish the context of the setting in which the proposals are being located.

Site Context

The site is located within the Dukehaugh development which is characterised by suburban architectural forms. The Margret Blackwood building which previously occupied the site was of a relatively modern design incorporating a mix of flat and mono pitched roof elements. This building was of little architectural merit and it was finished in modern tile and render materials, similar to those of the surrounding dwellings. The site sits down below the level of Tweed Bridge when approaching from the north. The valley landform to the south of the site rises and is populated by buildings and vegetation which provided wider containment for development along the river side.

Apart from the swimming pool which is directly opposite this site on the northern side of the River Tweed, a traditional form of architecture is found. This is characterised by; the A listed Tweed Bridge, Victorian and Edwardian villas on Caledonian Road, the striking old parish church and the densely developed two and three storey buildings to the rear of the High Street. The traditional buildings are generally finished in stone under slate roofs.

This is a sensitive site which can be viewed from a number of key viewpoints, in particular the north bank of the Tweed and from Tweed Bridge.

Original Proposal

The design of the original proposal were unashamedly contemporary and its form was quite different to surrounding styles. Following a vast volume of third party and Community Council objections, concerns were raised that the design and scale of the development failed to integrate with its surroundings, especially when viewing from key viewpoints. Following several meetings with the developers and their agent, where a number of design options were discussed, a revised proposal was submitted on the 17th December 2018 and it is the merits of this proposal which is considered below.

Amended Proposal – Siting and Design

The amended proposals have sought to address concerns about the scale and design of the development by introducing pitched roofs instead of the previously submitted inverted mono-pitched roof. Wall head dormers are proposed to enable the

provision of accommodation within the roof and revised material finishes are detailed. This amended proposal has still received objections including from the Community Council, however in comparison to the original submission the number of objections received is considerably less.

The proposals are sited so that the flatted buildings address its river frontage. Similar to the main Margret Blackwood building, the proposal remains positioned away from the listed Tweed Bridge and its siting maintains existing vehicular and pedestrian access connections to the site while seeking to minimise the impact of the development on the amenity of neighbouring properties.

The introduction of a pitched roof has introduced a more traditional form to the proposal. The architectural analysis has identified a mixture of architectural styles within Peebles, however the element which brings the various forms together is that buildings are set under some form of a pitched roof. The previous building which occupied this site was set under a lean-to and flat roofs so arguably these more contemporary roof forms failed to integrate with the predominate roof shapes in Peebles. The revised pitched roof design of this proposal now relates to this architectural element of the surrounding area in a manner which the previous building and original proposals did not.

Considering other design elements, dormers are a feature within the town, especially along the High Street where an array of different dormer designs are found. The use of flat roof wall head dormers add a contemporary element to the local feature. Similarly the fenestration proportions are also modern however this is not at odds with the surrounding Dukehaugh area. The introduction of balconies and Juliet balconies are features you would expect to find on a building with views towards the river. One criticism of the revised proposals is the proposed number of Juliet balconies on the elevations facing the river. An improved elevation could be achieved by reducing the number of balconies (possibly above the entrance feature) on the north elevation. This can be covered by condition.

Finishing the base course with dark coloured stone helps to link the building to riverside walling and Tweed Bridge itself. The two wall render colours are colours which are found on buildings within the surrounding area. Their application help to break-up the perceived mass of the proposals. There has been some apprehension over the use of a standing seam metal roof. This site is not within the conservation so similar to the roof finishes of other buildings within Dukehaugh (which are concrete tile) a slate should not be a prerequisite for this site. The Placemaking and Design SPG does support the use of metal roof finishes with this proposal in principle reflecting the colouring and ridged profile of roof finishes locally. If Members were minded to approve this application, agreement of samples of materials and a revised elevation to reduce the number of Juliet Balconies can be agreed by planning conditions.

Visual Impact

Unquestionably the visual impact of this proposed development and in particular its scale and mass are the most challenging aspects of this application.

The proposals achieve a reduction in footprint in comparison to the Margret Blackwood building, however the height and overall mass of the proposals represent an increase in the overall scale of development. In terms of the change of height it is important to note that the FFLs of this proposal have been raised 1.6m above the ground level to address current flood risk requirements. The previous building was

well below this FFL and while these proposals would still be taller, the change would not be as serve if these proposals were able to be set at the same level as the Margret Blackwood building.

When considering the impact of the scale and mass of the proposals it is useful to view the 3D visualisations which unlike the 2D plans give a perspective of depth. The reduction to the overall height of revised proposal in comparison to the original proposals is negligible. The introduction of a pitched roof has brought down the eaves height some 1.5m which reduces the perceived height of the north and south facing walls of the proposal. While accommodation is still provided on four levels, because the upper floor accommodation is firmly within the roof, the tallest part of the building appears as a 3½ storey instead of 4 storey.

The revised roof form has helped to reduce the mass of the development as it has broken down the buildings to more traditionally proportioned blocks which are joined to one another, instead of being set under a large central roof expanse. The 3D modelling demonstrates how the elevations of the buildings step in and out which aided by the wall material treatment, help to reduce the mass of the buildings. This change has created a more organic building appearance which reflects the mixture of heights, stepping and gable elements which are apparent within the conservation area along the back of the High Street where large, adjoining buildings are broken up in this manner. When comparing visualisations of the original proposal with those of the revised proposal, the change in the roof form and wall finishes now respect built forms within the adjoining conservation area without going so far as being pastiche. Significantly, this change reduces the apparent scale and mass of the proposals so that the buildings do not appear as dominating especially when viewing from the northern river bank and Tweed Bridge.

The height of the buildings is kept below the tips of the mature trees which align the river bank. When the trees are in leaf, the buildings will be somewhat screened and when they are not the development will be exposed however because the proposals are below the tips of these trees so a degree of containment is still provided. When travelling south on Tweed Bridge, the wider context of the development is still apparent. The valley land form rises and is populated by a stepping of roof heights on Caledonian Road with rising tree cover culminating with Dilkusha House on Chambers Terrace occupying an elevated position towards the top of this tree cover. The scale of these proposals will largely dominate the foreground views however it will remain contained by the wider townscape towards the south.

When viewing the site from Tweed Bridge the maximum height of the proposal will be comparable to the height of the fire tower, however it is accepted that the mass of the proposal is a significantly larger structure than the tower. The smaller outer wing which will be in the foreground will help reduce its visual impact along with recesses on the buildings form. Finally, on approaching Tweed Bridge from the opposite direction the upper areas of the building will be visible. The road level at this point wynds up towards the Tweed Bridge so the full scale of the proposals will not be apparent. Once the Old Parish Church comes becomes visible, the scale of the church will remain the dominate view.

The development will impact visually on the River Tweed walkway, however this will be most apparent on the northern side of the river. The full scale of the proposals will be visible, especially during the winter months however improvements which have been made to the design of the proposals reduce the scale of the development from this viewpoint.

It is acknowledged that the proposed development will have an impact on the conservation area. However it is important to note that the planning authority has previously supported relatively large scale flatted developments on the edge of the conservation area at Station Bank and Dovecot Road. Nevertheless it is accepted that this is a more sensitive location. The removal of the upper floors of this development would provide a development which is more in keeping with the scale of immediately neighbouring buildings, however this would not provide a sufficient volume of accommodation required to render the development viable. The applicants have made significant changes to the proposals to attempt to address the concerns raised by third parties and the planning authority while delivering a proposal which will meet local affordable housing needs. While the Heritage and Design Officer has acknowledged that there may have been scope for a contemporary design within this site, the introduction of a more traditional form of development has resulted in successfully breaking up the visual mass of the proposals. It is worth noting that the Council's Heritage and Design Officer has not raised any objections on the grounds of adverse impact on the character, appearance or setting of the conservation area or nearby listed buildings.

Within the LDP the Settlement Profile for Peebles notes that there are a wide range of building types, styles and periods which all reflect the history, diversity and development of the town. It is accepted that the proposed development would represent an increase in scale when compared to neighbouring housing however the revised design allows the proposal to integrate more successfully with the character of the surrounding area, including the character and appearance of the conservation area. Importantly the proposed changes reduce the visual mass and scale of the proposals so that they are more appropriate to the surrounding townscape. It is considered that, on balance, the amended proposals represent a form and scale of development which can be accommodated in this location without conflicting with Placemaking and Design Guidance principles and will not detract from the special architectural or historic character of the Peebles conservation area or the setting of listed buildings.

Ancillary Buildings

The siting of the bin stores and cycle sheds do not raise any significant issues. The design of these buildings relate to the character of the proposed residential blocks. Their minimal scale ensures that they do not have an adverse impact within the surrounding area. A condition covering material finishes will apply for these structures also.

Residential Amenity

Policy HD3 of the Local Development Plan seeks to avoid development which has an adverse impact on the amenity of existing residential areas. The Council has adopted supplementary planning guidance on Householder Development which sets out standards for privacy and amenity. The applicants have submitted privacy and sunlight analysis which aids this assessment.

Privacy and Overlooking

The southern boundary of the site is aligned by trees of a medium scale. These trees are to be retained. Despite the proposed buildings being taller than the Margaret Blackwood building, they would be positioned further away from neighbouring properties. Windows from principle rooms and balconies are located along the south facing elevation of the proposals however, the proposals are far enough away so that these

openings will comply with approved privacy and overlooking guidelines. Additionally, the retention of the trees along this boundary as well as existing boundary fencing will ensure an acceptable level of screening is achieved.

The properties to the west and in particular No 30 Dukehaugh are likely to be affected by way of privacy and overlooking. There appears to be a gap in the boundary where no screening is currently provided and where there would be direct views of the neighbouring dwelling. This can be addressed by installing a screen to the western edge of the balconies, installing opaque glazing on the west facing windows and adding additional planting along the open section of this boundary. The use of opaque glazing removes the impact of overlooking when the windows are closed however third party objections are concerned that when the windows are open, visual intrusion would occur. The applicants have confirmed that they would not oppose the application of a planning condition which would require this windows to be fixed shut.

Access to Light and Sunlight

Sunlight analysis has been carried out. This has confirmed that there is only a marginal impact on part of the garden ground of No 30. This impact is not significant. No adverse impacts are caused by way of access to light.

Outlook

The outlook from properties to the south is already compromised by existing boundary planting. The proposed building will be visible through the planting it should be noted that views towards the north were previously blocked by the Margret Blackwood building which was much closer to these neighbours than this proposal.

The eastward view of No 30 is affected. The closest part of the proposal to No 30 is a 2½ storey wing which is more comparable in size to the Margret Blackwood building which would have affected the outlook previously. Importantly, the proposal does not affect the southward view of the River Tweed of this neighbouring property. The development is not judged to affect the outlook of No 31. Members will be aware that existing dwellings are not entitled to a view. This is not a material consideration.

Construction Activity

Construction works associated with the development of a large residential development such as this will likely cause some local disruption. Because the site bounds existing residential properties it is important to ensure that construction activities are appropriately controlled to ensure the operations do not detract from the residential amenity of the neighbouring properties. A Construction Method Statement (CMS) can ensure that the site is being developed in a controlled and suitable manner.

Residential Amenity Conclusion

The development of a building of this scale which is bound on two sides by bungalows and two storey dwellings will almost always impact on the amenity of existing properties. The impact of the development in terms of overlooking, loss of privacy and sunlight is recommended to comply with Council guidance on residential amenity, subject to the imposition of a condition covering the glazing and fixing of west facing windows on Block 1. Impacts from construction activities can be

adequately controlled by condition so that the amenity effects of the construction process is minimised.

Access and parking

The proposals utilise the sites existing access through Dukehaugh and on to Caledonian Road. A number of objections raised concerns that the existing road network, primarily Caledonian Road, does not have the capacity to safely accommodate the traffic generated by these proposals.

It is fair to consider that these proposals will likely generate more traffic than those associated with the former Margret Blackwood unit. There has been a criticism that these proposals should have required a submission of a Transport Assessment (TA). The Roads Planning Service is satisfied that because this is a brownfield site and the site is located close to the town centre where there is an availability of sustainable transport opportunities which will reduce the reliance on vehicle movements generated by this development, that a TA is not required to inform this development. Members will be aware that the capacity of the surrounding road network would have been taken into consideration during the LDP process and before the site was allocated as a redevelopment opportunity.

The third party concerns about Caledonian Road stem from its volume of on-street parking which can restrict vehicle movements. While parked cars restrict vehicle movements on this road, the RPS has advised that this helps to slow traffic. Within an updated response from the RPS, reference has been made to a TA which has been submitted for a neighbouring proposed residential development at South Parks, ref; 18/01026/FUL. Members will be aware that each planning application must be assessed on its own merits however the findings of this survey, which is the most recent survey of the road network affected by this development provides evidence that Caledonian Road has sufficient capacity to accommodate the vehicle movements of both proposed developments. The RPS are satisfied that the proposed development can be safely accommodated within the existing road network without the need for any further improvements. In the event that there are any further on street parking issues which reduce the operational capacity of Caledonian Road that can be controlled separately by the Councils Roads Services.

The RPS has identified that the route from Tweed Bridge to the site could possibly be damaged by construction traffic. This can however be mitigated through an appropriately worded planning condition which required a pre-construction survey of the route and the need for monthly inspections to be made. Should any damage be caused by construction traffic arising from this development, remedial work will be required by the developers.

The layout of the proposals do not raise any roads concerns and the design maintains pedestrian links through the site. The road within the site may be adopted by the Council therefore it should be constructed to an adoptable standard.

Parking is provided via a communal parking court to the south of the two flatted blocks with cycle parking provided in a standalone bike store. The number of vehicle and bike parking spaces provided is below the recommended number required for this type of development. However, as the location of the proposed development is close to the town centre it is anticipated this will reduce the reliance on cars. A small reduction in the number of parking spaces proposed is not considered to pose any parking issues within the site or surrounding road network.

Trees and Landscape

The site is not located within an area of landscape protection. The conservation area boundary to the north of the site ensures that the trees along the river bank are afforded protection, this does not extend to the existing tree cover within the site.

A Tree Survey has been carried out and has included the neighbouring trees along the river bank significantly contribute to the riparian environment. The Site Plan confirms that six trees from within the site are proposed for removal to aid the siting of the development. Each of these trees are defined as Category C trees which are of low value with a limited life expectancy. Their removal is not judged to detract from the character of the area.

The Tree Survey has been used to confirm the Root Protection Area (RPAs) of all other existing trees which are to be retained. The RPAs are identified on the site plan and confirm that the buildings are positioned outside of these areas, confirming that the significant trees along the riverside to the north of the site are not affected. Similarly, the trees which are outside of the conservation area but help to enclose the western and southern boundary of the site are can also be retained. The retention of these trees can be controlled by a planning condition which will seek protective fencing to be erected out with the RPAs for these trees before construction commences.

This proposal is set back further from the northern boundary of the site in comparison to the location of the previous building. This space is being used to provide some landscaping which will help to soften the development, without conflicting with the mature riverside trees of the north elevation of the proposed buildings. Precise details of the proposed soft landscaping can be agreed via an appropriately worded planning condition.

Subject to compliance with conditions covering tree protection and soft landscaping it is recommended that the proposed development does not detract from the landscape character of the site or result in the loss of any mature trees which merit retention. The proposals are judged to satisfy the LDP Site Requirement for site landscape and LDP policy provision which protects woodland resources and deliver appropriate site landscaping.

Ecology

Policies EP1 to EP3 seek to protect sites and species afforded international and national protection from adverse forms of development and also aim to safeguard and enhance local biodiversity.

The application site is not located within the international or nationally protected ecological sites. The River Tweed lies immediately to the north of the site and this is protected as a SAC and SSSI. Site walkover ecological surveys have taken place, however an Ecological Impact Appraisal (EclA) was requested to primarily evaluate the impact of the development on the ecological status of the water course. The subsequent survey has instead focused on the developments impact on protected species and not the SAC or SSSI. The developments impact on these sites of international importance must be considered and in order for the proposals to avoid detrimental impact on these designation the development must not have an adverse impact on the special qualifying interests of these sites. It is therefore important to establish why these sites are designated.

Standing advice from SNH confirms that the special qualifying interests of the River Tweed SAC are due to the presence of; Atlantic salmon, sea lamprey, river lamprey, brook lamprey, otters and freshwater habitats. Special qualifying interests of the River Tweed SSSI are salmon, lamprey and otters and freshwater habitats.

Accounting for the above qualifying interests, the development would only have an adverse impact on these protected sites if there were any detrimental physical impacts. All development works are contained within the application site which is located outside the boundaries of these designated areas on ground which has a long standing history of development. Drainage from the site is not being discharged to the water course and it is instead being disposed of via the existing mains sewage system. The development is not judged to pose any direct impacts on the SAC or SSSI. The only anticipated impacts on the designations could take place during construction activities, particularly due to sediment and pollution run-off. However this can be mitigated via the agreement of a Construction Environmental Management Plan (CEMP) which can be controlled by condition.

It has been identified through assessment that the development could impact on breeding birds and otters which are protected species (with the latter also being protected under the SAC and SSSI). These impacts can however be addressed via the submission of a Species Protection Plan.

The submitted EclA has not provided a repose to all the ecological aspects sought and it has not met standards applied by our Ecologist. Despite this the impact of the proposals on ecological interest have been considered and it is recommended that subject to the imposition of planning conditions covering a CEMP and Species Protection Plan, that the development will not adversely affect the adjacent SAC, SSSI or any other local biodiversity interests.

Flooding

The application site is located within an area which has a 0.5% annual risk of flooding in any one year from the River Tweed. Policy IS8 of the LDP seeks to discourage development taking place in areas which are at risk of flooding unless development is designed to appropriately minimise the potential of flood risk. In accordance with the Site Requirements listed for this allocation in the LDP, a Flood Risk Assessment (FRA) has been undertaken and its findings inform these proposals.

Best practice would be to locate the new development in an area of the site which is out with the risk of flooding. This is not possible as the whole site is within the flood plain along with all other existing development within the Dukehaugh estate. This site is however a brownfield site where residential development previously stood and this land use planning history has established the principle of a residential accommodation being provided within the flood plain. Nevertheless, it is incumbent on this proposal to demonstrate that it can adequately address flood risk.

The FRA has identified that to mitigate the potential for buildings being flooded that the Finished Floor Levels (FFLs) should be set at 162.10mAOD (for the eastern section of the site) and 162.45mAOD (towards the western boundary). When comparing these FFLs to the FFLs of the Margret Blackwood building the plotted FFLs of that building were generally 161.08AOD. This confirms that the Margret Blackwood building was at risk of being flooded. The FFLs of this proposal comply with the findings of the FRA. In a 1 in 200 year flood event this development site would be flooded however unlike the Margret Blackwood building flood waters are not anticipated to enter these buildings. Additionally, the building area of this

proposal is 1200m² in comparison to the former building which extended to 2000m². This development increases the amount of functional flood capacity within the wider area reducing the flood risk at neighbouring properties. No other land rising is proposed within the application site which could affect the flood plain and in the event of a flood. The Councils Flood Risk and Coastal Management Officer (FRO) is satisfied that there is suitable access and egress to nearby areas which are out with the flood plain.

The FFLs include a freeboard allowance of 300mm and while SEPA would have preferred an additional freeboard of 300mm (600mm), they have recommended that this is a matter for the Council to determine. The Councils FRO is satisfied that the incorporation of a 300mm freeboard is sufficient. Despite normally resisting the development of sites within the functional flood plain, neither SEPA nor the Councils FPO have advised against granting planning permission on flood risk grounds. This is as a result of the land use being previously established on the site with this proposal reducing the flood risk of the occupants and improving the storage capacity of the flood plain. When compared against the flood risk implications of the Margret Blackwood accommodation the proposed development is considered to result in a minimised level of flood risk and not conflict with the requirements of Policy IS8. If Members are minded to approve this application, it is recommended that a standard conformity condition is added to ensure the development is completed in accordance with the FFLs prescribed on the submitted plans, planning conditions are added to ensure that no other land rising takes place and access and egress is maintained, and informative notes are attached to direct the developer to the use of flood resilient materials and receive of flood warning from SEPA.

Waste

Policy PMD2 requires that developments provide space for waste storage and that waste collection vehicles can adequately access the site. The development provides two communal bin stores which is normal for a flatted development of this scale.

No response from the Councils waste team has been provided, however the storage units have been designed following consultation with them prior to the submission of this application. Following that consultation the bin stores have the capacity to adequately serve a development of this scale. The appearance of the stores relates to the character of the development. The siting of the stores appears suitable in terms of access for residents and collection by SBC waste and recycling collection vehicles. The waste storage provision proposed within this development is considered to comply with relevant planning policy requirements contained within Policy PMD2 and the Councils SPG on waste management.

Land Contamination

The site was formally railway land. This historic land use is potentially contaminative. Policy IS13 requires that where development may take place on land where contamination is suspected developers must carry out suitable investigation and where necessary agree any remedial or mitigation strategies. As recommended by the Councils Contaminated Land Officer, if Members are minded to approve this application a suspensive condition should be attached to ensure that the site is investigated for contamination and any required mitigation is place agreed before development commences.

Drainage and Water Supply

Policy IS9 of the LDP covers waste water treatment standards and sustainable urban drainage. Because this is a brownfield site there are already existing site drainage connections in place. The existing network provisions are to be utilised with some modification so that foul and surface water can be disposed of via the existing combined sewer which runs across the north western corner of the site. Water Supply is to be provided via the mains supply where there will also be existing connections at this site.

Ultimately the sewer network and water supply is managed by Scottish Water, this development may increase the loading on this infrastructure. These services did previously cater for a 40 unit development at this site and Scottish Water have not objected to these proposals. Nevertheless appropriately worded planning conditions are recommended to be attached to any approval to ensure that suitable drainage and water supply connections are made with confirmation from Scottish Water that they are satisfied with these provisions to ensure that the development will be adequately serviced and not compromise existing users.

Developer Contributions

Policy IS2 of the LDP is relevant and is supported by SBC's approved SPG on development contributions. A residential development in this location would normally trigger financial developer contributions towards Kingsland Primary School and Peebles High School; contributions towards Halyrude Primary School are not currently being pursued. Because the proposed dwellings represent an affordable housing scheme and it is the intention to control this occupation via a suitably worded planning condition, this development is exempt from developer contributions towards Education.

The number of dwelling units proposed requires a contribution towards Play Space. A financial contribution towards off site place facilities is preferred at a rate of £500 per dwelling unit. The developer has agreed to meet this requirement which can be secured through a legal agreement should Members resolve to support this application. Subject to the conclusion of a legal agreement for space contributions, the proposed development will comply with the requirements of Policy IS2.

School Capacity

Objection comments have identified that the local schools (noted above) may not have the capacity to accommodate the additional pupils generated by this development. Members will be aware that the Councils Estates Service monitor the capacity of all local schools. Based on the projected capacities, Estates have confirmed that this development will not cause any capacity issues at any of the affected schools. This response is available to view on Public Access.

CONCLUSION

The proposal represents a significant development within Peebles. The site is allocated within the LDP as a redevelopment opportunity and the proposed land use and volume of accommodation proposed ensures that this site is being redeveloped in accordance with its allocation. This site is sensitive and the suitability of the scale of the development has been challenging. The revised design which has developed a more traditional form of development has reduced the visual scale and mass of the proposals. It is considered that, on balance, that the revised development enables

this site to be redeveloped in a manner that meets local affordable housing demands in a manner which does not cause significant demonstrable harm to the character and appearance of the surrounding area, including the adjacent conservation area and listed buildings. The proposal is considered consistent with the Local Development Plan 2016 and Supplementary Planning Guidance having accounted for other material considerations.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend that the application is approved, subject to conclusion of the required legal agreement covering developer contributions towards play space and subject to the undernoted conditions.

1. The proposed residential units hereby approved shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Consolidated Local Plan 2016 and accompanying supplementary planning guidance 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.
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would attract contributions to infrastructure and services, including local schools.
2. The development hereby approved shall not be carried out otherwise than in complete accordance with the plans and specifications hereby approved by the Planning Authority, unless otherwise agreed in writing by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details
3. Notwithstanding, the details on the approved plans no development shall commence until revised elevations have been submitted to and agreed in writing by the Planning Authority which illustrate a reduction in the number of Juliet balconies on the north facing elevations of both buildings.
Reason: A modified design is required to ensure that the development respects the character and appearance of the surrounding area.
4. No development shall commence until a sample of all materials to be used on all exterior surfaces of the development, including balcony screens hereby approved have been submitted to and approved in writing by the Planning Authority and thereafter no development shall take place otherwise in strict accordance with the approved details.
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 until a schedule of surfacing materials (including samples where required by the Planning Authority) for all road, parking and pathways has been submitted to and approved on writing by the Planning Authority. The surfacing layout of the road, parking and paths within the site shall accord with the approved site plan 7280/ 0 – PL 02 using the approved schedule of surfacing finishes.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

6. The development hereby approved shall be completed in strict accordance with the finished floor levels indicated on Drawing No's 7280/ 0 – pl 03 and 7280/ 0 – pl 04. No other land raising shall take place other than the ground level changes illustrated on the approved plan and suitable access and egress to the and from the buildings shall be maintained at all times as defined in the Flood Risk Assessment.
Reason: To provide adequate mitigation of flood risk at the site and ensure that there is no increase to the risk of flooding at neighbouring properties.
7. No development shall commence until a plan identifying the location of protective fencing in accordance with BS5837:2012 which shall be erected around the trees identified for retention on Drawing No 7280/0 – pl 02. All works specified on the approved site plan shall comply with BS5837:2012. Once erected the fencing shall only be removed when the development has been completed and thereafter the trees shall be retained unless otherwise agreed in writing by the Planning Authority.
Reason: To protect and retain trees and that have public amenity.
8. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:

 - i. location of new trees, shrubs, hedges and grassed areas
 - ii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iii. programme for completion 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.
9. No development shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Planning Authority. As a minimum this should outline how the site will comply with the British Standard 5228:2009 Code of Practice for noise and vibration control on construction and open sites and should include the hours of construction, vehicle movements, protection and monitoring of private water supplies, noise mitigation, equipment maintenance, dust mitigation and management and a complaints procedure/communication of noisy works to receptors. Thereafter no development shall take place except in strict accordance with the approved Statement.
Reason: To safeguard residential amenities.
10. No development shall commence until a pre-construction condition survey of the public road network from Tweed Bridge to the application site has been carried out and the findings submitted to and approved in writing by the Planning Authority. Once development works commence monthly inspections shall be carried out to identify any damage to the route and a written record of findings shall be made available for inspection at the request of the Planning Authority. Within one month of the completion of the development, a post construction survey of this route shall be undertaken. Any remedial works to this route identified in the post construction survey which are a direct result of this development shall be undertaken by the developer to the satisfaction of the Planning Authority within three months. During construction, any emergency repairs requiring to be undertaken to public road as a result of damage from this construction site must be undertaken to the satisfaction of the Planning Authority by the developer within one week of identification or any subsequently approved timescale.

Reason: To ensure a satisfactory condition of the public roads leading to the site from Tweed Bridge during the construction phase.

11. No development shall commence until a detailed report confirming that the public mains water supply is available to serve the development hereby approved has first been submitted to and approved in writing by the Planning Authority. Prior to the occupation of the first dwellinghouse(s), written confirmation shall be provided for 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

12. No development shall commence until written confirmation has been provided from Scottish Water that the public drainage system can accept both foul and surface water drainage from the development hereby approved or that works will be undertaken to ensure that the existing drainage infrastructure will have the capacity to serve this development before the first dwelling unit is occupied. Thereafter prior to the occupation of the first dwellinghouse(s), written confirmation shall be provided for the approval of the Planning Authority that the development has been connected to the public drainage network.

Reason: To ensure that site drainage is adequately handled without impinging on existing users.

13. No development shall commence until the following Ecological Mitigation Measures has been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:

- a) Species Protection Plan (including measures for breeding birds and otters)
- b) A Lighting Plan

Reason: To ensure that species and habitats affected by the development are afforded suitable protection for the construction and operation of the development.

14. No development shall commence until a Construction Environment Management Plan (CEMP) which mitigates the impact of the development on the River Tweed SAC and SSSI has been submitted to and approved in writing by the Planning Authority. The CEMP shall include

- a) Risk assessment of potentially damaging construction activities
- b) Method Statements to avoid or reduce impacts during construction, to include the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, include the use of protective fences, exclusion barriers and warning signs.
- c) A Drainage Management Plan
- d) A Site Waste Management Plan

The approved CEMP shall be implemented throughout the construction period and operational phase as appropriate, strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on the River Tweed SAC and SSSI environment, and that the mitigation measures are fully implemented.

15. All windows on the west facing elevation shown on the Drawing No 7280/0 – pl03 hereby approved (or any subsequent revised elevation drawing as agreed in writing by the planning authority) shall be glazed with obscure glass and permanently fixed shut, and thereafter so retained unless otherwise agreed in writing by the Planning Authority.
Reason: To safeguard the privacy of the occupiers of the adjoining property

Informatives

1. To assist with mitigating flood risk to the development it is recommended that the applicant adopts the use of water resilient materials and construction methods as appropriate in the development as advised in PAN 69.
2. To ensure that the habitants of the development are appropriately prepared for a flood even it is recommend that they arrange to receive flood warnings from SEPA, the applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188

DRAWING NUMBERS

Reference	Plan Type	Date Received
7280/ 0-LP	Location Plan	17.08.2018
Proposed bin and cycle store	General	17.08.2018
7280/0 –pl 03 rev C	Elevations	27.12.2018
7280/0 –pl 05 rev C	Floor Plan	27.12.2018
7280/0 –pl 10 rev C	Sections	27.12.2018
7280/0 –pl 04 rev C	Elevations	27.12.2018
7280/0 –pl 06 rev C	Floor Plan	27.12.2018
7280/0 –pl 02 rev C	Site Layout	27.12.2018

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer Service Director	

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

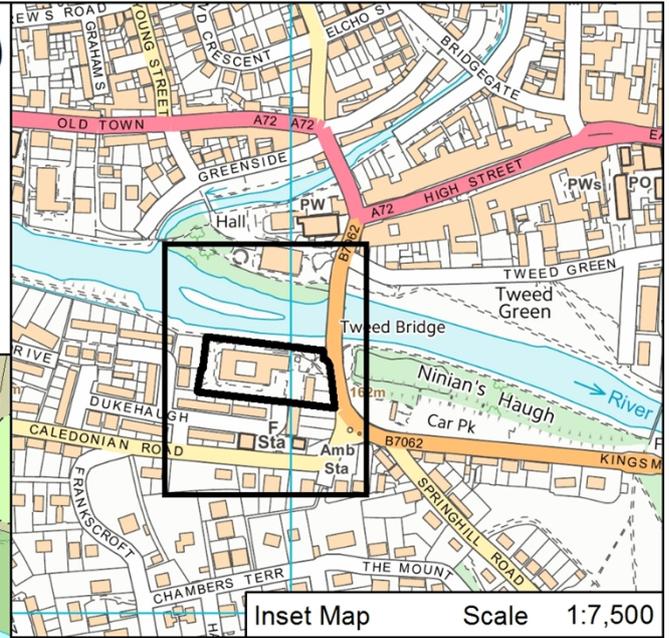
Author(s)

Name	Designation
Scott Shearer	Peripatetic Planning Officer



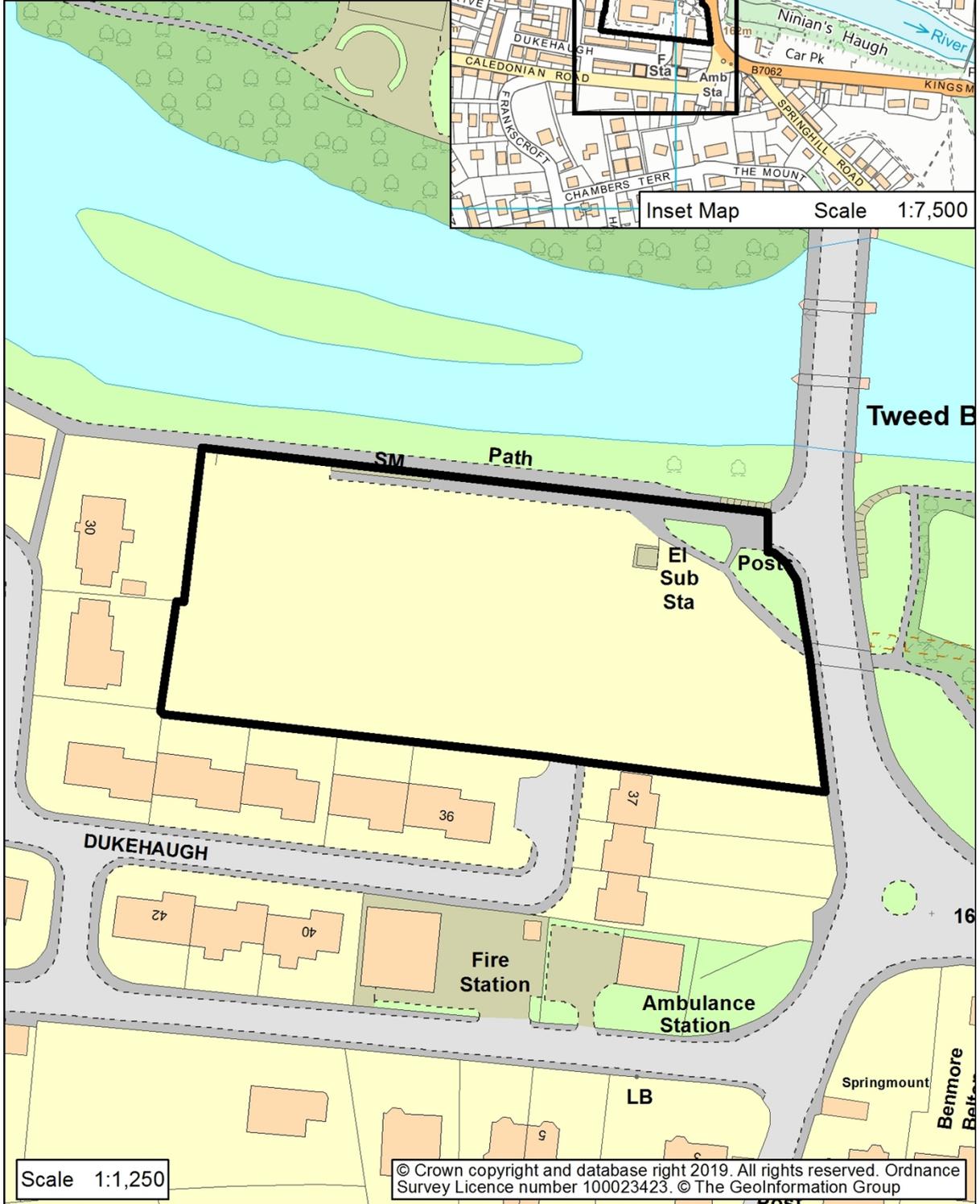
18/01086/FUL

1 - 39 Tweedbridge Court
Peebles



Inset Map

Scale 1:7,500



Scale 1:1,250

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

4 FEBRUARY 2019

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 18/01377/FUL
OFFICER:	Ranald Dods
WARD:	Tweeddale West
PROPOSAL:	Erection of Class 6 storage and distribution buildings, associated Class 5 use and erection of ancillary dwellinghouse with associated development and landscaping works
SITE:	Land north east of 3 The Old Creamery, Dolphinton
APPLICANT:	Mr Alastair Brown
AGENT:	Ironside Farrar Ltd

CONSIDERATION BY PLANNING AND BUILDING STANDARDS COMMITTEE

Planning application 18/01377/FUL has been referred to the Planning and Building Standards Committee for determination under Section 43A (6) of the Town and Country Planning (Scotland) Act 1997. Its referral is supported by five Members on the grounds that: "...because of the complex planning considerations involved in considering sites for economic development within the countryside".

SITE DESCRIPTION

The site is an area of open agricultural land, less than 2ha in extent, the south western edge of which lies some 290m to the northwest of Dolphinton and to the immediate south of the A702. There is an agricultural access directly from the A702 at the site's northern extremity.

The site is readily visible from the A702. It is mostly level but with small natural rise toward the northeast of the site. There are some stands of trees to the east and west of the site and a couple of trees along the road boundary with the A702. The site is otherwise generally open in character, as is the surrounding area.

Along with a larger area of land to the south and west, the site lies within the provisional Local Biodiversity Site (pLBS) 'Ingraston Moss'. It is also within the near vicinity of the Pentland Hills Special Landscape Area (SLA), which lies on the northern side of the A702 and is linked by a shared ditch to the Dolphinton - West Linton Fens and Grassland Site of Special Scientific Interest (SSSI), which lies to the south. The site is within a carbon-rich soils area.

PROPOSED DEVELOPMENT

The application is made for full planning permission to construct a new business premises for a mixed employment (class 5 and class 6) use. The proposed development would accommodate of the applicant's two existing businesses which currently operate from a site approximately 750m to the south west. A new single storey dwellinghouse with linked residential accommodation is also proposed.

The industrial element of the proposed development consists of: (i) a loading bay to accommodate the cement silo and water container; (ii) material storage sheds (iii) a garage and vehicle store to accommodate and maintain vehicles and equipment. There will be a small biomass boiler and fuel store at the rear and; (iv) an external area for the storage and manufacture of concrete blocks.

The proposed buildings, which will be standard portal frame sheds clad in profile steel sheet, will be attached to one another, forming a single range of buildings located within the centre of the site. Areas of hardstanding will surround the buildings. Storage and manufacture areas for concrete block production will be located to the south west of the buildings. The ridge of the loading bay will be the highest point of the structure at approximately 8m with the eaves of this part being about 3.5m. The other elements of the building will have a maximum eaves height of just over 5m and a ridge height of approximately 6.8m. The flue associated with the biomass boiler will be approximately 8.7m high. It should be noted that some drawings state dimensions which relate to the height of the materials store as previously proposed. The "Planning Supporting Statement" also includes visualisations of the proposal which show the previous proposals. Those incorrect heights and visualisations should be disregarded.

The proposed new house will be located immediately to the south east of the sheds and yard. It includes at its western end, what appears to be a two bedroomed "granny flat" – indeed the drawings state that that element would be for the applicant's elderly relatives - which could function as a self-contained residential unit. It has a distinct separate entrance and is separated from the other accommodation by a garage, although internal doors within the garage provide linkages to the rest of the house, which has three bedrooms. The house is orientated to give the principal rooms a view to the land outwith the site to the south. Windows on the northern side of the house are limited largely to those lighting circulation space and non-habitable rooms. Two windows facing north light habitable rooms. One is to a bedroom within the linked residential accommodation which overlooks the yard to the North West. The other window to a habitable room lights the kitchen in the main part of the house. It faces north and does not appear to have a direct line of sight to the yard and sheds. A room within the attic space will provide office accommodation.

Access to both the business premises and the house will be via a single newly formed junction on to the A702. The driveway to the house will be located off the access route to the business premises.

Landscaping is proposed for the site. This will include tree planting on land outwith the application site, which the applicant has advised he would be able to secure as part of his purchase of the application site from the current land owner. The landscape works include the formation of a bund wall, of approximately 3m in height, to the North West and south west of the sheds and yard.

The proposal has been assessed as falling below the parameters that would have required the formal submission of an Environmental Impact Assessment (EIA). No statutory consultees have requested that the proposal should be supported by an EIA.

PLANNING HISTORY

There has been one previous application for the development of this site. In January 2017, application, reference 17/00087/FUL, was submitted for development of the same description as proposed in the current application. That application was considered by committee on 7 August 2017, when members determined to refuse permission for the following reasons:

1. The proposed business premises for a mixed Class 5 and Class 6 business operation does not comply in principle with adopted Local Development Plan Policies PMD4, HD2 or ED7 in that the applicant has not demonstrated any overriding economic and/or operational need for it to be located in this particular countryside location and therefore the proposed development would represent unjustified, sporadic and prominent development in the open countryside.
2. The proposed dwellinghouse would not meet any direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and therefore does not comply in principle with adopted Local Development Plan Policies PMD4 and HD2.
3. The proposed development would result in the unjustified and permanent loss of carbon-rich soils, contrary to Policy ED10 of the adopted Local Development Plan.

An appeal against that decision was submitted to the Scottish Government's Planning and Environmental Appeals Division (DPEA) in October 2017, appeal reference PPA-140-2063. The Reporter issued a decision on the appeal on 10 January 2018 and refused to grant planning permission on the grounds that the...*"development does not comply overall with the local development plan, in particular policies ED7 and HD2 and could not be justified as an exceptional approval under policy PMD4...the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission."*

REPRESENTATION SUMMARY

The application was advertised in the local press and neighbours were notified. 33 material representations were received. That number consists of 20 in support (including one from the applicant's son) and 13 in objection. The material grounds contained in those representations are summarised below. Copies of all representations can be viewed in full on *Public Access*.

Support comments

- Lack of alternative sites
- Development will support business
- Road safety
- Minimal disturbance to residential amenity at new site
- Increase in residential amenity at properties adjacent to existing site

Objection comments

- Unsuitability of proposed site
- Other more suitable sites are available
- Greenfield not brownfield site
- Land not allocated for industrial use
- Contrary to policies PMD2, PMD4, ED7, ED10, HD2, EP1 and EP2
- Impact on SSSI and hydrology
- Industrial process not suited for a rural location
- Road safety
- Visual impact
- Insufficient economic justification
- Insufficient justification for the house
- Impact on wildlife

- Residential amenity
- Undesirable precedent

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

PMD1 - Sustainability
 PMD2 - Quality standards
 PMD4 - Development outwith development boundaries
 ED2 - Employment uses outwith business and industrial land
 ED7 - Business, tourism and leisure development in the countryside
 HD2 - Housing in the countryside
 HD3 - Residential amenity
 EP1 - International nature conservation sites and protected species
 EP2 - National nature conservation sites and protected species
 EP3 - Local biodiversity
 EP5 - Special landscape areas
 EP8 - Archaeology
 ED10 - Protection of prime quality agricultural land and carbon rich soils
 EP13 - Trees, woodlands and hedgerows
 EP15 - Development affecting the water environment
 EP16 - Air quality
 IS2 - Developer contributions
 IS6 - Road adoption standards
 IS7 - Parking provision and standards
 IS9 - Waste water treatment standards and sustainable urban drainage
 IS13 - Contaminated land

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

OTHER PLANNING CONSIDERATIONS:

The following are material considerations:

SPG – Biodiversity 2005;
 SPG – Contaminated land inspection strategy 2001;
 SPG – Development contributions 2015;
 SPG – Landscape and development 2008;
 SPG – New housing in the Borders countryside 2008;
 SPG – Placemaking and design 2010;
 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 does not object to the application. In principle RPS is supportive of the relocation of this business. The existing site is adjacent to residential dwellings and it would appear the existing business is outgrowing its current site. Relocating the business will remove the conflict between residential traffic and operational traffic associated with the business which requires the use of the public road for manoeuvring.

In terms of the principle of direct access to the A702 and site access requirements, the A702 is a Trunk Road and Transport Scotland as Trunk Road Authority has commented on this aspect of the proposal.

Archaeology Officer: There are no known archaeological assets within the development area. However, there is potential based on discovery in the wider area as well as underlying sub-soil deposits. In the wider area there have been discoveries of prehistoric and medieval objects, pits and buried soils that may be anthropogenic in origin. There is also a known Roman road near the site. The closest discoveries were made at the Sandy Hill sand and gravel workings approximately 200 metres to the west of the development area. Evidence of prehistoric stone tool manufacture, a Bronze Age bracelet and medieval pottery were all identified, along with a pit and buried soils of unknown date or origin. The Roman road extending from Inveresk to Dolphinton is approximately 150 metres to the west of the development area, though evidence for its construction including quarry pits may be found closer.

In addition to these discoveries, the site lies on the edge of the Ingraston Moss which contains base peat deposits. Hutton Soils data also suggests there is a sand and gravel deposit within the site itself. Both types of sub-soils are known elsewhere as having archaeological sensitivity: peat deposits for their ability to preserve archaeological materials and sand and gravel for their historic uses for settlement and other activities due to good drainage. The nearby discoveries of pits and objects on a similar sand and gravel deposit indicates evidence of a complex sequence of prehistoric to historic activities taking place in the wider landscape including the development area. The combination of this with the peat, sand and gravel deposits within the site suggests that there is a moderate potential of the development site to contain previously unknown archaeological features, deposits or objects.

To assess this, I recommend that a 10% trial trench evaluation of the entire development site take place in advance of development. Further investigation and dissemination may be required depending on the results. Condition recommended.

Economic Development: No objection. Comments relate only to the proposed business relocation. Comments generally similar to those made when responding to 17/00087/FUL. This proposed relocation would allow both these businesses to operate from the one site, increasing efficiencies, reducing carbon footprint between sites and enabling longer working hours in the winter which would potentially enable the businesses to expand. Economic Development considers that the relocation should enable the turnover to increase significantly which will create new jobs. The 2 businesses employ a total of 5 staff and a successful relocation would immediately increase this by 2. The need to relocate is driven by the uncertainty around both the existing yard and the use of the quarry in the short term.

The applicant has explained that the growth potential for both businesses would be significant from a new location as the current yard is placing restrictions on their trading hours, due to residential concerns. A new site would allow the businesses to operate in line with the industry standard. He believes the relocation should be as close to their current site as is possible in order to maximise the growth. A move materially distant from the current site will mean that competitive pricing will be eroded. He also believes he has exhausted all alternative site prospects locally and includes a zoned site at West Linton, including those SBC have suggested and the site applied for is the only one that would meet the business's needs. He believes if this site or a suitable alternative site for relocation is not found in the next year, it is unlikely that either of the businesses will continue trading, losing 5 existing jobs and impacting those in the supply chain.

The type of operation is likely to cause fewer problems if it is in a rural location, away from residential properties. Due to the size of site needed, if within an existing industrial estate,

would probably be extremely costly, as land values on a basic agricultural plot are much lower than a serviced zoned business site. On the prospect of the business expanding, Economic Development supports the application, as the alternative could possibly be the closure of the business if the current ground leases are terminated. It should be noted that the business is in a precarious position at present due to the current site's owner instructing them that they plan to sell the land by the end of 2019 for residential housing. [It should be noted that this is no longer the case, as confirmed by the applicant in his email of 12 November 2018]

The previous application for this site was refused with concern about the visual impact of the development. Economic Development considers that the applicant has gone some way to try and integrate the development into the landscape through bunding and reducing the building heights. Economic Development considers that it is not always possible to establish a development in an already screened site, so some latitude should be made for the timescale needed for landscaping to be established. Ultimately, there were alternative sites suggested that may have been acceptable through having already established landscaping but were also outwith settlements and not zoned.

Ecology Officer: No objection, subject to suggested conditions. Potential impacts on designated sites, protected species and local biodiversity.

Designated Sites: Noted that SNH has removed its objection based on proposals in place to avoid potential impacts on the West Linton Fens and Grassland Site of Special Scientific Interest (SSSI) and that provided proposed mitigation and safeguards remain in place, no significant effects on the SSSI are considered likely.

Protected Species

There are no predicted impacts on protected species. Precautionary mitigation and enhancements are proposed for badgers. The site is considered to be of low value for breeding birds, however, precautionary mitigation for breeding birds is recommended.

Local biodiversity

Mitigation and enhancements are proposed in order to protect and enhance biodiversity. A loss of habitat of 2.09ha of semi-improved pasture is predicted, however the opportunity to enhance biodiversity across 45% of the site provides compensation, with a Site Biodiversity Action Plan proposed. Ecology Officer's response to previous application (dated 10 April 2017) indicates a preference for enhancing the wider wet grassland habitat. No impacts on site hydrology are predicted and mitigation is proposed.

Archaeology Officer: No objection, subject to a suggested condition. As stated in relation to the 2017 application, there are no known archaeological assets within the development area. However, there is potential based on discoveries in the wider area as well as underlying sub-soil deposits. In the wider area there have been discoveries of prehistoric and medieval objects, pits and buried soils that may be anthropogenic in origin. There is also a known Roman road near the site. The closest discoveries were made at the Sandy Hill sand and gravel workings approximately 200 metres to the west of the development area. Evidence of prehistoric stone tool manufacture, a Bronze Age bracelet and medieval pottery were all identified, along with a pit and buried soils of unknown date or origin. The Roman road extending from Inveresk to Dolphinton is approximately 150 metres to the west of the development area, though evidence for its construction including quarry pits may be found closer.

In addition to these discoveries, the site lies on the edge of the Ingraston Moss which contains base peat deposits. Hutton Soils data also suggests there is a sand and gravel deposit within the site itself. Both types of sub-soils are known elsewhere as having

archaeological sensitivity: peat deposits for their ability to preserve archaeological materials and sand and gravel for their historic uses for settlement and other activities due to good drainage. The nearby discoveries of pits and objects on a similar sand and gravel deposit indicates evidence of a complex sequence of prehistoric to historic activities taking place in the wider landscape including the development area. The combination of this with the peat, sand and gravel deposits within the site suggests that there is a moderate potential of the development site to contain previously unknown archaeological features, deposits or objects.

Landscape Architect: No objection, subject to suggested conditions. The key issue is the visual impact of the proposal on sensitive receptors in the surrounding area, including views to and from the Pentland Hills Special Landscape Area (SLA).

The site was the subject of the previous application in 2017 and mitigation measures were suggested. The proposed site plan for this application shows a scheme of planting that is largely unchanged from the amended scheme submitted in support of the previous application. The site plan adopts a more comprehensive scheme of planting, as suggested by the council's Landscape Architect that in time, should help to mitigate the visual impact of the industrial buildings on sensitive receptors on the adjacent A702 and within the Pentland Hills SLA. The height of the industrial buildings has been lowered by 4m which should help reduce the visual impact. Given that the planting scheme suggested previously by Mr Knight has been indicated on the submitted plan if a more robust screen planting along the SW boundary could be agreed or a condition of any approval, along with a fully detailed planting plan with a schedule including species, numbers, etc., together with establishment and longer term maintenance, as well as the building colour, site sections and control of lighting are all agreed by condition, the Landscape Architect does not object to this application.

Statutory Consultees

Transport Scotland: Conditions recommended should planning permission be granted. Those relate to the formation of the access onto the A702 trunk road and drainage.

Health and Safety Executive: Does not intersect a pipeline or hazard zone.

Community Council: Supports the application. The community council is aware of the attempts the applicant has made to identify alternative suitable premises. There are no suitable sites in West Linton and no brownfield sites available. The community council is keen to retain business in the area. The buildings have been designed to reflect agricultural buildings in the area. The proposed banking and landscaping will reduce visual impact the development. The community council accepts the need for a house on security grounds. The community council considers the proposal complies with policies ED2, PMD2 and ED7.

Scottish Natural Heritage: No objection. SNH previously been consulted on the original planning application and had objected to the proposal (8 March 2017) due to lack of information on the potential effects on the nearby Dolphinton – West Linton Fens and Grassland Site of Special Scientific Interest (SSSI). A further consultation was made on that application which contained sufficient information about the construction and operation of the proposed development for SNH to withdraw its objection to that proposal.

The current application does not differ from the previous consultation in any way that would materially change the potential effects on the SSSI or their mitigation. Therefore as long as the same safeguards remain in place, per the Supplementary Statement on Air Quality, Dust Management and Noise and Light Pollution (March 2017), as regulated by SEPA, then SNH maintains its no objection.

SEPA: No objection. The drainage proposals submitted in relation to the surface water run-off and wash water are acceptable in principle. If permission is granted, the developer should ensure that the proposed SUDS pond, silt traps and water collection tanks are suitably sized for the activities on site.

KEY PLANNING ISSUES:

Is the proposal to locate and operate industrial business premises at this rural site appropriate, including in terms of landscape visual and environmental impact?

Is a residential property at this rural site appropriate in planning policy terms?

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 outwith the settlement envelope of Dolphinton as defined by the Scottish Borders Local Development Plan 2016 (LDP). It is located on a greenfield site in a rural location, on land which is not allocated for industrial use. The principle of the development proposal conflicts with the terms of the LDP.

Planning policy - proposed business premises

LDP policies direct development to appropriate locations, primarily within development envelopes and, in the case of business development, to land allocated for that purpose. Any other proposal is required to justify the need for the location proposed.

Policy PMD4 states that where development envelopes are defined on proposals maps, they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period. As such, proposals for new development outwith the specified boundaries and not on allocated sites should normally be refused.

The policy does, however, allow that an approval might be granted exceptionally, where strong reasons can be given that it is a job-generating development in the countryside that has an economic justification under policy ED7 or HD2 or that it is a development that it is considered would offer significant community benefits that outweigh the need to protect the development boundary. In either case, the development must also be able to meet the determining criteria of the specific policy.

Whilst it is acknowledged that approval would result in the benefit of the removal of the existing business operation from a residential area within the development boundary at Dolphinton, this would not be the '*significant community benefit*' that could justify the proposal being made the subject of an exceptional approval to policy PMD4. The potential benefit to the surrounding area of removing the existing business premises from the village is material but it does not address the primary purpose of the policy, which is to ensure that development outside specified settlements is properly justified. The "*community benefit*" test for the purposes of this policy is whether the proposed use is one that delivers significant benefits to the community that it might not be possible to accommodate within a settlement. Examples given in the LDP for community uses are schools, community centres or a health centre. This proposal does not appear to meet the specified examples nor is a community benefit advanced.

A case needs to be made for the particular location of the development. Whilst a general case has been made to support the relocation of the business in this case, it has not been demonstrated that this is the only site to which the circumstances would apply. It is acknowledged that the applicant has submitted additional documentation in support of their assertion that no other suitable site exists on which the development could be located.

Policy ED7 aims to allow appropriate employment generating development in the countryside whilst protecting the environment and to ensure that business developments, amongst others, are appropriate for their location. In order to be supportive of business development in the countryside, the council should be satisfied that, amongst other things, there is an economic and/or operational need for the proposal to be located on sites in the proposed location and that the business could not be accommodated within an identified settlement.

The application site is an undeveloped field, some 700m outwith the defined boundary of Dolphinton. The land is not allocated for industrial use nor indeed for any other use. The business use described encompasses both Class 6 storage use and Class 5 industrial use, which have no requirement to be sited and operated in the countryside. Such premises would ordinarily be expected to be accommodated within a specified settlement envelope, preferably within an industrial estate, rather than undeveloped rural greenfield sites.

The applicant maintains that there is an economic and operational need for the specific proposed business premises to be sited on and operated from this particular site. He states that the premises would accommodate existing businesses which needs to continue operating from the Dolphinton area, to service an established customer-base. He also states that he requires good access to the A702; a larger purpose-built site capable of accommodating the businesses' expansion and; sufficient set-back from the nearest dwellings to conserve neighbours' residential amenity. Taking account of these considerations and the applicant's inability to secure such a site within the defined boundary of Dolphinton, the applicant contends that he had no option other than to identify a site outwith the development envelope.

The applicant advises that in addition to the above, the lack of other opportunities to obtain land within the surrounding area, coupled with this particular land owner's willingness to sell the application site to the applicant at a competitive price, have been significant factors for the applicant. It is acknowledged that, since submitting the application, the applicant has undertaken a further search for sites, including sites from Leadburn to Peebles and Biggar. As before, he advises that he has encountered problems with respect to land owners being unwilling to sell land at an affordable price, for the intended development or with respect to difficulties relating to vehicular access and movements along the local road network. Ultimately however, his main concern has been that the businesses' established operations should not be removed too far from their existing base.

The council's Economic Development service is generally supportive of the applicant's proposals. They state in their consultation response that the business is in a precarious position due to the current site owner's future aspirations for the site. Since the application was submitted, the applicant has clarified the position on the 12th of November when he confirmed that he did not have to vacate the current site by the end of 2019. He does, however, maintain that the business has outgrown its current premises and is concerned that the position at the current site could alter at short notice.

Taking account of concerns with respect to the protection of residential amenity, arrangements for vehicular parking and movement and the potential that the land owner of the current site could alter his stance, it is clear that the applicant's ability to secure an appropriate alternative site within Dolphinton is extremely limited. The applicant therefore

desires to find a new site outwith Dolphinton, although with there no longer being a need to vacate the present site by the end of 2019, that requirement is no longer pressing.

Whilst the applicant's desire for a new site is acknowledged, it is still necessary to assess the location of the chosen site and the likely impacts arising from that choice. The fact that the site is highly visible is likely to accentuate those impacts, bringing into question whether this is the most appropriate site for the development being proposed.

The applicant has, quite reasonably, identified a site within immediate proximity to the trunk road but this proximity in itself does not justify the selection of this precise site over any and all other potential sites. It is an argument that could be applied to a number of sites. Ahead of the identification of a greenfield site, it would have been necessary to have first identified suitable brownfield land within the vicinity, such as the quarry or a farm steading.

Details have been provided of a site search involving 29 alternative sites. Many of these do not identify specific sites so much as rural land (mostly farms) within the surrounding area that have been contacted by the applicant about the possibility of selling land. No details are provided as to whether or not enquiries were made about leasing land, other than at the Garvald Quarry site. The majority of the sites have been discounted on the basis that the land owners are unwilling or unable to sell, which is not a compelling justification for the application site. It may be simply that the land owners are unwilling to sell land to allow an industrial use in the vicinity of their remaining land holding. Many have been discounted as not being available for the proposed development or raising amenity concerns. Although the applicant sets these out as barriers to development, the proposals have not been tested through the submission of planning applications, only some have been the subject of pre-application discussions and of all the sites identified, only the application site meets the applicant's demanding criteria. The applicant has also discounted a number of sites in the Tweeddale area to which the council was willing to offer "in principle" support.

Amongst these sites identified as being unavailable is Garvald Quarry, where the applicant's block-manufacturing operation is currently accommodated on land leased from the quarry owners, Tarmac. The applicant is concerned that there is likely to be a short-term need for him to relocate away from the quarry ahead of the latter being reactivated. Included in the supporting information is an email from Tarmac, dated 1 June 2017. It confirms that the position remains as it has for some years now. Namely that there is no land available for sale at present. There may be other areas [of the quarry] available but until the quarry reopens, Tarmac would not commit to selling land. It appears only to identify a long-term concern to reactivate the quarry and does not rule out the potential to extend in area or time, any lease of the same land to the applicant. The applicant's concern is that he wishes to own the land ahead of investing in any buildings, which appears to make this and presumably other sites unavailable. The applicant's concern to buy a site and centralise his operations would appear to be a significant driver and undue weight cannot be given to this where opportunities for more flexible operating arrangements have not been sufficiently explored within the supporting details.

The supporting case has not demonstrated that the applicant's needs could only be met at this particular site. The applicant does provide replies from land owners with respect to his interest in purchasing land but the information is general and the exact terms of any expressions of interest are not fully detailed.

In summary, although the applicant wishes to relocate in order to allow the business to grow, the supporting case for the choice of site appears is not sufficiently justified. There is little justification to support this application site over any other area of land within the wider area. Nor does the case override the LDP policies which aim to protect the countryside from unjustified and inappropriate development. The applicant has not demonstrated that there is

an economic and/or operational need for the particular countryside location of the site and therefore the proposal is contrary to the requirements of policy ED7.

Planning Policy - proposed dwellinghouse

In planning policy terms, the application site is an isolated rural site, lying as it does outwith the settlement envelope of Dolphinton. It is remote from any existing building group, where small scale residential development might be considered acceptable. In order to comply with the requirements of policy HD2, amongst other things, any new dwellinghouse proposed for this site requires special justification and would normally be supported only if it were necessary as direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is appropriate to the countryside. The policy does state that such development could include businesses that could cause disturbance or loss of amenity within an existing settlement. The current site is within the settlement of Dolphinton and, as noted by one of the supporters of the application, it operates without loss of amenity to residents.

As noted in the preceding section, the case for the business has not been adequately made. If Members accept that position, it follows that there would be no need for a house at the site. On this basis alone, the proposed dwellinghouse would fail to comply with the requirements of policy HD2. Even if the case for the business is accepted, it is legitimate to consider whether there is a need for a house.

The applicant advises that he may need to operate the cement supply business at unsociable hours and prepare cement for dispatching at relatively short-notice to meet quick-turn-around or emergency contracts. It is acknowledged that the business's workers might follow that pattern and that having a worker living within a relatively short distance to the site would undoubtedly be helpful to the operation. This does not, however, translate into an overriding need for there to be a worker residing on site on a permanent basis.

It does not appear operationally necessary that the same individual would be permanently required on site to prepare cement for distribution other than in direct response to a customer's specific order. It is not disputed that the business may operate on a 24-hour, 7-days-a-week basis but this in itself does not justify any operational need for a dwellinghouse on site. It may be that this need could be addressed by alternative work patterns, such as shift work or flexible working hours. It is, therefore, not accepted that there is any operational requirement for any worker to reside on site to meet these short-term and emergency cement supply contracts.

The applicant also justifies the permanent presence on-site of a worker for security reasons. The applicant's current premises is directly opposite his house and there are other residential properties adjacent to it. Relocating the operation to a rural site with only one house, which has only one bedroom - within what appears to be linked residential accommodation - overlooking the proposed business operation and a kitchen which has a view of the access to the site, would seem to offer less opportunity for the site to be observed. Setting aside the lack of visibility of the site from the house, it would be reasonable to ask whether any security issue might be addressed in other ways, such as a perimeter of security fencing and/or use of surveillance cameras. It is not clear that the need for a house is any greater than for other business operators, for example, on an industrial estate where there would be equivalent needs and concerns to store valuable vehicles and equipment securely. It might be argued that a small scale "office" unit for a duty worker or watchman could fulfil the need, rather than a family home for the applicant himself.

Taking account of all of the above, the applicant has not demonstrated compliance with the requirements of section (F) - Economic Requirement - of policy HD2. There is no justifiable

operational requirement for a residential property to be located outwith the settlement envelope for the purpose of supervising a cement supply business and a concrete block manufacturing and supply business. This would seem to reinforce the view that this is not the appropriate location to establish the business.

Even if it were accepted that the applicant has a justifiable operational need to be accommodated near his business premises, it would be appropriate to have considered locations where there was already an existing house, ahead of establishing a new site which could then only be served by a new house. It is a requirement of policy HD2 that new housing should be permitted only where no suitable existing house or other building capable of conversion to residential use is available.

If Members do accept the case for the house, it would be legitimate to require that the dwellinghouse should be constructed at the same time as - or after - the business premises buildings, in order to avoid the risk that a new dwellinghouse is built in the countryside and the business is not. It would also be appropriate to require by condition that the house should be retained within the same planning unit as the business premises and be occupied only by someone who works within or has retired from, the associated business premises. This would also ensure that the operation of the business premises would have no unacceptable impacts upon the amenity of the occupants of the residential property. In addition, a condition should be imposed to prevent the "granny flat" becoming disassociated with the main house, thereby preventing an additional residential unit being formed. If it were to become a separate residential unit, additional developer contributions would be required for education provision and affordable housing.

Protection of carbon rich soils

Policy ED10 aims to protect carbon rich soils, specifically by requiring that development on carbon rich soils should be refused unless: the land is allocated for development within the local plan; the development meets an established need that cannot be met by any other site and/or; the development is small scale and directly related to a rural business.

The applicant advises that the specific on-site conditions are not favourable to the conservation of deep peat deposits. This includes a history of cyclical ploughing, sowing and ongoing improvement of the land for farming through field drainage and fertilizer applications. Further, he advises that construction would be a one-off event, unlikely to release any more carbon than the continuation of farming at the site. He maintains that the quality of carbon rich soils at the site is now liable to be sufficiently diminished that the proposal would not be liable to have any unacceptable impacts upon this resource.

The applicant's evidence on this matter is not comprehensive and does not in itself reasonably allow policy ED10 to be set aside. The policy identifies circumstances when it would be appropriate to allow development to be accommodated, where it otherwise meets the policy's requirements. These largely mirror the considerations that are assessed under policies PMD4, ED7 and HD2, as detailed above.

Accordingly, in line with a recommendation that the development of this particular rural site for the proposal has not been substantiated and since there is no operational justification for a house on this land, it would follow that the proposal would also not comply with policy ED10, in that the impact on a designated area of carbon rich soils is unnecessary and unacceptable.

Design and layout

It is accepted that a robust landscaping scheme and the selection of dark coloured cladding could provide sufficient landscape and visual mitigation of the appearance of the portal framed sheds. The landscaping will, however, take time to establish. Strong screening at lower levels from the proposed bunding and the proposed tree planting could also form an acceptable containment of any external yard areas. Conditions would be required for this.

In other circumstances, the proposed design of house would have raised considerably more concerns than it does here. However, as an isolated residential property that would be located behind considerably larger buildings and with appropriate landscaping treatment, the house would have relatively minimal landscape and visual impacts in views from the A702 and the surrounding countryside. The external appearance could be the subject of conditions.

Road safety, access and parking

Notwithstanding objectors' concerns about road safety on this stretch of the A702, Transport Scotland has raised no objection, subject to suggested conditions. The council's Roads Planning Service has not raised any objection and noted that the proposal will remove any conflict between residential and industrial traffic at the existing site. There is ample land within the application site for the provision of parking for both the house and the proposed business.

Landscape and visual impacts

The site is currently highly visible from the main road and any landscaping required to mitigate the visual effects of the proposal will need to be significant and may take several years to fully establish. The Landscape Architect does not object to the application, subject to the imposition of conditions should the application be granted. The proposals for landscaping of the site, reflect largely what was suggested previously by the council's Landscape Architect. I note that the landscaping on the south western boundary of the site is rather sparse and agree with the Landscape Architect that this should be more robust, given the stand of trees to the south west of the site is outwith the control of the applicant and could be removed, leaving the site visible from the south west.

Much of the land that is shown as set aside for tree planting is not within the application site nor is it within the applicant's ownership. It is, however, within the ownership of the current landowner. The applicant has supplied a letter confirming the current land owner's stated intention to sell this additional land to the applicant, as part of any purchase of the application site. This and other landscaping matters would require to be regulated by conditions.

It would also be necessary, if permission were granted, to require the approval of the finished floor and ground levels. Similarly, the details of the finished appearance of any bunded feature, including heights and profile would also be the subject of conditions, to ensure a satisfactory finished landscaped appearance for the site.

Residential amenity

The rural location of the proposal is likely to mean that the businesses' operations would not have any unacceptable impacts upon the amenity of the nearest residential properties. Although Environmental Health did not provide a consultation response, appropriately worded conditions could address any concerns which might have been raised by them.

The applicant's proposal to operate 7 days a week and potentially on a 24 hour basis raises concerns about light pollution during hours of darkness. No specific lighting proposals have been set out within the application although there is a statement from the applicant dated March 2017 which notes that obtrusive lighting installations have a negative impact on the appearance of the night-time environment and can lead to complaints. There is potential for lighting to be installed as permitted development (e.g. as lights on buildings) but in the event of approval, it would still be appropriate to condition the provision of details for lighting in order to meet the applicant's stated intent that lighting will be appropriate to the character of the surrounding rural area.

Cultural heritage and archaeology

The Archaeology Officer has not objected but has suggested a condition if the event that planning permission is granted

Natural heritage

The Council's Ecology Officer and SNH are satisfied that the proposals would have no unacceptable impacts upon the natural heritage interests at the site and the surrounding area. Conditions are suggested for any permission which might be granted.

Infrastructure

Members will note that SEPA did not object to the proposed development subject to the imposition of conditions. A CAR licence will be required for foul drainage proposals and PPC permit for onsite activities. Water supply will be from the public mains.

Developer contributions

If planning permission is granted, developer contributions will be required for education provision in accordance with policy IS2. A legal agreement will be necessary to secure that contribution before permission (if it is to be granted) is issued. As noted above, if the linked residential accommodation became a distinct dwellinghouse, additional contributions would be required at that stage.

Future use

There is a possibility that the site might end up being used by a different business and the house may become separated from the business on which it was predicated. Once established, other businesses within the same use classes could benefit from the permission. It is unlikely the proposed buildings would be used for farming and new uses, most likely new commercial uses, could operate from the buildings without the need for further permission from the council. If permission were to be granted, it would therefore be advisable to restrict by condition the use to that proposed by the applicant, to ensure that there would be full and appropriate scrutiny of any potential successor business operations.

CONCLUSION

The proposed business premises for a mixed Class 5 and Class 6 business operation does not comply in principle with LDP policies PMD4, ED7 or ED10 in that the applicant has not demonstrated any overriding economic and/or operational need for it to be located in this particular countryside location.

The proposed dwellinghouse will not meet any direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the

countryside. It therefore does not comply in principle with LDP policies PMD4, HD2 or ED10.

The proposal relates to a site that lies outwith a development boundary defined in the LDP and no overriding reasons have been advanced to substantiate that it is a job-generating development in the countryside that has an economic justification under Policy ED7 or HD2 or, that it is a development that would offer significant community benefits that would outweigh the need to protect the defined development boundary. As such, the proposal does not comply in principle with LDP policy PMD4.

Notwithstanding the potential to realise benefits both to the applicant's businesses and wider local economy and indirectly to the amenity of residential properties around the applicant's existing premises in Dolphinton, there are no other material considerations that would justify a departure from the provisions of the LDP.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is refused for the following reasons:

- 1 The proposed business premises for a mixed Class 5 and Class 6 business operation does not comply in principle with adopted Local Development Plan 2016 policies PMD4, HD2 or ED7 in that the applicant has not demonstrated any overriding economic and/or operational need for it to be located in this particular countryside location and therefore the proposed development would represent unjustified, sporadic and prominent development in the open countryside.
- 2 The proposed dwellinghouse would not meet any direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside and therefore does not comply in principle with adopted Local Development Plan 2016 policies PMD4 and HD2.
- 3 The proposed development would result in the unjustified and permanent loss of carbon-rich soils, contrary to policy ED10 of the adopted Local Development Plan 2016.

DRAWING NUMBERS

BMIX01 PL001	Location Plan
BMIX01 PL002 D	Site Plan
BMIX01 PL003 B	Floor Plans
BMIX01 PL003 C	Floor Plans
BMIX01 PL004 A	Elevations
BMIX01 PL005	Floor Plans
BMIX01 PL006	Elevations
BMIX01 PL0011	Section

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.

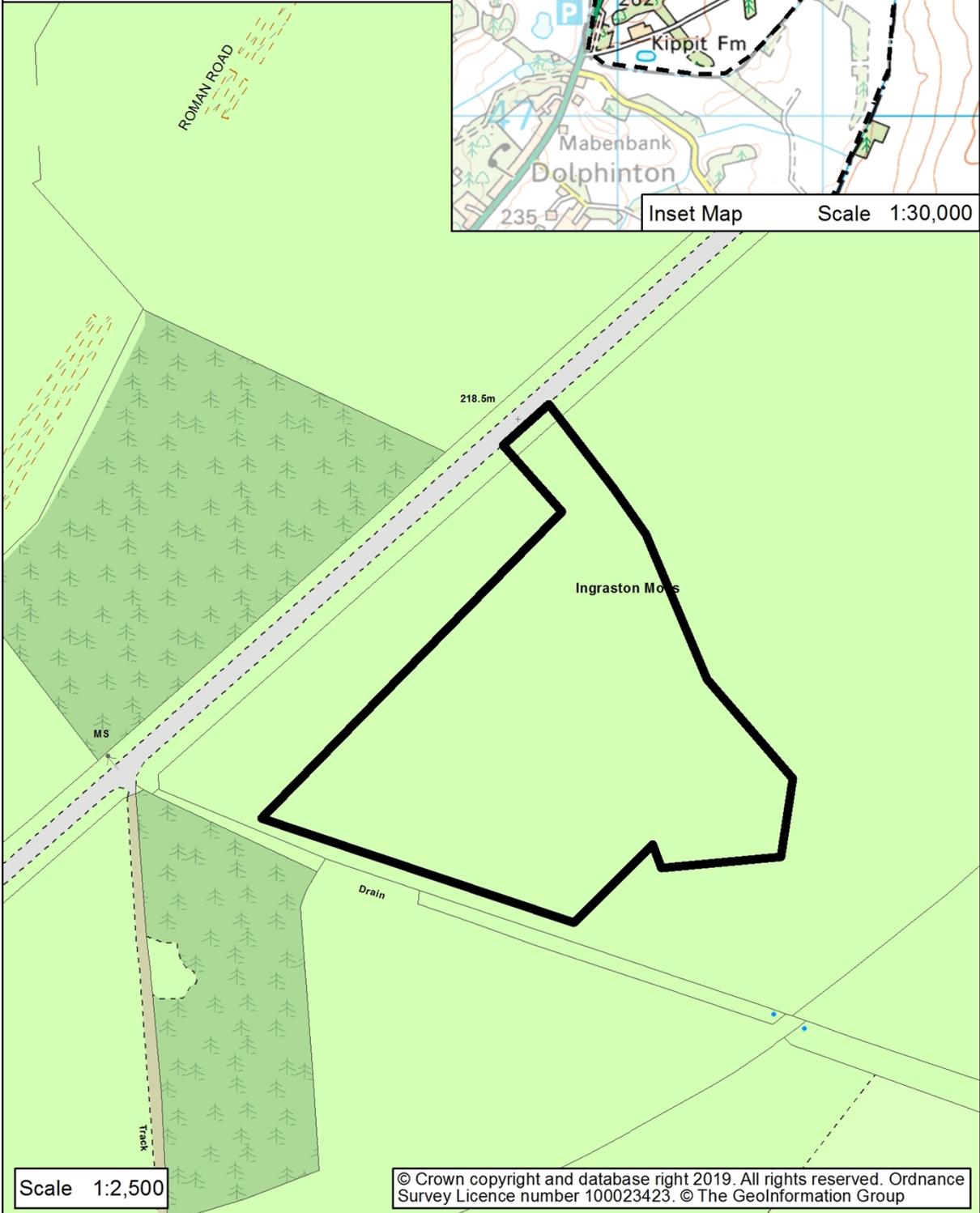
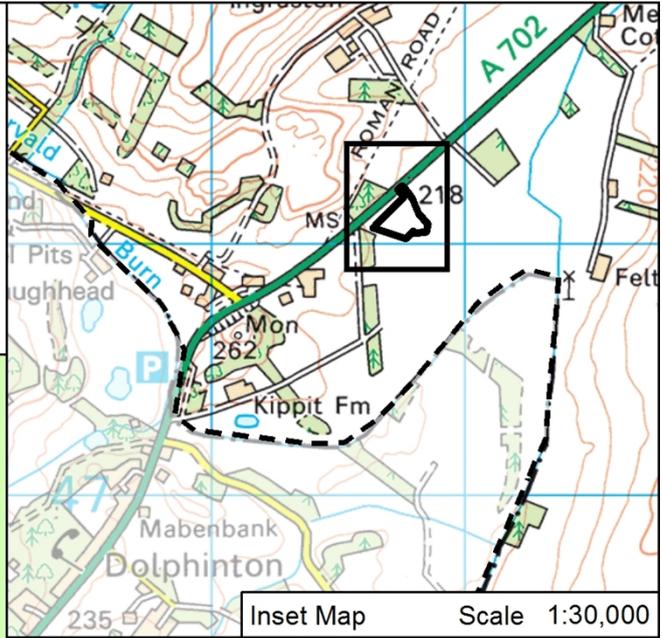
Author(s)

Name	Designation
Ranald Dods	Planning Officer



18/01377/FUL

Land North East Of
3 The Old Creamery
Dolphinton



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PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning & Housing Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

4th February 2019

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

- 2.2.1 Reference: 18/00123/LAND
Proposal: Condition of the Land
Site: Primary School, Roberton, Hawick
Appellant: Mr P Moderate

Reason for Notice: It appears to the Planning Authority that the amenity of part of the district is adversely affected by the detrimental visual effect of land at Primary School, Roberton, Hawick, TD9 7LX on the street scene of that part of Roberton.

The DPEA have advised that the Appeal is Out of Time

- 2.2.2 Reference: 18/00123/LAND
Proposal: Condition of the Land
Site: Primary School, Roberton, Hawick
Appellant: Ms M Moderate

Reason for Notice: It appears to the Planning Authority that the amenity of part of the district is adversely affected by the detrimental visual effect of land at Primary School, Roberton, Hawick, TD9 7LX on the street scene of that part of Roberton.

The DPEA have advised that the Appeal is Out of Time

2.3 Works to Trees

Nil

3 APPEAL DECISIONS RECEIVED

3.1 Planning Applications

Nil

3.2 Enforcements

- 3.2.1 Reference: 17/00131/UNDEV
Proposal: Erection of Chalet in Field
Site: Land East of Keleden, Ednam
Appellant: Brian and Susan Soar

Reason for Notice: It appears to the Council that the above breach of planning control has occurred within the last 4 years. The Council received a complaint that the land in question was being used as garden ground and that it had been previously used as open grazing land. A subsequent planning application for a change of use of the land was submitted, however was refused on 4 April 2018. The refusal was not appealed to the LRB. The land continues to be used as garden ground with domestic structures erected thereon.

Grounds of Appeal: The gazebo mentioned has been removed. The appellants do not think they breached planning regulations as they were never informed that the land was agricultural when purchased in 2006. Even if they had known, they would still have assumed they could grow vegetables and keep animals on agricultural land. Since purchasing the land, they have built a new house called Oaklands and used the land as garden ground, growing vegetables, planting trees, a small apple orchard, propagating plants and keeping bees (15-20 hives), hanging washing out, walking the dog and keeping chickens. Mr Soar takes some bee hives out to help farmers pollenate crops and also produces honey which they sell to local shops. The shed (5 mts x 4.5 mts x 2.3 mts height) is used for bee keeping equipment, storing garden tools and making bee hives. According to the Rural Payments agency bee keeping is classed as agricultural so is tree growing, they have planted 394 in the last few years. They have planning permission in principal to build a new house on the site which they intend to move into and would like to ask for a garden extension of ground that belongs to them, from agricultural to garden ground.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Dismissed

Summary of Decision: The Reporter, Martin H Seddon, found that on the balance of probability the land has not been in continuous use as garden land for at least a ten year period and therefore no change of use from agricultural land to garden land has been established. Representations from the appellants regarding the Local Review Body and movement of the village boundary and submissions to the emerging Local Development Plan consultation do not change the reporters view on the matter. The appellants have requested that, if the ten year rule for a change of use

does not apply, an area of land south of the land subject to planning permission in principle be allowed to be used "to continue growing vegetables, keeping bees and chickens etc". However, its acceptability for such a use would be a matter for determination by the council, rather than as part of this enforcement appeal. The reporter has therefore dismissed the appeal and upholds the enforcement notice but corrects the terms on notice by substituting the plan accompanying the enforcement notice by Plan 4 submitted in evidence by the appellants.

3.3 Works to Trees

Nil

4 APPEALS OUTSTANDING

4.1 There remained 7 appeals previously reported on which decisions were still awaited when this report was prepared on 25th January 2019. This relates to sites at:

• Land North West of Gilston Farm, Heriot	• Land West of Whitslaid (Barrel Law), Selkirk
• 22 Craigmyle Park, Peel	• March Street Mills, March Street, Peebles (17/00063/PPP)
• March Street Mills, March Street, Peebles (17/00064/CON)	• Land West of Gallowberry Bank, Blyth Bridge
• Greenloaning, The Loan, West Linton	•

5 REVIEW REQUESTS RECEIVED

Nil

6 REVIEWS DETERMINED

6.1 Reference: 18/01332/PPP
 Proposal: Erection of dwellinghouse and detached garage/stable
 Site: Land North East of River Cottage, Linthill, Melrose
 Appellant: Mr & Mrs T Ferguson

Reason for Refusal: The proposed development is contrary to Adopted Local Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) in that: (i) the development is not sympathetic to the character of the building group and would not contribute positively to the sense of place of the existing building group; and (ii) the Applicant has not demonstrated that there is any operational need for a new dwellinghouse to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.

Method of Review: Review of Papers

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

6.2 Reference: 18/01341/PPP
 Proposal: Erection of dwellinghouse and detached garage
 Site: Land South East of Tarf House, West Linton
 Appellant: Mr and Mrs Erlend Milne

Reason for Refusal: 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 it would amount to sporadic residential development in a countryside location unrelated to a building group that meets policy definitions and no overriding case for a dwellinghouse has been substantiated.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

7 REVIEWS OUTSTANDING

7.1 There remained 3 reviews previously reported on which decisions were still awaited when this report was prepared on 25th January 2019. This relates to sites at:

• Land North West of Chapel Cottage, Melrose	• 10 Townhead Way, Newstead
• Storage Units, Farknowes, Langshaw Road, Galashiels	•

8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

9.1 Reference: 14/00530/S36
 Proposal: Erection of 15 turbines 132 high to tip, access track, compound, permanent anemometer mast and 2 no borrow pits
 Site: Birneyknowe Wind Farm, Land North, South, East & West of Birnieknowe Cottage, Hawick
 Appellant: Banks Renewables

Reasons for Objection: 1. Impact on Landscape Character: The proposed development would be contrary to policies PMD2, EP5, and ED9 of the Scottish Borders Local Development Plan 2016 and policy 10 of the Strategic Development Plan 2013 in that, taking into consideration the following factors, it would unacceptably harm the Borders landscape: There is no capacity for very large turbine development within these Landscape Character Areas and the applicant has failed to demonstrate how the proposed wind farm can be accommodated within the site without unacceptable adverse impacts on the landscape. By virtue of the location, scale and extent of the wind farm, the proposal would be out of scale with the receiving landscape and would contrast significantly with other landscape features, appearing as a dominant feature in the landscape. The proposal would intrude on views into and out of the Teviot Valleys

Special Landscape Area. The proposal would diminish the significance of Rubers Law as an important landscape feature, due to the scale of the turbines and their proximity, competing with this sensitive skyline feature and adversely affecting its setting. The proposal would adversely affect the landscape setting of Hawick on approach from the north, dominating views and adversely affecting Hawick's landscape character. The proposal would be highly visible from the iconic panoramic viewpoint at the national border at Carter Bar. 2. Adverse Visual, Amenity and Cultural Heritage Impacts

The proposed development would be contrary to policies PMD2, ED9, EP8 and HD3 of the Scottish Borders Local Development Plan 2016 and policy 10 of the Strategic Development Plan 2013 in that, taking into consideration the following factors, it would give rise to unacceptable visual, amenity and cultural heritage impacts: Limited containment within the 5km range and consequent significant visual impacts from sensitive receptors, including public roads, rights of way, hill summits, Common Riding routes and dwellinghouses. Significant cumulative impacts on sensitive receptors and on landscape character, with an overlapping of schemes and with turbines becoming a dominant feature in the area. Significant impacts to the historic landscape and settings of designated and non-designated sites and monuments and it has not been demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset or its setting.

Reporter's Decision: Sustained

Summary of Decision: The Reporter, David Liddell, concluded that in many respects, no significant adverse effects would arise from the wind farm. It would result in significant climate change and energy benefits and there would be socio-economic benefits associated with construction, operation and potentially community ownership. From many locations the wind farm would not be visible. However the reporter had significant concerns about the nature, degree and extent of the adverse landscape and visual effects which would arise in this instance. As a result of these concerns, the wind farm would not in his judgment adequately preserve natural beauty and would be in conflict with important aspects of Scottish Planning Policy. The benefits of the proposal, the support for renewable energy development at national level and the location of the site do not outweigh these concerns. The proposal would not comply with policy ED9 Renewable Energy Development, the principal development plan policy in this case.

10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

10.1 There remained 2 S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 25th January 2019. This relates to sites at:

- | | |
|-------------------------------|-------------------------------|
| • Fallago Rig 1, Longformacus | • Fallago Rig 2, Longformacus |
|-------------------------------|-------------------------------|

Approved by

Ian Aikman
Chief Planning & Housing Officer

Signature

Author(s)

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

Background Papers: None.

Previous Minute Reference: None.

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

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