

Public Document Pack



LOCAL REVIEW BODY MONDAY, 13 JULY 2020

A MEETING of the LOCAL REVIEW BODY will be held on MONDAY, 13 JULY 2020 at 10.00 am. The meeting will be conducted remotely by Microsoft Teams live event. Arrangements are in place to stream the meeting for public viewing. Further information and a link will be provided on the Council's website before the meeting.

J. J. WILKINSON,
Clerk to the Council,

2 July 2020

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	<p>Consider request for review of refusal of application for erection of dwellinghouse and formation of access, landscaping and associated works on land NW of Ramsacre, Thickside, Jedburgh. 20/00235/PPP. 20/00013/RREF.</p> <p>Copies of the following papers attached:-</p>	
	<p>(a) Notice of Review</p> <p>Including:-</p> <p>Officer's Report - page 57 Decision Notice - page 64</p>	(Pages 5 - 66)
	(b) Papers referred to in Officer's Report	(Pages 67 - 68)
	(c) Consultation	(Pages 69 - 70)
	(d) Support Comment	(Pages 71 - 72)
	(e) List of Policies	(Pages 73 - 80)
5.	<p>Consider request for review of refusal of application for change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL) and erection of new sales building (retrospective) at Unit 1B and land W of Riverside Works, Edinburgh Rd. Jedburgh. 20/00283/FUL. 20/00014/RREF.</p>	

	Copies of the following papers attached:-	
	(a) Notice of Review Including:- Officer's Report - page 113 Decision Notice - page 122	(Pages 81 - 178)
	(b) Papers referred to in Officer's Report	(Pages 179 - 242)
	(c) Consultations	(Pages 243 - 272)
	(d) List of Policies	(Pages 273 - 278)
6.	Consider request for review of refusal of application for change of use from residential flat to business use at 62 Shawburn Rd. Selkirk. 19/01579/FUL. 20/00015/RREF.	
	Copies of the following papers attached:-	
	(a) Notice of Review	(Pages 279 - 286)
	(b) Decision Notice	(Pages 287 - 290)
	(c) Officer's Report	(Pages 291 - 294)
	(d) Papers referred to in Officer's Report	(Pages 295 - 304)
	(e) Consultations	(Pages 305 - 310)
	(f) List of Policies	(Pages 311 - 312)
7.	Consider request for review of refusal of application for erection of dwellinghouse on land NE of West Mains Farmhouse, Carlops. 19/01701/PPP. 20/00016/RREF.	
	Copies of the following papers attached:-	
	(a) Notice of Review Including:- Officer's Report - page 355	(Pages 313 - 360)
	(b) Decision Notice	(Pages 361 - 364)
	(c) Papers referred to in Officer's Report	(Pages 365 - 366)
	(d) Consultations	(Pages 367 - 372)
	(e) List of Policies	(Pages 373 - 378)

8.	Any Other Items Previously Circulated	
9.	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.

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

Please direct any enquiries to Fiona Walling 01835 826504
email fwalling@scotborders.gov.uk

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Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825251/System Help 01835 826705 Email: corporatebusinesssystems@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100254406-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ferguson Planning"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="-"/>	Building Name:	<input type="text" value="Shiel House"/>
Last Name: *	<input type="text" value="-"/>	Building Number:	<input type="text" value="54"/>
Telephone Number: *	<input type="text" value="01896 668744"/>	Address 1 (Street): *	<input type="text" value="Island Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Galashiels"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="TD1 1NU"/>
Email Address: *	<input type="text" value="tim@fergusonplanning.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Dr"/>	Building Name:	<input type="text" value="Shiel House"/>
First Name: *	<input type="text" value="N"/>	Building Number:	<input type="text" value="54"/>
Last Name: *	<input type="text" value="Miller"/>	Address 1 (Street): *	<input type="text" value="Island Street"/>
Company/Organisation	<input type="text" value="per Agent"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Galashiels"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD1 1NU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="tim@fergusonplanning.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing

Easting

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of dwellinghouse and formation of access, landscaping and associated works

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see Local Review Statement

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

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Please see Appendix 1 of Local Review Statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/00235/PPP

What date was the application submitted to the planning authority? *

27/02/2020

What date was the decision issued by the planning authority? *

23/04/2020

Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review? *

Yes No

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

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name:

~~ME~~ Ferguson Planning .

Declaration Date:

07/05/2020

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APPEAL STATEMENT

REF: 20/00235/PPP

**ERECTION OF DWELLINGHOUSE AND FORMATION
OF ACCESS, LANDSCAPING, AND ASSOCIATED
WORKS**

**LAND NORTH-WEST OF RAMSACRE, THICKSIDE,
JEDBURGH, SCOTTISH BORDERS**

ON BEHALF OF: DR NEIL MILLER

MAY 2020





CONTENTS

EXECUTIVE SUMMARY

- 1.0 INTRODUCTION
- 2.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS
COUNCIL AND PLANNING POLICY CONTEXT
- 3.0 GROUNDS OF APPEAL AND CASE FOR THE APPELLANT
- 4.0 CONCLUSIONS

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EXECUTIVE SUMMARY

This Statement is submitted on behalf of Dr Neil Miller “the Appellant” against the decision of Scottish Borders Council to refuse Planning Permission in Principle for the erection of a dwellinghouse and formation of access, landscaping, and associated works on land to the north-west of Ramsacre, Thickside on 23rd April 2020 (reference 20/00235/PPP). All Core Documents (CD) are referenced in Appendix 1.

The Appellant proposes to build a new dwelling on land within his ownership adjacent to the south of his current home. It is agreed between the planning authority and the Appellant that there is a Building Group comprising three existing dwellings at Thickside. Disagreement centres on whether the appeal site is well related to the existing Building Group.

In addition to lying adjacent to the Appellant’s home Thickside House, the appeal site also sits opposite the existing dwelling Ramsacre across the paved access track which provides vehicle access to the highway. Together with the existing Building Group, the appeal site lies to the east of the adopted highway Oxnam Road and shares a sheltered setting; distinct from the large open agricultural fields and the vast plantation woodland beyond. As such the appeal site sits within the setting of and shares a single sense of place with Thickside.

Reasons for Refusal

One reason was cited for the refusal of the Application.

The stated reason claimed that the proposed development contradicts Policy HD2 of the LDP as it “would be located outwith both natural and man-made boundaries of the building group”. The appointed Planning Officer considered that the proposed development “would not relate well to an existing building group” and that the “location fails to respect the character of the building group”.

The Appellant does not accept this assessment and points to the established development pattern at Thickside which is orientated around the paved access track and the presence of existing dwellings both adjacent and opposite the appeal site. While it is recognised that Thickside House is the longest established dwelling in the Building Group, it is not accepted that the House is “manorial” in design or that it defines the local sense of place. The shelter belt on the boundary of Thickside House, which the Planning Officer claims forms the enclosing boundary of the Building Group, is confined to a single side of the access track and does not contain the existing dwelling Ramsacre, which lies beyond to the west. The proposed hedge



along the south-west boundary of the site would correspond with the existing hedgerow of Ramsacre and create a cohesive landscaped boundary enclosing the Building Group either side of the access track. Man-made “means of enclosure” are acceptable as established in 2.b.1 of the New Housing in the Borders Countryside Supplementary Guidance.

The site forms part of the existing Building Group at Thickside defined by the paved access track running east from Oxnam Road and sharing a sheltered setting distinct from the vast proportions of surrounding forestry and farmland. As the site forms part of a Building Group, there is no requirement for the proposed dwelling to be tied to adjoining or any other agricultural land. The impact of the proposal on the landscape character would be limited and a detailed design which reflects and respects the local built character can be secured by condition. No dwellings have been approved or constructed within the current LDP period and so capacity exists for the expansion of the Building Group.

The Local Review Body, having considered the detail contained within the Planning Application package, together with the information set out herein, will be respectfully requested to allow the Appeal and grant Planning Permission in Principle.

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1.0 PROPOSAL SUMMARY

- 1.1 This Statement in support of Local Review is submitted to Scottish Borders Council on behalf of the Appellant, Dr N Miller, against the delegated decision to refuse to grant Planning Permission in Principle for the erection of a dwellinghouse and formation of access, landscaping, and associated works on land to the north-west of Ramsacre, Thickside.
- 1.2 The appeal site lies adjacent to the south boundary of the existing dwelling 'Thickside House', which is a former farmhouse that gives its name to the local cluster of dwellings. The residential property 'Ramsacre' sits opposite the site to the south-east of the access track while 'Nagscourt' lies to the north, adjoining Thickside House to the south-east.
- 1.3 The site comprises part of a field which fits between the paved access track to the south-east and larger agricultural fields to the north and west. The field has been arranged into two broadly flat levels for a number of years. The first level runs parallel to the access track across the site's south-east boundary and the second runs adjacent to the north-west boundary, with a slope of moderate gradient running between the two. The second level is separated from the surrounding countryside by a second moderately steep slope to the north-west. There is an existing field access in the south of the site's west boundary onto the access track, which is paved in tarmac concrete.
- 1.4 The conceptual site layout proposes the new dwelling upon the second level expanse and a garden path with steps leading to a proposed drive with small hardstanding apron for car parking. The existing field shelter is to be retained and the balance of the site is to be planted and landscaped as a private garden.
- 1.5 The proposed drive would provide vehicle access to the site from the existing access track shared between the three existing dwellings at Thickside and the highway network beyond. The proposed drive and hardstanding apron provide sufficient space on-site for turning and parking and the Roads Planning Officer has not objected to the proposal.
- 1.6 It is proposed that the new house would be served by private foul and surface water drainage arrangements and mains water supply. The Appellant is content to secure servicing details via condition.
- 1.7 The remainder of this Statement considers the site context and relevant planning policy, before evaluating the accordance of the appeal proposal with the Local Development

F E R G U S O N P L A N N I N G



Plan and other material considerations.

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2.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS COUNCIL AND PLANNING POLICY CONTEXT

2.1 Planning Application 20/00235/PPP was refused on 23rd April 2020. The Decision Notice cited one reason for refusal, set out below:

“1. The proposed development is contrary to Policy HD2 of the Scottish Borders Local Development Plan (2016) and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance (2008) in that:

- **The proposed development would not relate to an existing building group and would be located outwith both natural and man-made boundaries of the building group. This location fails to respect the character of the building group;**
- **It has not been demonstrated that there is an economic or operational need for a new dwellinghouses 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.”**

2.2 Policy HD2 permits the expansion of existing Building Groups, which comprise at least three houses, by an additional 2 dwellings or a 30% increase of the building group, whichever is the greater over the LDP period

2.3 The Appellant’s submission is that the application was made in accordance with section (A) of the Policy in that the appeal proposal represents the enlargement of an existing Building Group in the countryside by a single dwelling. Therefore section (F) – “economic or operational need” – is not considered to be relevant.

(A) BUILDING GROUPS

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
- b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point.

Fig 1: Policy HD2 Housing in the Countryside – Section (A).

2.4 The Supplementary Guidance ‘**New Housing in the Borders Countryside**’ includes the following criteria for any new housing in the countryside:

- No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
- Satisfactory access and other road requirements;
- Satisfactory public or private water supply and drainage facilities;
- No adverse effect on countryside amenity, landscape or nature conservation;
- No adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes;
- Appropriate siting, design and materials in accordance with relevant Local Plan policies.
- The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.



- 2.5 The section of the Guidance, which covers the expansion of existing Building Groups, states that all applications for new houses at existing Building Groups will be tested against an analysis of:
- a) the presence or, otherwise of a group; and
 - b) the suitability of that group to absorb new development.
- 2.6 The Guidance sets out that the existence of a Building Group “will be identifiable by a sense of place which will be contributed to by:
- natural boundaries such as water courses, trees or enclosing landform, or
 - man-made boundaries such as existing buildings, roads, plantations or means of enclosure.”
- 2.7 When expanding an existing building group, the Guidance includes the following points:
- The scale and siting of new development should reflect and respect the character and amenity of the existing group;
 - New development should be limited to the area contained by that sense of place;
 - A new house should be located within a reasonable distance of the existing properties within the building group with spacing guided by that between the existing properties;
 - Ribbon development along public roads will not normally be permitted.



3.0 GROUNDS FOR APPEAL AND CASE FOR THE APPELLANT

- 3.1 The decision of the Planning Authority to refuse the Application is challenged on the basis of the Ground of Appeal set out below. It is the submission of the Appellant that the proposal accords with the relevant adopted policy of the Local Development Plan and Supplementary Guidance and that there are no material considerations which justify the refusal of the application.
- 3.2 The Roads Planning Officer was the only statutory consultee to comment on the application during the course of its determination. The response received did not object to the proposal but did recommend that conditions were attached.

GROUND 1: THE PROPOSAL REPRESENTS THE ERECTION OF A DWELLING ON A SITE WHICH IS WELL RELATED TO THE EXISTING BUILDING GROUP AT THICKSIDE AND WOULD CONTRIBUTE POSITIVELY TO THE LOCAL SENSE OF PLACE AND SETTING.

- 3.3 It is the Appellant's position that the appeal site lies within the setting and forms part of the Building Group at Thickside and that the proposed dwelling would enhance the defined sense of place.
- 3.4 It is common ground between the Appellant and the Planning Authority that an existing Building Group exists at Thickside and that capacity does exist for expansion by another 2 no. dwellings. However, Report of Handling 20/00235/PPP states that the appeal site lies "outwith the area contained by the sense of place, defined by the strong natural woodland boundary which clearly demarks the extent of Thickside". The appointed Planning Officer acknowledges that Ramsacre also lies beyond the "strong natural woodland boundary" identified but that "it does not feel divorced from the host built environment and it is not visually prominent or physically separated by landcover" and so was considered to be a "marginally acceptable addition in terms of sense of place" given the supporting economic justification.
- 3.5 It is the Appellant's position that the shelter belt to the north-east of the appeal site does not form the enclosing boundary of the Building Group. The shelter belt flanks the access track on one side only and, in any case, the existing dwelling Ramsacre protrudes beyond the hypothetical boundary it would create. It is recognised that if the responsibility to determine the application in which Ramsacre was approved had fallen to the appointed Planning Officer, then planning permission may not have been granted

or substantial revision may have been required. However there is no provision within section (A) of Policy HD2 for this consideration to inform determination of the application at hand. Given the pattern of development at Thickside and particularly the position of Ramsacre in relation to the rest of the Building Group, it is clear that the tree belt is not the definitive enclosing feature of the landscape. In truth there are a number of weak landscape boundaries around Thickside including the change in topography and timber post-and-rail fence along the south-west boundary of the field in which the appeal site sits, the existing hedge on the boundary of Ramsacre, and the shelter belt identified by the Planning Officer. Each of these features contradict each other to a degree and there is no single definitive demarcation.

- 3.6 It is considered that both Ramsacre and the field in which the appeal site is located form part of the Building Group's setting and that hedge planting on the south-west boundary of the site which corresponds with existing hedging to the south-east of the access track represents the best prospect of establishing a distinct and cohesive enclosing landscape feature in the short and medium term. As Fig.2. (below) shows all three existing dwellings are moderately prominent in the landscape. Each can be clearly seen and distinctly made out from the Netherwells road end approximately 500 metres from Ramsacre (crow flight distance). Therefore it is considered that it is incorrect to attribute substantial weight to 'visual prominence' in the determination of the application as the existing Building Group is intrinsically visually prominent.



Fig 2: View of Thickside Building Group from Oxnam Road to south-east of appeal site.



- 3.7 It is noted that Report of Handling 20/00235/PPP states that “Thickside Farmhouse is manorial and occupies a well enclosed and elevated site, overlooking the former ranges and lands. Residential development of this site would not share or acknowledge that sense of place.” The Planning Officer considers that in this local setting the proposed dwelling “would appear from Oxnam Road as an arbitrary choice of siting and an outlier to the natural setting of Thickside”.
- 3.8 It is considered that Thickside House does not define the setting or sense of place within the Building Group. Firstly, a manor house would be expected to sit at the end of a private way to the highway. Thickside House does not sit at the end of the access track rather it lies to the north-west with vehicle access provided by a less substantial gravel drive. Secondly although Thickside House is Victorian in proportions, those are not stately, baronial, or manorial. Together with elevations finished in white render, the character of the house is one of a sensitively designed and attractive farmhouse – not a stately home or manor house.



Fig 3: Annotated aerial image of Building Group at Thickside.

- 3.9 The feature around which the Building Group is orientated is the existing access track. Nagscourt, which has the appearance of a converted steading, sits at the east of the access track (furthest from the highway) while Thickside House sits adjacent to the north-west and active agricultural buildings and structures lie to the south-east. Ramsacre lies to the west of the other buildings, adjacent to the south-east of the access track. The whole Building Group sits distinct from Oxnam Road (adopted highway) to the west and has a sheltered setting, separate from the nearby large open agricultural fields and the vast proportions of plantation woodland beyond.
- 3.10 It is a simple matter of fact that Ramsacre lies closer to the highway than and beyond the shelter belt identified by the Planning Officer; therefore it is not possible that the shelter belt represents the landform enclosing the existing Building Group and it is clear



that the setting and sense of place extend beyond the belt. Given that the setting of the Building Group extends beyond the identified shelter belt and that the proposed dwelling would sit opposite Ramsacre, the appeal site is considered to be well related to the existing Building Group at Thickside.

- 3.11 The Planning Authority and Appellant agree that there is an existing Building Group at Thickside as defined in section (A) of Policy HD2. It is considered that the proposed development would not “fail to respect the character of the Building Group” but is in fact well related to the existing Building Group lying within the local setting and defined sense of place to the east of Oxnam Road adopted highway. Therefore the appeal proposal is considered to accord with criteria a) of section (A).
- 3.12 The proposal is for the erection of a single small detached dwelling in a relatively large plot – 0.217ha (0.54ac). The density of proposed development is considered to be broadly representative of the existing pattern of development at Thickside and particularly with the plot and layout of Ramsacre (opposite).



Fig 4: Extract from H096-SP01(A) Site Layout (Source: Aidan Hume Design).

- 3.13 It should also be noted that there have not been any dwellings approved or built, within or adjacent to the Building Group since the adoption of the current Local Development Plan. Given the limited impact of the proposal on the character of the Building Group and the absence of other development contributing towards impacts on character, the proposal is considered to satisfy criteria (b) of section (A).
- 3.14 Criteria c) stipulates that Building Groups should not be extended by more than 30% of the existing housing stock or two dwellings. In the case of Thickside, the maximum permitted increase in the size of the Building Group is two dwellings. As previously



stated, no dwellings have been approved or built in the Building Group since adoption of the current LDP. Therefore the proposal is in accordance with criteria (c).

- 3.15 Briefly, it is noted that the Report of Handling raises the spectre of precedent setting. As the appeal site is bounded on two sides by existing dwellings and is well related to an existing Building Group, the proposed development is made in accordance with adopted policy. Therefore the primacy of the Local Development Plan would be protected and reinforced in the event that the Local Review Body determines to grant planning permission.
- 3.16 The proposal is considered to accord with section (A) of Policy HD2. The appeal site comprises part of an existing Building Group which is defined by an existing tarmac concrete access track running east from the adopted highway and providing access to 3 no. existing dwellings. Two of the existing dwellings lie east of the appeal site while the other sits opposite the site to the south-east. Together the access track, three existing dwellings, and sheltered setting of the Building Group give rise to the sense of place at Thickside. The proposed dwelling is set in a relatively large plot which is reflective of the local character of Thickside. The existing Building Group has capacity to expand within the current LPD period. In addition to being in accordance with adopted policy, the proposal offers the opportunity to secure a new home and retain investment together with associated employment in this part of the Borders.



4.0 CONCLUSIONS

- 4.1 The Appeal, supported by this Statement, requests that the Council overturns the decision to refuse Planning Permission in Principle for Application 20/00235/PPP and grant consent for the erection of a dwellinghouse and formation of access, landscaping, and associated works on land to the north-west of Ramsacre, Thickside
- 4.2 The proposal is for the erection of a new dwelling on a site which is well related to and within the setting of the existing Building Group. The proposed dwelling both reflects the existing pattern of development and respects the local character of Thickside. The proposed dwelling would have minimal impact on the amenity of surrounding properties and local landscape. Lastly as the Building Group has capacity to expand by two dwellings over the LDP period and no new development has been approved to date – the Building Group has capacity to expand in line with adopted policy. Therefore the proposal is considered to accord with section (A) of Policy HD2.
- 4.3 The Appellant acknowledges that a detailed design will have to be submitted in the subsequent stage of the planning process in order to secure the consent. Importantly this will include a definitive landscaping design which enables the development to be assimilated into the wider landscape and to ensure the final design of the proposed development is of high quality. The site and proposed dwellings will be contained by landscaped boundaries, as directed by the New Housing in the Borders Countryside Supplementary Guidance.
- 4.4 Vehicle access to the adopted highway is proposed via the existing paved access track and a proposed on-site driveway. A consultation response was received from the Roads Planning Officer who did not object to the proposal.
- 4.5 Should Planning Permission in Principle be granted, approval of the deferred details will be required at the next stage of the planning process. Therefore the scale, layout, appearance of elevations, and landscaping can be controlled by the Planning Authority.
- 4.6 The Local Review Body is respectfully requested to allow the appeal for the erection of a dwellinghouse and formation of access, landscaping, and associated works.



APPENDIX 1

Core Documents

The following drawings, documents, and plans have been submitted to support the appeal:

- Appeal Form;
- CD1 Appeal Statement;
- Application Form;
- CD2 (Application) Planning Statement;
- CD3 H096-LP01(A) Location Plan;
- CD4 H096-SP01(A) Site Layout;
- CD5 Report of Handling 20/00235/PPP; and
- CD6 Decision Notice 20/00235/PPP.

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Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825251/System Help 01835 826705 Email: corporatebusinesssystems@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100234059-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

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

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of a dwelling together with access, landscaping, associated works

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	-	Building Name:	Shiel House
Last Name: *	-	Building Number:	54
Telephone Number: *	01896 668744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 1NU
Email Address: *	Ruaraidh@fergusonplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Dr	Building Name:	Shiel House
First Name: *	N	Building Number:	54
Last Name: *	Miller	Address 1 (Street): *	Island Street
Company/Organisation	per Agent	Address 2:	
Telephone Number: *		Town/City: *	Galashiels
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	TD1 2DT
Fax Number:			
Email Address: *	Ruaraidh@fergusonplanning.co.uk		

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

620234

Easting

368117

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

2169.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Agriculture

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

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

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

Water Supply and Drainage Arrangements

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

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

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

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

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Application is for Planning Permission in Principle. Detailed drainage information can be secured in subsequent phase of planning process.

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

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

- Yes
 No, using a private water supply
 No connection required

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

Assessment of Flood Risk

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

Yes No Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

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

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: - -

On behalf of: Dr N Miller

Date: 27/02/2020

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Planning Statement

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr - -

Declaration Date: 27/02/2020

Payment Details

Cheque: Mr N Miller, 12345678

Created: 27/02/2020 16:23

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PLANNING STATEMENT

SITE ADDRESS

LAND SOUTH OF THICKSIDE HOUSE, JEDBURGH, TD8 6QY

PROPOSAL

**ERECTION OF SINGLE DWELLING TOGETHER WITH ACCESS,
LANDSCAPING, AND ASSOCIATED WORKS**

APPLICANT

DR N MILLER

FEBRUARY 2020

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CONTENTS

1. INTRODUCTION AND PROPOSAL DESCRIPTION
2. PLANNING POLICY CONTEXT
3. ASSESSMENT OF DEVELOPMENT PROPOSAL
4. CONCLUSIONS

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1. INTRODUCTION AND PROPOSAL DESCRIPTION

- 1.1 This Planning Statement, prepared by Ferguson Planning, is submitted to Scottish Borders Council on behalf of the Applicant Dr N Miller. The Statement supports an application for Planning Permission in Principle for the erection of a dwelling together with access, landscaping, associated works on land to the south of Thickside House.
- 1.2 The purpose of this Statement is to provide a good level of understanding of the application site and the context within which it lies, before providing background to the proposed development and its accordance with planning policy.
- 1.3 The site sits to the west of an existing private way running north-east from the C41 Oxnam Road, east of Jedburgh. The site sits adjacent to the south of 'Thickside House', which is a former farmhouse that gives its name to the local cluster of dwellings. The residential property 'Ramsacre' sits opposite the site to the south-east of the access track while 'Nagscourt' lies to the north, adjoining Thickside House to the east.
- 1.4 The site comprises part of a field which fits between the paved access track to the south-east and larger agricultural fields to the north and west. An existing field access exists in the south of the site's west boundary onto the access track, which is paved in tarmac concrete.
- 1.5 The extract below indicates the application site in red together with other land within the Applicant's control in blue. The existing dwellings nearby and other buildings are also indicated.

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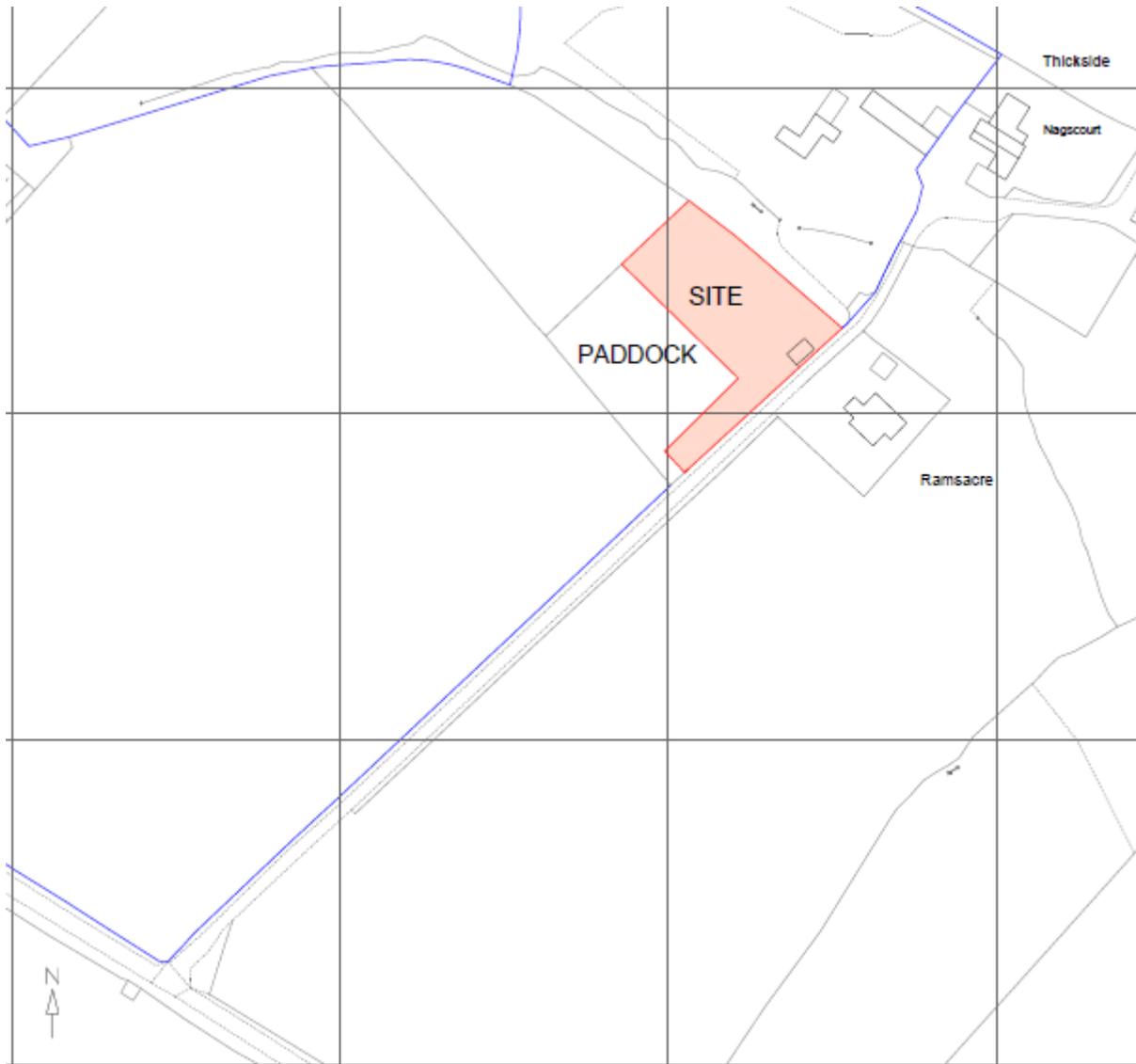


Fig.1. Extract from AH096-LP01(A) Location Plan, the adopted highway is visible in the south-west with the site lying to the north-east (Source: Aidan Hume Design)

Proposal

- 1.6 The layout and access arrangements of the proposed dwelling are conceptually illustrated on AH096-SP01 Site Layout. The proposal is for the erection of a single dwelling on the site together with the access, landscaping, and associated works.

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Fig.2. Extract from H096-SP01(A) Site Layout (Source: Aidan Hume Design)

- 1.7 The application is for Planning Permission in Principle with matters of detailed design for subsequent consideration. It is proposed to make use of the existing private way and field access to provide access to the site.
- 1.8 Should planning permission be granted for the proposed development then the Applicant will provide a detailed design informed by and in accordance with adopted policy for the further consideration of the planning authority.
- 1.9 The proposed dwelling will be serviced by connection to a privately held septic tank and soakaways within the Applicant's control. The Applicant proposes to connect to the mains water network which serves the existing three dwellings at Thickside.



- 1.10 The application site and proposed residential curtilage replicate the existing pattern of development at Thickside by corresponding to the position of Ramsacre in relation to the primary farmhouse and the other buildings in the cluster. The proposal does not pursue a new pattern of development or seek to extend a linear developed ribbon into the open countryside.
- 1.11 As the application is for Planning Permission in Principle, the requirement to submit detailed drawings to secure the outstanding elements of the design in the next stage of the planning process is acknowledged.
- 1.12 The remainder of this Statement considers relevant planning policy and thereafter provides a reasoned justification within the policy context. Together with this Statement the following drawings and documents have been submitted to support the application:
- AH096-LP01(A) Location Plan, prepared by Aidan Hume Design; and
 - AH096-SP01(A) Site Layout, prepared by Aidan Hume Design.

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2. POLICY CONTEXT

2.1 This section provides an overview of key planning policies relevant to the proposed development. Scottish Planning Policy (SPP) sets out national planning policies and is a key material consideration in the determination of planning applications. The Development Plan is made up of the Strategic Development Plan for South East Scotland (SESPlan) and the Scottish Borders Local Development Plan (2016).

Scottish Planning Policy (SPP) 2014

2.2 SPP supports the creation and protection of successful, sustainable places which support sustainable economic growth and regeneration, and the creation of well-designed, sustainable places. This outcome sits side-by-side with the other three outcomes which target the delivery of low carbon places which reduce carbon emissions and adapt to the changing climate, natural and resilient places which protect and make use of natural and cultural assets, and better connected places which support and capitalises on transport and digital infrastructure.

2.3 SPP creates a presumption in favour of development that contributes to sustainable development and establishes that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. Specifically, policies and decisions should be guided by key principles, including:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and



- avoiding over-development, protecting the amenity of new and existing development and
- considering the implications of development for water, air and soil quality.

2.4 SPP sets out how successful, sustainable places includes protecting and enhancing the vibrancy of rural, coastal, and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas.

2.5 In rural areas the Government intends the planning system to:

- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
- support an integrated approach to coastal planning.

Scottish Borders Local Development Plan

2.6 Local planning policy relevant to the proposal is contained within the Scottish Borders Local Development Plan (2016). Key policies include:

- **Policy PMD1: Sustainability**
- **Policy PMD2: Quality Standards**
- **Policy HD2: Housing in the Countryside**
- **Policy HD3: Protection of Residential Amenity**
- **Policy EP5: Special Landscape Areas**

Policy PMD1: Sustainability

2.7 The preparation of the Local Development Plan was heavily informed by the acknowledged “*need for action on climate change*” and the Council’s Environmental Strategy, which sit behind the ‘support and encouragement of sustainable development’ across the Borders. Policy PMD1 sets out the “*sustainability principles which underpin all the Plan’s policies*” and that the Council expects to inform development proposals and planning decisions:

- a) the long term sustainable use and management of land
- b) the preservation of air and water quality
- c) the protection of natural resources, landscapes, habitats, and species
- d) the protection of built and cultural resources
- e) the efficient use of energy and resources, particularly non-renewable resources



- f) the minimisation of waste, including waste water and encouragement to its sustainable management
- g) the encouragement of walking, cycling, and public transport in preference to the private car
- h) the minimisation of light pollution
- i) the protection public health and safety
- j) the support of community services and facilities
- k) the provision of new jobs and support to the local economy
- l) the involvement of the local community in the design, management, and improvement of their environment.

Policy PMD2: Quality Standards

2.8 The Policy sets out a range of sustainability, placemaking and design, accessibility and open space/ biodiversity requirements, whereby the proposal must:

- Take appropriate measures to maximise the efficient use of energy and resources, in terms of layout, orientation, construction and energy supply;
- Make provision for sustainable drainage;
- Incorporate appropriate measures for separate storage of waste and recycling;
- Incorporate appropriate landscaping to help integration with the surroundings;
- Create a sense of place, based on a clear understanding of context;
- Be of a scale, massing and height appropriate to the surroundings;
- Be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality;
- Be compatible with, and respect, the character of the surrounding area, neighbouring uses and neighbouring built form;
- Be able to be satisfactorily accommodated within the site;
- Provide for appropriate boundary treatments to ensure attractive edges, and to help integration with the surroundings;
- Incorporate access for those with mobility difficulties;
- Not have an adverse impact on road safety in terms of the site access;
- Incorporate adequate access and turning space for vehicles including those used for waste collection purposes.
- Retain physical or natural features which are important to the amenity or biodiversity of the area.



Policy HD2: Housing in the Countryside

2.9 Section A of Policy HD2 addresses development proposals for housing related to existing Building Groups. The adopted text of section A has been copied below:

“(A) Building Groups

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such a conversion has been implemented,*
- b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,*
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.*

In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.”

Policy HD3: Protection of Residential Amenity

2.10 The Policy states that *“development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:*

- a) the principle of the development, including where relevant, any open space that would be lost; and*
- b) the details of the development itself particularly in terms of:*
 - i. the scale, form, and type of development in terms of its fit within a residential,*
 - ii. the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlight provisions. These considerations apply especially in relation to garden ground or ‘backland’ development,*
 - iii. the generation of traffic or noise,*
 - iv. the level of visual impact.”*



Other Material Considerations

New Housing in the Borders Countryside SPG

- 2.11 The Supplementary Planning Guidance provides “advice and assistance with the siting and design of new housing in the Borders countryside”. Pertinent sections of the Guidance have been identified below.
- 2.12 The Guidance accepts that “the Borders area is not uniform in its landscape character” and that for “new housing to be absorbed successfully into a particular landscape it is important that the setting is selected by respecting the local landform, the field patterns and the tree and hedgerow cover”.
- 2.13 The Guidance continues to establish that the development of “new housing in harmony with its immediate and wider surroundings” is possible by “respecting the local landform, the pattern of fields and the distribution of tree and hedgerow cover”.
- 2.1 The Guidance sets out that the existence of a Building Group “will be identifiable by a sense of place which will be contributed to by:
- natural boundaries such as water courses, trees or enclosing landform, or
 - man-made boundaries such as existing buildings, roads, plantations or means of enclosure.”
- 2.14 The Council’s expectations for elements of the proposed design which relate to access are also included in the Guidance, “in the interests of public safety it is therefore important that any new houses in the countryside are served by a vehicular access of a safe standard and provided with adequate on site facilities for vehicle movement and parking.”



3. ASSESSMENT OF DEVELOPMENT PROPOSAL

Principle of Development

- 3.1 The application site sits adjacent to the south-west of the existing Building Group at Thickside. The Building Group comprises the existing dwellings Thickside House, Nagscourt, and Ramsacre. Thickside House and Ramsacre lie adjacent to the north and east of the site, respectively. The site is enclosed by an existing fence lying on higher land to both the south and west, creating a distinct boundary to the Building Group. Tree and hedge planting are proposed to enhance the existing boundary, creating a more distinct natural feature. Given the position of the site in relation to the existing dwellings and the natural enclosing landform, the site is considered to be well related to the existing Building Group at Thickside and to accord with criteria a) of section (A).
- 3.2 A review of the Council’s online planning records has indicated that no new or existing dwellings have been consented at Thickside within the current LDP period. The proposal is for the erection of a single dwelling within the setting and enlarging of an existing Building Group comprising three dwellings. While details of appearance, layout, and scale are deferred for future consideration, the type and form of development proposed are considered to be acceptable on the site.
- 3.3 Views of the site from both the south and west, including the C41 adopted highway, are defined by the existing Building Group. From such viewpoints the proposed dwelling would appear to sit next to or behind the existing dwelling Ramsacre, creating only a slight landscape impact which reflects the existing character of the local area. Views of the site from the east are obscured by established mature trees and landform. Views from the north are partly obscured by a line of semi-mature trees and landform. It is possible that glanced views of a ridge or chimney pot may be seasonably visible, creating a negligible impact on the landscape. Given the limited landscape impacts associated with the proposed development, it is considered that an “unacceptable adverse impact” would not be created and that the proposal accords with criteria b) of section (A).
- 3.4 As the Building Group at Thickside comprises three existing dwellings, extension by two additional dwellings is allowed for by the Policy. The proposal is considered to accord with criteria c) of section (A) as no new dwellings have been consented within the current LDP period and one new dwelling is proposed.
- 3.5 The principle of development of the erection of a dwelling together with access, landscaping, associated works is considered to be acceptable in accordance with section (A) of Policy HD2. The proposal represents the erection of a single dwelling expanding an existing Building Group in an appropriate fashion.



Residential Amenity

3.6 The proposal has been prepared to provide for good amenity for the occupiers of the proposed dwelling and surrounding dwellings. With regard to the criteria of Policy HD3:

- a) As addressed above, the principle of the proposed development is considered to be acceptable.
- b)
 - i. The type of development (a single detached dwelling) is considered to be appropriate to the site and the local area. Consideration of whether the scale of the proposed development is suitable, is deferred for future consideration. However, it is considered that the indicative form shown on AH096-SP01(A) Site Layout is broadly representative of appropriate development on the site. The proposed dwelling is conceptually illustrated on the largest single element of level land within the site.
 - ii. The location of the site is generally conducive to good residential amenity with three existing dwellings essentially forming the adjoining Building Group. The front elevation of the proposed dwelling shall be set back approximately 35 metres from the access track creating a setback distance of approximately 50/55 metres between the proposed dwelling and Ramsacre, negating privacy concerns such as overlooking. It is conceptually envisaged that the boundaries of the site shall be planted with hedge to enhance the amenity of both the proposed dwelling and existing dwellings.
- c) It is considered that the highway safety and noise generation impacts of development will be negligible.
- d) Views of the site from public vantage points are primarily from the adopted highway to the south and west. These views are set in the context of an existing cluster of residential development which defines the character of the local area. The proposal would represent a modest enhancement of the existing cluster of dwellings which would continue to define views locally. Overall the visual impact of the proposal on the local area is considered to be slight in degree.

3.7 As the proposal provides for good amenity on-site and in the surrounding area it is considered to accord with Policy HD3.

Access

3.8 The site is accessed by the private way that serves the existing Building Group. The proposal makes use of the existing field gate to provide access to the site. These arrangements are considered to be acceptable to avoid the proliferation of accesses in the style of driveways which would cause the domestication of Thickside and erosion of the rural character.



Impact on Local Character and Other Matters of Detailed Design

- 3.9 Matters of detailed design are deferred for future consideration. However, it is recognised that development cannot commence without submission and approval of final details of appearance, layout, scale, and landscaping. The new landscape boundary to contain the plot which is advised to be acceptable in the “New Housing in the Borders Countryside SPG” is included within those details.

Site Servicing

- 3.10 The proposed dwelling will be serviced by connection to the nearby mains water network. Foul and surface water drainage will be managed by connection to private means. Satisfactory connection arrangements can be achieved, subject to further details to be provided at the next stage in the planning process.



4. CONCLUSION

- 4.1 Ferguson Planning has been appointed by the Applicant to submit an application for Planning Permission in Principle for the erection of a dwelling together with access, landscaping, and associated works on land south of Thickside House.
- 4.2 The proposal represents the enlargement of an existing Building Group by one dwelling upon a site which is well related to the existing dwellings and benefits from enclosing landform marking a boundary between the Building Group and the surrounding countryside. Therefore the erection of the proposed dwelling upon the site is considered to be acceptable in accordance with Policy HD2(A).
- 4.3 The proposal has been designed in accordance with Policy HD3 and represents an acceptable form of development in this location. It is considered that the proposed dwelling would benefit from good amenity and safeguard the privacy of surrounding dwellings.
- 4.4 It is considered that the proposal is in accordance with relevant adopted policy of the Local Development Plan and is not afflicted by any other material considerations. It is respectfully requested that planning permission is granted.

Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

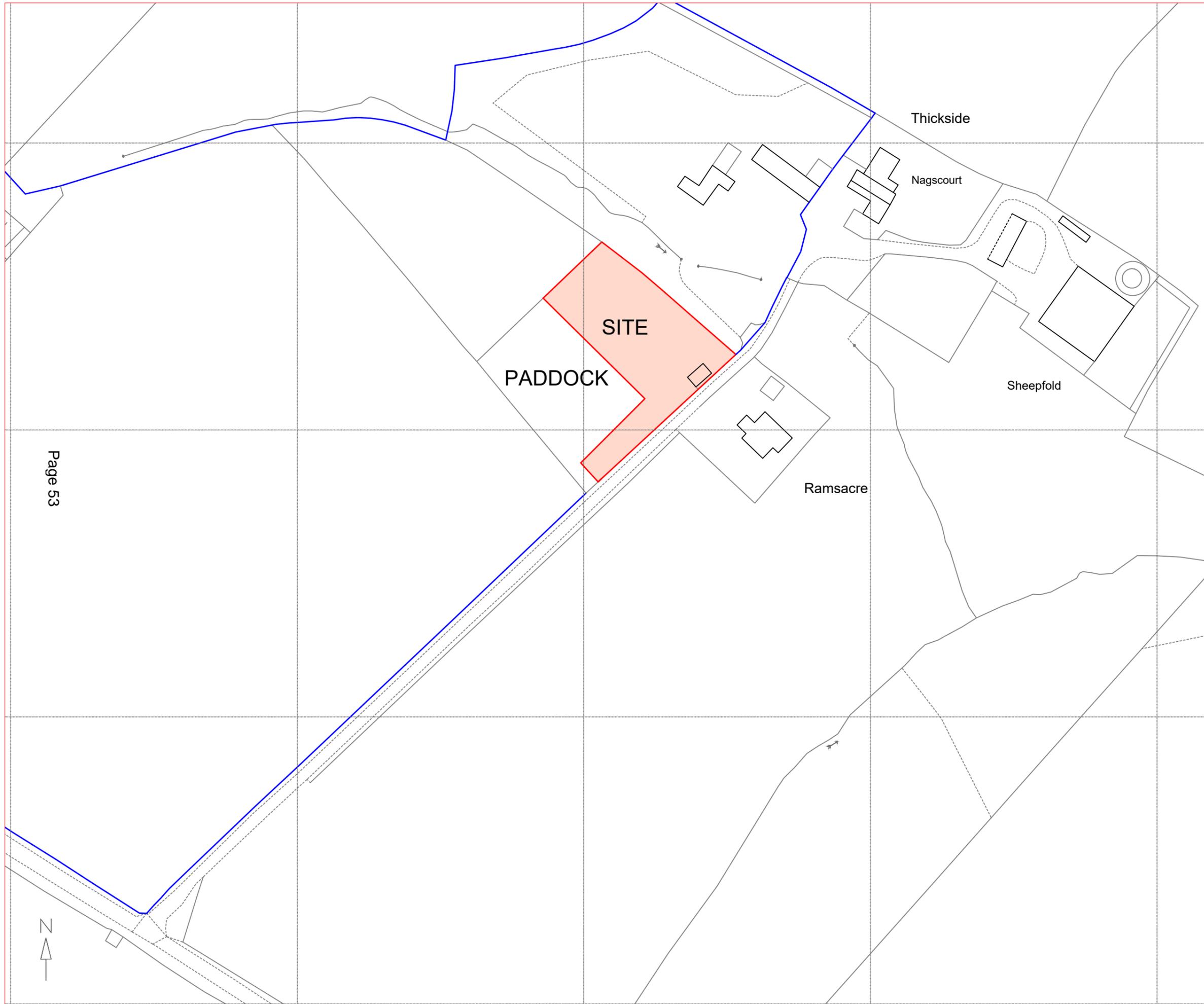
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Page 53



Indicative South East Elevation

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tel:- 07792 599343 or 07788 420822

Project:
PROPOSED DWELLINGHOUSE AT THICKSIDE FARM JEDBURGH TD8 6QX

Client:
MR N MILLER

Title:
LOCATION PLAN

Scale: 1: 1250	Paper size: A3	Drawn by: AH	Date: 26.02.20
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Project no: AH 096	Drawing no: LP01	Issue: A
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Nagscourt

indicative site for new house



INDICATIVE HOUSE TYPE

access road and vehicular parking and turning area

existing field shelter

Site

Paddock

landscaping & planting to the planners requirements

ex field access

existing field access

Ramsacre

Page 55



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Project:
**PROPOSED DWELLINGHOUSE AT THICKSIDE FARM
JEDBURGH
TD8 6QX**

Client:
MR N MILLER

Title:
SITE LAYOUT

Scale: 1: 500	Paper size: A3	Drawn by: AH	Date: 26.02.20
Project no: AH 096	Drawing no: SP01	Issue: A	

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SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 20/00235/PPP

APPLICANT : Dr N Miller

AGENT : Ferguson Planning

DEVELOPMENT : Erection of dwellinghouse and formation of access, landscaping and associated works

LOCATION: Land North West Of Ramsacre
Thickside
Jedburgh
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
LP01	Location Plan	Refused
SP01	Proposed Site Plan	Refused

NUMBER OF REPRESENTATIONS: 1
SUMMARY OF REPRESENTATIONS:

Four neighbours were notified and an advert placed in the Southern Reporter and on tellmescotland.gov.uk for neighbours not known and potential departure from the Local Plan. One representation was received. The respondent supports development but highlights concerns regarding:

- The siting of the septic tank and it's effect on the existing network of septic tanks and pipe work and the overflow capability.
- A single storey building is more preferable than a 2 storey building.
- The access drive is shared among 3 existing properties. Future maintenance of this drive is questioned.

Consultations:

Roads Planning Service: No objection subject to visibility improvements at the public road junction with Oxnam Road. Two conditions are required, regarding visibility splays and parking.

No responses have been received from Scottish Water, the Community Council, Education or the Access Officer.

PLANNING CONSIDERATIONS AND POLICIES:

SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN (2016)

PMD1: Sustainability
PMD2: Quality Standards
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP3: Local Biodiversity
EP13: Trees, Woodlands and Hedgerows
IS2: Developer Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment and Sustainable Urban Drainage

SUPPLEMENTARY PLANNING GUIDANCE

Placemaking and Design (2010)
Development Contributions (Revised 2018)
New Housing in the Borders Countryside (2008)
Trees and Development (2008)
Landscape and Development (2008)
Householder Development (incorporating Privacy and Sunlight Guide) (2006)

Recommendation by - Euan Calvert (Assistant Planning Officer) on 22nd April 2020

Planning Permission in Principle is sought for a dwellinghouse at Thickside Farm Jedburgh.

SITE DESCRIPTION

This site is located 1.5 miles south east of Jedburgh. Thickside Farm is located at the end of a 300m long surfaced drive. There is a thick tall beech hedgerow running the length of the north western verge. On approach, the first house is Ramsacre, R080/89, which was a dwelling constructed with an occupancy restriction which was later relaxed, 01/01411/FUL, (removal of condition 2). Ramsacre occupies a ~35m square site on the south eastern verge. The house is beginning to settle in to its maturing landscape grounds. Beyond this, 60m north east, is Nagscourt, 99/00273/COU, which is a residential dwelling constructed as a conversion. It was formerly part of the traditional agricultural range, 00/01541/FUL.

A new agricultural/ equine complex (5-bay steel portal framed shed) has been developed on the lower lying ground 60m to the south east of Nagscourt. Thickside Farmhouse sits in a large wooded private curtilage overlooking the former steading range and the new shed/ agricultural complex. This siting, orientation and landscaping is manorial and this is important in respect of this application. There is a thick mature wooded cleuch (Wells Burn) which currently defines the western extent of Thickside. Ramsacre was located to the south of this woodland to both ensure a future close relationship to the group and to avoid Wells Burn. It does this successfully while avoiding impact to the outlook of Thickside Farmhouse.

The site for consideration is situated on the opposite side of the road from Ramsacre. It would share a 60m long mutual north east boundary with the mature wooded cleuch (above). This land is improved grassland. It now a relatively small field enclosure with a gated entrance in the hedge at its southern corner. The roadside frontage measures 70m. There is a field shelter (opposite Ramsacre) and vehicular track both tucked behind the hedge. Most notably, the site rises to the north west and a platform has been created using cut and fill to overcome this rise. The platform is grass and appears to be a riding menage. It is on the upper part of the field measuring 25m x 50m and runs parallel with the road. A steeper embankment feature now appears central to this formerly gently rising hillside.

PROPOSED DEVELOPMENT

The site plan demonstrates a dwellinghouse to be positioned central to the northern half of the construction platform on a site measuring 30m in width x 60m in depth. In effect the field (both the platform and lower hillside) would be severed in two. A vehicular access would be retained from the existing gate and parking and turning would be formed between the field shelter and the embankment for 4 vehicles in-curtilage.

POLICY PRINCIPLE

The principle of development is assessed against policy HD2 of the Local Development Plan 2016 and the Supplementary Planning Guidance on New Housing in the Borders Countryside, 2008. This policy allows for new housing associated with existing building groups, conversion of suitable buildings, and in cases where economic justification is present.

PLANNING HISTORY

There is no history on this site.

PLANNING STATEMENT

The Agent finds the site ideally suited. They state it would replicate the existing pattern of development at Thickside by corresponding to the position of Ramsacre in relation to the primary farmhouse and the other buildings in the cluster. They state it does not pursue a new pattern of development or seek to extend a linear developed ribbon into the open countryside. They note the development would create a distinct boundary to the Building Group, which with the addition of landscaping, would enhance the present arrangement. Visually it is contested that this proposal would not create any "unacceptable adverse impact". In terms of residential amenity, the front elevation of the proposal would be set back approximately 35 metres from the access track creating a setback distance of approximately 50/55 metres from Ramsacre, negating privacy concerns such as overlooking.

POLICY PRINCIPLE / BUILDING GROUP

The application requires to be assessed principally against policy HD2 of the Local Development Plan on housing in the countryside unless material considerations indicate otherwise.

ASSESSMENT

PRINCIPLE AND PLACEMAKING ISSUES

Policy HD2 (A) allows new housing in the countryside provided that the site is well related to an existing building group of at least three houses or buildings capable of conversion to residential use. Any consents for new build granted under the building group part of the policy should not exceed two houses or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted. Calculations on building group size are based on the existing number of housing units within the group at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point. The cumulative impact of the new development on the character of the building group, landscape and amenity of the surrounding area will be taken into account in determining applications.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group. Existing groups may be complete and may not be suitable for further additions.

Whilst I can acknowledge the presence of a building group at this location the current planning application site does not form part of it, and is not well related to it. The proposed site of the new dwelling would not respect or reflect the character and amenity of the group. It would be located outwith the area contained by the sense of place, defined by the strong natural woodland boundary which clearly demarks the extent of Thickside. Ramsacre has been a marginally acceptable addition in terms of sense of place. It does not feel divorced from the host built environment and it is not visually prominent or physically separated by landcover (in any event, it was considered under a different Local plan supported by economic justification policy some time ago.) My point is that Ramsacres layout and setting does not justify this chosen site.

This chosen site has been engineered/ levelled presumably for equine use but the advent of an available large platformed site is not itself an end to being an appropriate site for a dwellinghouse. Policy HD2 and Placemaking and Design SPG require a "sense of place."

It is being argued by the Agent that this peripheral site is a positive addition. It would ensure neighbouring residential amenity and would also mirror the spacing of the other three dwellinghouses. However, focusing only on orientation/ornamentation and separation distance to other dwellings is an arbitrary assessment. To understand placemaking I must consider landform and vegetation cover and the historical pattern of the built environment. In this instance, both landform and vegetation cover contribute significantly to order of appearance to this group. Development of this site would ignore historical sense of place and setting of Thickside. Thickside Farmhouse is manorial and occupies a well enclosed and elevated site, overlooking the former ranges and lands. Residential development of this site would not share or acknowledge that sense of place. Instead it would compete with this primacy. Visually, a house in this location would appear from Oxnam Road as an arbitrary choice of siting and an outlier to the natural setting of Thickside. There is no meaningful way to mitigate this impact. Restricting the future scale of development would not address the fundamental issue that this site is in an elevated location in a field back-dropped by the significant landscape/ natural boundary of Thickside. The Agent suggests that a new landscaped boundary would actually enhance the setting of Thickside but again this overlooks the fact that the addition will appear as an arbitrary outlier, beyond the natural sense of place, in the first instance. This is contrary to the guidance: "sites should not normally break into previously undeveloped fields".

Policy HD2 (F) allows housing in the countryside provided that the development is a direct operational requirement of an enterprise appropriate to the countryside and is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. No appropriate site should exist within a building group and there should be no buildings capable of conversion for the required residential use.

I do not identify any justification for a dwellinghouse on this particular site. No direct operational requirement has been substantiated. Even if one had been presented the site is still at odds with Policy HD2 and PMD2 in that the choice makes little cognisance to sense of place of Thickside.

Supplementary Planning Guidance 'New Housing in the Borders Countryside' (2008) and 'Placemaking and Design' (2010) require a shared sense of place to exhibit in a coherent building group.

To conclude, line of sight and distances between properties and the presence of an elevated platform have defined this chosen site but ultimately it is not these features which solely define a building group. It is the extent to which these buildings constitute a group of houses with a shared sense of place; a character and setting that can be seen to include and apply to them all in a credible and coherent way. This site is physically separated by woodland and a burn. There is no natural boundary to the north and west of this field presently. Post and rail fences have been erected to surround this (what I presume to be) equine enclosure and separate it from the wider field system.

In presenting a case against this site I find it clear that Thickside historically developed around the northern side of this natural boundary (best shown on the 2nd epoch OS map). This proposal would be notably isolated from this layout and separated by the very natural feature which defines this countryside setting.

Precedent

Any support of this planning application would lead to other building groups being 'compiled' around such agrarian spaces. Policy HD2 promotes appropriate sites which do not affect character of a group or the surrounding area. A dwellinghouse on this site would not be well anchored leading to adverse impacts to the group and area.

EP13: TREE, WOODLAND AND HEDGEROWS

Existing trees, woodland and hedgerows are protected by policy EP13 of the LDP on Trees, Woodlands and Hedgerows. The Council has also adopted Supplementary Planning Guidance on Landscape and Development and on Trees and Development.

The proposed development makes no reference to the significance of the adjacent tree belt. Any acceptance to this proposal will require a tree survey and landscape plan to demonstrate root protection zones. Policy EP13 would also require landscape conditions to ensure a landscape plan was forthcoming and future establishment of a new natural boundary.

HD3: RESIDENTIAL AMENITY

Policy HD3 and Supplementary Planning Guidance on Householder Development, 2006 sets out standards for protection of neighbours. There are no significant amenity concerns given the poor spatial relationship of the site to any building group in terms of overlooking, privacy, overshadowing or loss of light.

IS7: ROAD SAFETY

Road safety has been considered by the Roads Planning Officer. They would require a planning condition to ensure visibility was improved at the junction with the Oxnam Road. The specifications for this is given. Policy IS7 can be met concerning safety and parking provision.

IS9: WATER SUPPLY AND DRAINAGE

This rural area is fortunate to have a readily available public water supply. Proposals for foul water to a septic/ treatment plant and soakaway have not been demonstrated and would require standard planning conditions to ensure details are considered in terms of protecting the water environment and public health. Scottish Water did not respond.

IS2: DEVELOPMENT CONTRIBUTIONS

Education

The property would be within catchment of Jedburgh High School. No contributions are required. There was no consultation response from Education.

Affordable Housing

As only a single dwelling is proposed in this application, no affordable housing contribution would be due.

CONCLUSION

I find that the proposals are contrary in principle to Planning Policy HD2. No material considerations are identified which outweigh requirement for the Planning Authority to make this the subject of any exceptional approval.

There was no response from the Community Council or the Access Officer. I have no record of a claimed right of way in this field. One neighbouring comment concerns potential civil issues of future road maintenance and septic tank capacity. The latter would be addressed by planning condition. The respondent wishes restrictions to single storey development; I have discussed the impacts of scale and principle above.

REASON FOR DECISION :

The proposed development is contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance Note (2008), in that the proposed development would not relate to an existing building group and there are no material considerations which would otherwise support development on this site.

Recommendation: Refused

- 1 The proposed development is contrary to policy HD2 of the Scottish Borders Local Development Plan (2016) and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance (2008) in that:
 - o The proposed development would not relate to an existing building group and would be located outwith both natural and man-made boundaries of the building group. This location fails to respect the character of the building group;
 - o It has not been demonstrated that there is an economic or operational need for a new dwellinghouses 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.

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

Dr N Miller
per Ferguson Planning
54 Island Street
Galashiels
Scottish Borders
TD1 1NU

Please ask for: Euan Calvert
01835 826513
Our Ref: 20/00235/PPP
Your Ref:
E-Mail: ecalvert@scotborders.gov.uk
Date: 24th April 2020

Dear Sir/Madam

PLANNING APPLICATION AT Land North West of Ramsacre Thickside Jedburgh Scottish Borders

PROPOSED DEVELOPMENT: **Erection of dwellinghouse and formation of access, landscaping and associated works**

APPLICANT: **Dr N Miller**

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at <https://eplanning.scotborders.gov.uk/online-applications/>.

Your right of appeal is set out within the decision notice.

Yours faithfully

John Hayward

Planning & Development Standards Manager

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)

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

Application for Planning Permission

Reference : 20/00235/PPP

To : Dr N Miller per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU

With reference to your application validated on **28th February 2020** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse and formation of access, landscaping and associated works

At : Land North West of Ramsacre Thickside Jedburgh Scottish Borders

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

**Dated 23rd April 2020
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 20/00235/PPP**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
LP01	Location Plan	Refused
SP01	Proposed Site Plan	Refused

REASON FOR REFUSAL

- 1 The proposed development is contrary to policy HD2 of the Scottish Borders Local Development Plan (2016) and contrary to the guidance within the adopted New Housing in the Borders Countryside Supplementary Planning Guidance (2008) in that:
 - The proposed development would not relate to an existing building group and would be located outwith both natural and man-made boundaries of the building group. This location fails to respect the character of the building group;
 - It has not been demonstrated that there is an economic or operational need for a new dwellinghouses 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.

FOR THE INFORMATION OF THE APPLICANT

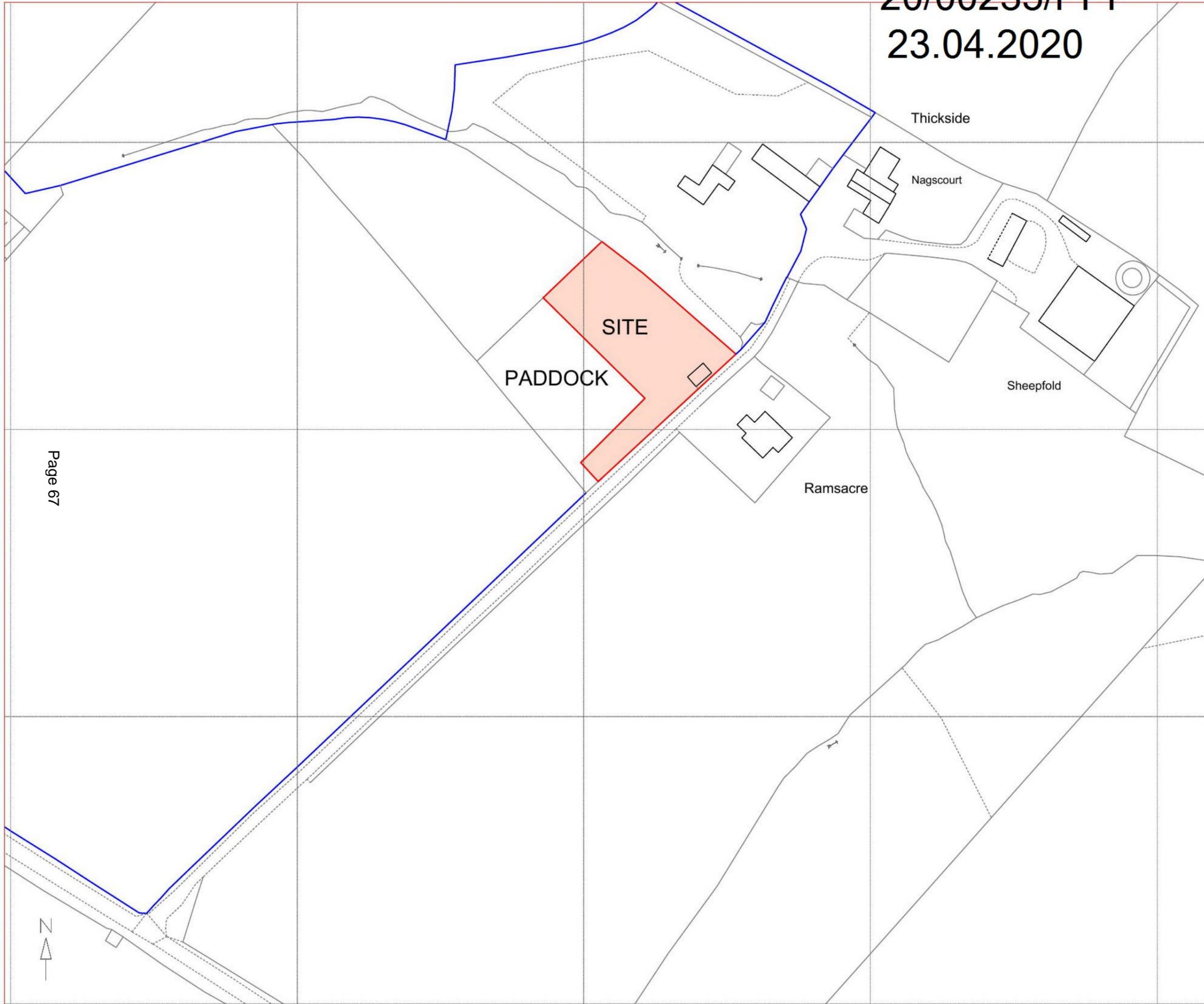
If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the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

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

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20/00235/PPP

23.04.2020



Indicative South East Elevation

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice

Page 67

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Architectural Services
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Project:
**PROPOSED DWELLINGHOUSE AT
THICKSIDE FARM
JEDBURGH
TD8 6QX**

Client:
MR N MILLER

Title:
LOCATION PLAN

Scale: 1: 1250	Paper size: A3	Drawn by: AH	Date: 26.02.20
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Project no: AH 096	Drawing no: LP01	Issue: A
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Agenda Item 4b

Nagscourt

indicative site for new house



INDICATIVE HOUSE TYPE

access road and vehicular parking and turning area

existing field shelter

Site

Paddock

landscaping & planting to the planners requirements

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
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Notice

AH

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Project:
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Client:
MR N MILLER

Title:
SITE LAYOUT

Scale: 1: 500 Paper size: A3 Drawn by: AH Date: 26.02.20

Project no: AH 096 Drawing no: SP01 Issue: A

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Ramsacre

ex field access

existing field access



**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service	Contact e-mail/number:		
Officer Name and Post:	Keith Patterson Roads Planning Officer	kpatterson@scotborders.gov.uk 01835 826637		
Date of reply	26 th March 2020	Consultee reference:		
Planning Application Reference	20/00235/PPP	Case Officer: Euan Calvert		
Applicant	Dr N Miller			
Agent	Ferguson Planning			
Proposed Development	Erection of dwellinghouse and formation of access, landscaping and associated works			
Site Location	Land North West Of Ramsacre Thickside Jedburgh Scottish Borders			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description				
Key Issues (Bullet points)				
Assessment	I have no objection in principle to this proposal, however I have some concern with the visibility at the junction of the private road with the public road. The visibility when looking towards Jedburgh is restricted by the roadside hedging. The application shows that the applicant own this land so a condition to improve the visibility should be a condition of any consent issued.			
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions	A visibility splay of 2.4m by 160m to be provided to the north west at the junction of the private road with the C41 public road prior to commencement of development and retained thereafter in perpetuity. Reason: To ensure safe access. A minimum of two parking spaces to be provided within the curtilage of the site prior to occupation and retained thereafter in perpetuity. Reason: To ensure the development is served by adequate parking provision at all times.			
Recommended Informatives				

AJS

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Comments for Planning Application 20/00235/PPP

Application Summary

Application Number: 20/00235/PPP

Address: Land North West Of Ramsacre Thickside Jedburgh Scottish Borders

Proposal: Erection of dwellinghouse and formation of access, landscaping and associated works

Case Officer: Euan Calvert

Customer Details

Name: Mr Doug Holmes

Address: Ramsacre, Thickside, Jedburgh, Scottish Borders TD8 6QY

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Height of
- Inadequate drainage
- Legal issues
- Privacy of neighbouring properties affected
- Road safety
- Smell

Comment: My main concerns are:

- The siting of Septic Tank and its affect on the existing network of septic tanks and pipework and the overflow capability.

- A single storey building is much more preferable than a 2 storey building.

- As the access drive is shared among the 3 existing properties. Will there will be a revised agreement in respect of the maintenance of this drive.

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List of Policies

Local Review Reference: 20/00013/RREF

Planning Application Reference: 20/00235/PPP

Development Proposal: Erection of dwellinghouse and formation of access, landscaping and associated works

Location: Land North West of Ramsacre, Thickside, Jedburgh

Applicant: Dr N Miller

Scottish Borders Local Development Plan 2016

POLICY PMD1: SUSTAINABILITY

In determining planning applications and preparing development briefs, the Council will have regard to the following sustainability principles which underpin all the Plan's policies and which developers will be expected to incorporate into their developments:

- a) the long term sustainable use and management of land
- b) the preservation of air and water quality
- c) the protection of natural resources, landscapes, habitats, and species
- d) the protection of built and cultural resources
- e) the efficient use of energy and resources, particularly non-renewable resources
- f) the minimisation of waste, including waste water and encouragement to its sustainable management
- g) the encouragement of walking, cycling, and public transport in preference to the private car
- h) the minimisation of light pollution
- i) the protection of public health and safety
- j) the support to community services and facilities
- k) the provision of new jobs and support to the local economy
- l) the involvement of the local community in the design, management and improvement of their environment

POLICY PMD2: QUALITY STANDARDS

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

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,

List of Policies

- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

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

Accessibility

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

Greenspace, Open Space & Biodiversity

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

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

POLICY HD2: HOUSING IN THE COUNTRYSIDE

The Council wishes to promote appropriate rural housing development:

List of Policies

- a) in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,
- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) in dispersed communities in the Southern Borders housing market area.

These general principles in addition to the requirement for suitable roads access will be the starting point for the consideration of applications for housing in the countryside, which will be supplemented by Supplementary Planning Guidance / Supplementary Guidance on New Housing in the Borders Countryside and on Placemaking and Design.

(A) BUILDING GROUPS

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
- b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point.

(B) DISPERSED BUILDINGS GROUPS

In the Southern Housing Market area there are few building groups comprising 3 houses or more, and a more dispersed pattern is the norm. In this area a lower threshold may be appropriate, particularly where this would result in tangible community, economic or environmental benefits. In these cases the existence of a sense of place will be the primary consideration.

Housing of up to 2 additional dwellings associated with dispersed building groups that meet the above criteria may be approved provided that:

- a) the Council is satisfied that the site lies within a recognised dispersed community in the Southern Borders housing market area,
- b) any consents for new build granted under this part of this policy should not exceed two housing dwellings in addition to the group during the Plan period. No further development above this threshold will be permitted,

List of Policies

c) the design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

(C) CONVERSIONS OF BUILDINGS TO A HOUSE

Development that is a change of use of a building to a house may be acceptable provided that:

- a) the Council is satisfied that the building has architectural or historic merit, is capable of conversion and is physically suited for residential use,
- b) the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and
- c) the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

(D) RESTORATION OF HOUSES

The restoration of a house may also be acceptable provided that the walls of the former residential property stand substantially intact (normally at least to wallhead height). In addition:

- a) the siting and design reflects and respects the historical building pattern and the character of the landscape setting,
- b) any proposed extension or alteration should be in keeping with the scale, form and architectural character of the existing or original building, and
- c) significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and/or a more sustainable and energy efficient design.

(E) REPLACEMENT DWELLINGS

The proposed replacement of an existing house may be acceptable provided that:

- a) the siting and design of the new building reflects and respects the historical building pattern and the character of the landscape setting,
- b) the proposal is in keeping with the existing/original building in terms of its scale, extent, form and architectural character,
- c) significant alterations to the original character of the house will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and /or a more sustainable and energy efficient design.

(F) ECONOMIC REQUIREMENT

Housing with a location essential for business needs may be acceptable if the Council is satisfied that:

- a) the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or

List of Policies

- b) it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
- c) the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
- d) no appropriate site exists within a building group, and
- e) there is no suitable existing house or other building capable of conversion for the required residential use.

In ALL instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning Guidance where it meets the terms of this policy and development must not negatively impact on landscape and existing communities. The cumulative effect of applications under this policy will be taken into account when determining impact.

POLICY HD3 : PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) the details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

POLICY EP3: LOCAL BIODIVERSITY

Development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.

Any development that could impact on local biodiversity through impacts on habitats and species should:

- a) aim to avoid fragmentation or isolation of habitats; and
- b) be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability; and
- c) compensate to ensure no net loss of biodiversity through use of biodiversity offsets as appropriate; and
- d) aim to enhance the biodiversity value of the site, through use of an ecosystems approach, with the aim of creation or restoration of habitats and wildlife corridors and provision for their long-term management and maintenance.

POLICY EP13: TREES, WOODLANDS AND HEDGEROWS

List of Policies

The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.

Any development that may impact on the woodland resource should:

- a) aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability; and
- b) where there is an unavoidable loss of the woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders; and
- c) adhere to any planning agreement sought to enhance the woodland resource.

POLICY IS2: DEVELOPER CONTRIBUTIONS

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies.

Contributions may be required for one or more of the following:

- a) treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);
- b) provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
- c) off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways, bridges and associated studies and other access routes, subsidy to public transport operators; all in accordance with the relevant standards and the provisions of any Travel Plan;
- d) leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
- e) landscape, open space, allotment provision, trees and woodlands, including costs of future management and maintenance;
- f) protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
- g) provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; provision of street furniture and digital connectivity with associated infrastructure.

Wherever possible, any requirement to provide developer contributions will be secured by planning condition. Where a legal agreement is necessary, the preference for using an agreement under other legislation, for example the 1973 Local Government (Scotland) Act and the 1984 Roads (Scotland) Act will be considered. A planning obligation will only be necessary where successors in title need to be bound by its terms. Where appropriate, the council will consider the economic viability of a proposed development, including possible payment options, such as staged or phased payments.

POLICY IS7: PARKING PROVISION AND STANDARDS

List of Policies

Development proposals should provide for car and cycle parking in accordance with approved standards.

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

POLICY IS9: WASTE WATER TREATMENT STANDARDS AND SUSTAINABLE URBAN DRAINAGE

WASTE WATER TREATMENT STANDARDS

The Council's preferred method of dealing with waste water associated with new development will be, in order of priority:

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b) negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:
- c) agreement with Scottish Water and SEPA where required to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
- d) for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage treatment may be acceptable, providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

In settlements served by the public foul sewer, permission for an individual private sewage treatment system will normally be refused unless exceptional circumstances prevail and the conditions in criteria (d) above can be satisfied.

Development will be refused if:

- a) it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,
- b) it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

SUSTAINABLE URBAN DRAINAGE

Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on sustainable urban drainage systems to the satisfaction of the council, Scottish Environment Protection Agency (where required), Scottish Natural Heritage and other interested parties where required. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006

List of Policies

- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Trees and Development 2008
- Scottish Planning Policy 2014



Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825251/System Help 01835 826705 Email: corporatebusinesssystems@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100259012-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ferguson Planning"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Tim"/>	Building Name:	<input type="text" value="Shiel House"/>
Last Name: *	<input type="text" value="Ferguson"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01896 668 744"/>	Address 1 (Street): *	<input type="text" value="54 Island Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Galashiels"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="TD1 1HR"/>
Email Address: *	<input type="text" value="tim@fergusonplanning.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Shiel House"/>
First Name: *	<input type="text" value="Jim"/>	Building Number:	<input type="text" value="54"/>
Last Name: *	<input type="text" value="Hewit"/>	Address 1 (Street): *	<input type="text" value="Island Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Galashiels"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD1 1NU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="tim@fergusonplanning.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="621741"/>	Easting	<input type="text" value="365691"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL) and erection of new sales building (retrospective)

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refer to Appeal Statement

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

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Refer to Appendix 1 of Appeal Statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/00283/FUL

What date was the application submitted to the planning authority? *

10/03/2020

What date was the decision issued by the planning authority? *

05/05/2020

Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Ferguson Planning Tim Ferguson

Declaration Date: 25/05/2020

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APPEAL STATEMENT

REF: 20/00283/FUL

**CHANGE OF USE OF LAND TO FORM MOTOR
VEHICLE DISPLAY AND FORM SALES OFFICE FROM
INDUSTRIAL UNIT (RENEWAL OF PREVIOUS
CONSENT 16/01363/FUL) AND ERECTION OF NEW
SALES BUILDING (RETROSPECTIVE)**

**UNIT 1B AND INCORPORATING LAND TO WEST OF
RIVERSIDE WORKS, EDINBURGH ROAD,
JEDBURGH, TD8 6EA**

ON BEHALF OF: MR JAMES HEWIT

MAY 2020

Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

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CONTENTS

EXECUTIVE SUMMARY

1.0 INTRODUCTION

2.0 REASON FOR REFUSAL

3.0 GROUNDS OF APPEAL

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EXECUTIVE SUMMARY

This Statement is submitted on behalf of Mr Jim Hewit “the Appellant” against the decision of Scottish Borders Council’s Planning Department to refuse Planning Permission in Principle for the continuation of the subject building and ancillary lands for the purposes of car sales. All Core Documents (CD) are referenced in Appendix 1.

The display and sale of automotive vehicles at Riverside Car Centre was established as the lawful use of the land by Planning Permission 16/01363/FUL, approved on 31st March 2017. Condition 3 attached to the Permission provided that “consent is granted for a limited period of three years from the date of this consent and the approved use shall cease before the expiry of the period unless a planning application to retain the permitted use has been submitted to and approved by the Planning Authority”.

In the time which has elapsed since March 2017 Riverside Car Centre traded well from the subject site with little issue with neighbouring uses. While the occupier has vacated the premises recently the owner of the premises now wishes to continue the use on site and has had a number of enquiries from prospective occupiers.

It is important to note at this point we do not consider it to be material if the occupier is in place at present or indeed who the occupier maybe. This matter has been tested in the courts previously and found the named operator is not a relevant planning consideration when either approving or refusing an application.

The Applicant is seeking a new planning permission to allow for the continued lawful use of the site, attract a new business and provide on-site employment. The economic benefit to Jedburgh is clear both in terms of creating direct and in-direct employment and maintaining a car showroom within the town. Given the consistent availability of business units within the town since the granting of Permission 16/01363/FUL, it is considered appropriate for this application to be permitted on a permanent basis. Moreover, the type of use is best located to industrial areas rather than in residential areas due to related operations.

As alluded to in the original application and within the Council’s own employment land study there is more than enough land supply throughout Jedburgh. The lack of demand and take up is clear and can be seen in the marketing of the adjacent industrial premises which has remained vacant since the subject site’s permission some three years ago.

F E R G U S O N P L A N N I N G



It is considered that the proposal would contribute towards sustainable economic development in the Borders and is acceptable in planning terms. It is respectfully requested that planning permission is granted.



1.0 INTRODUCTION

- 1.0 This Appeal Statement is submitted to Scottish Borders Council on behalf of the Appellant, Mr Jim Hewit, against the delegated decision to refuse to grant Planning Permission for the continuation of the subject site as a car showroom.
- 1.1 Planning permission was granted temporarily (16/01363/FUL). The reason being to monitor and to enable a review of the use but also in relation to employment land demand within the town. The premises operated successfully over that time period. Demand for employment land has remained extremely low as was the case in 2016 with ample employment land available. As alluded to in the 2016 Officer's report the change of use of the subject site is unlikely to have a significant effect on current land supply.
- 1.2 The proposal is itself a form of economic development that will provide employment and attract people into Jedburgh. We find no reason why the premises cannot continue as it has for the preceeding 3 years. It is considered better to enable the building to come back into use than let it lay vacant for years to come which was the case prior to the 2016 permission being granted. It again can be seen in the neighbouring premises which was vacant in 2016 and continues to vacant today.
- 1.3 We note comment regard to the small hedgerow and planting requiring to be put in place. The responsibility of this fell upon the operator under the terms of the agreement with the applicant/owner. The owner is now seeking to take the operation forward and has indicated his willingness to put in place all related planting and happy to be conditioned to that effect.
- 1.4 Comments made with regard to visual impact are considered exaggerated, in our opinion, particularly when one takes into consideration the built form being in place and the trees that line the front of the site currently and which screen it from the main road. The picture below provides some context on this.



1.5 The unit is allocated as Business and Industrial Land within the Jedburgh Settlement Boundary. The unit neighbours existing offices and industrial uses some of which also appear to sell cars occasionally. The proposal adheres to Policy ED1 Protection of Business and Industrial Land. This states that development other than 4, 5 and 6 may be accepted on district business and industrial sites in order to allow a more mixed use area.

In short, this proposal will:

- fit in well with neighbouring business and industrial uses in the area.
- have no residential amenity issues created by the proposal.
- create up to two jobs to the local area boosting the local economy as well as servicing employment (car delivery / car washing).
- use a building/area that has sat dormant for a long period of time and thus will enhance the overall vitality and viability of this area.
- not give rise to any significant noise or amenity issues and ultimately where this type of use should be directed.
- Has operated as a car showroom over the last three years without giving rise to any major operational complaint.
- Significant surplus of employment land continues in Jedburgh and thus more than ample land supply to meet future demand (which has shown to be low).



- The applicant will put in place the associated landscaping sought.

The development will not adversely affect the character and appearance of the building. The proposal to erect a forecourt area in front of the building will not impinge on the public path in front of the unit and will ultimately enhance rather than detract that what exists. Indeed, the grass verge and trees that already exist are considered a betterment to that what exists across the road.

- 1.6 We consider it pertinent to also to quote what we consider the key extracts from the Case Officer's conclusions on the 2016 permission. This being that:

Owing to the size, scale, nature and location of this proposal I am now satisfied that a departure from Policy ED1 is acceptable in this instance. In balancing this decision, I have taken account of the following material considerations:

- 1. The nature of use would have a neutral impact on the vitality and viability of the town centre. I am not aware of any other car sale forecourts or sales areas in Jedburgh. Potentially, this use could be a reason to visit Jedburgh for prospective purchasers.*
- 2. Recent slow take up of employment land is acknowledged by the Council. The building has sat dormant for "a long period" and partial use could enhance viability. The building may otherwise continue to deteriorate, becoming a less attractive proposition for future investors.*
- 3. Over half of the established employment land supply in Jedburgh is available immediately (SBC survey). This does not account for vacant buildings within employment sites (such as this). I consider this to be a very marginal loss in a climate of plentiful supply of employment land.*
- 4. Although partial loss of a building is proposed, no material changes are being made to the external appearance or internal layout. I am confident that this building could be reverted to Class 4, 5 or 6 employment uses without significant change.*
- 5. A temporary permission will allow for the Council to monitor the impact of onsite activities and allow for monitoring changes of demand for other uses on industrial sites. In the event that there are changes in economic climate in the forthcoming 3 years, or in the event that development has not proceeded in accordance with the Approved plans, the Council retains ability to protect the character and appearance of the town in accordance with policies ED1 and EP13*



2.0 REASON FOR REFUSAL

- 2.1 Taking into consideration the above conclusions, approval of the 2016 application and that there was no objection from the Economic Department back in 2016 has led us to be somewhat surprised by the refusal of this application for a permanent continuation of an existing use.
- 2.2 Much of the reasoning is considered to contradict previous opinion with other recent statements made by Forward Planning to be non-material planning reasons. In particular, whether or not the unit is currently operational or indeed who the operator is. Both are non material planning considerations and a matter that has been tested in the courts historically.
- 2.3 In addition, the applicant has denoted his willingness to undertake the planting and to which a condition can be appended. The operator partially implementing works is not a reason, in our minds, to refuse the application and which can be enforceable by way of a suitable worded condition.
- 2.4 Planning Application **20/00283/FUL** was refused on 1st May 2020. The Decision Notice cited two reasons for refusal, set out below:

1 The sui generis use would be a departure from and does not comply with Policy ED1 of the Local Development Plan. There are no material considerations which justify departure from the aim of Policy ED1, which seeks to avoid dilution of the industrial estate with other uses. The proposed permanent and unrestricted use would not fit with the District Site criteria of Policy ED1 and would set an undesirable precedent. It has not been demonstrated that this proposal will create jobs. There has been no demonstration of marketing history to demonstrate any period of dormancy or vacancy in letting the buildings for Class 4, 5 or 6 use. It has not been demonstrated that this sui generis use is a necessity to maintain viability of the site.

2 The proposal does not comply with Policy PMD2 of the Local Development Plan in respect of boundary treatments and integration with the surroundings. It will cause significant adverse impacts to the character and visual amenity of this sensitive northern gateway to Jedburgh. The landscape mitigation proposals will not protect this gateway from long lasting adverse impacts to character and amenity of this high amenity gateway.



3.0 GROUNDS FOR APPEAL

- 3.1 The decision of the Planning Authority to refuse the Application is challenged on the basis of the Ground of Appeal set out below. It is the submission of the Appellant that the proposal accords with the relevant adopted policy of the Local Development Plan and Supplementary Guidance and that there are no material considerations which justify the refusal of the application.

GROUND 1:

THE PROPOSAL REPRESENTS THE CONTINUATION OF AN EXISTING USE PREVIOUSLY PERMITTED BY THE PLANNING DEPARTMENT. POLICY ED 1 DOES ALLOW THE PROPOSED USE AND WHICH WAS ACCEPTED BY THE PLANNING DEPARTMENT IN THE GRANTING OF THE 2016 CAR SALES PROPOSAL.

THE CASE OFFICER IN 2016 STATED THAT:

Owing to the size, scale, nature and location of this proposal I am now satisfied that a departure from Policy ED1 is acceptable in this instance.

THE PREAMBLE TO POLICY ED1 OUTLINES THAT THERE MAYBE AN ALLOWANCE FOR ALLOWING FOR COMPATIBLE USES OTHER THAN CLASS 4-6 AND THAT THERE MAYBE A PATTERN OF MIXED USES IN SOME INDUSTRIAL ESTATES.

PARAGRAPH 1.4 LEADING TO POLICY ED 1 SPECIFICALLY MENTIONS ONE OF THOSE USES BEING CAR SHOWROOMS. WE THEREFORE DISAGREE WITH THE CONCLUSIONS REACHED BY THE OFFICER AND WHICH CONTRADICTS PREVIOUS RULINGS ON THE MATTER.

THERE ARE MANY LOCATIONS ACROSS THE BORDERS WHERE CAR SHOWROOMS AND INDUSTRIAL UNITS CO-EXIST AND WE FAIL TO SEE WHY THAT CAN NOT APPLY TO THE SUBJECT SITE. THERE IS NO SUCH THING AS PRECEDENCE AS EACH APPLICATION WILL BE DETERMINED ON ITS OWN MERITS.



THE APPLICATION HAS OPERATED FOR THE LAST 3 YEARS WELL WITH ADJOINING USES AND LITTLE OPERATIONAL COMPLAINT OF NOTE. THE PROPOSAL IS WHOLLY COMPTABLE AND SUITABLE FOR THE LOCATION IN WHICH IT IS SET.

THE PROPOSAL BY ITS VERY NATURE WILL REQUIRE UP TO TWO STAFF TO MANAGE AND OPERATE THE PROPOSAL. THERE AGAIN WILL BE KNOCK ON BENEFITS TO THE SUPPLY CHAIN AND CAR WASHING ETC. IT IS CLEAR IT WILL CREATE EMPLOYMENT AND AGAIN THE REASONING FOR REFUSAL IS UNSUBSTANTIATED.

THE MARKETING OF THE SITE IS AGAIN CHALLENGED IN THAT THE SITE HAS OPERATED AS A CAR SHOWROOM FOR THE LAST THREE YEARS AND THUS THERE WAS NO REASON TO MARKET IT OVER THAT TIME PERIOD. PRIOR TO THE FIRST APPROVED APPLICATION THE SITES WERE MARKETED AND LAY DORMANT FOR SOMETIME. AGAIN, FURTHER EVIDENCE OF THE LACK OF DEMAND IS SEEN IN NEIGHOURING UNITS WHICH HAVE BEEN MARKETED AND REMAINED VACANT SINCE 2016.

IT IS CLEAR THAT THERE IS A SIGNIFICANT EMPLOYMENT LAND SUPPLY THROUGHOUT JEDBURGH AND THE USE OF THE SUBJECTS FOR A CAR SHOWROOM IS GOING TO HAVE LITTLE MATERIAL OR NEGATIVE BEARING ON THIS POSITION.

SOMETHING ACCEPTED IN THE PREVIOUS APPROVAL BUT NOW APPEARS TO BE CONTRADICTED IN THE DECISION TO REFUSE THIS PROPOSAL.

ON MARKET EVIDENCE WE WOULD POINT TO THE COUNCIL'S OWN EMPLOYMENT LAND AUDIT OF 2019. THIS DOCUMENT SHOWS IN TABLE 3 THAT THERE IS 8.6 HECTARES OF BUSINESS AND EMPLOYMENT LAND. TABLE 8 & 9 SHOWS THAT SINCE APRIL 2018 WITHIN JEDBURGH THE TAKE UP OR DEMAND HAS BEEN RECORDED AS ZERO.

TO TRY ASERT IT IS ESSENTIAL THAT THIS SITE THEN BE GUARDED FROM ANY OTHER SUITABLE USE HAS NO FOUNDATION AND INDEED IF ONE READS THE CONCLUSIONS OF THE EMPLOYMENT AUDIT IT ALLUDES TO THE NEED TO ENABLE MORE MIXED USES ON THESE SITES TO ENSURE THEY COME FORWARD MORE QUICKLY.



GROUND 2:

TO ADVANCE A REASONING THAT THE PROPOSAL WHICH HAS OPERATED AS IS FOR THE LAST THREE YEARS WILL SOMEHOW NOW HAVE A SIGNIFICANT ADVERSE IMPACT ON THE CHARACTER AND VISUAL AMENITY AND BE CONTRARY TO POLICY PMD 2 IS CONSIDERED A GREATLY EXAGGERATED CONCLUSION.

THE GRASS VERGE AND TREE LINE WITH THE PROPOSAL SET BACK ALONG THIS STREET FRONTAGE AS IT CURRENTLY STANDS LETS THE BUILT FORM BE ADEQUATELY SET WITHIN THE LANDSCAPE. UNLIKE, IT SHOULD BE SAID, THAT EXISTS OPPOSITE WHICH APPEARS TO HAVE NO SIMILAR BURDENS PLACED UPON IT AND CONSIDERED MORE EXPOSED THAN THE SUBJECT SITE.

THE TEST ON ASSESSING LANDSCAPE IMPACT IS ON WHETHER IT WILL HAVE A SIGNIFICANT IMPACT. GIVEN THE BUILT FORM ALREADY EXISTS AND LARGELY GOES UNNOTICED WHEN ONE TRAVELS PAST IN THE CAR IN OUR OPINION CAN LEAD TO A CONCLUSION THAT THE REOPENING OF SOMETHING THAT ALREADY EXISTED UNTIL RECENTLY WILL IN NO WAY HAVE A SIGNIFICANT IMPACT ON THE LANDSCAPE IN WHICH IT IS SET.

THE APPLICANT IS HAPPY TO INSERT THE FURTHER LANDSCAPING SOUGHT AND BE CONDITIONED TO THAT EFFECT.



APPENDIX 1

Core Documents

The following drawings, documents, and plans have been submitted to support the appeal:

- Appeal Form;
- Appeal Statement;
- Application Form;
- Planning Letter;
- Location Plan;
- Site Layout;
- Report of Handling;
- Decision Notice;
- SBC 2019 Employment Land Audit

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Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825251/System Help 01835 826705 Email: corporatebusinesssystems@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100240731-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

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

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Retention of an automotive vehicle display and sales office

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

Development lawfully completed pursuant to Planning Permission 16/01363/FUL

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	-	Building Name:	Shiel House
Last Name: *	-	Building Number:	54
Telephone Number: *	01896 668744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 1NU
Email Address: *	Ruaraidh@fergusonplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Shiel House
First Name: *	James	Building Number:	54
Last Name: *	Hewit	Address 1 (Street): *	Island Street
Company/Organisation	per Agent	Address 2:	
Telephone Number: *		Town/City: *	Galashiels
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	TD1 2DT
Fax Number:			
Email Address: *	Ruaraidh@fergusonplanning.co.uk		

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

621766

Easting

365695

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

750.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Automotive vehicle display and sales office (Sui generis)

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

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

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

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

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

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

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

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

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

Trees

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

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

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

If Yes or No, please provide further details: * (Max 500 characters)

Waste and recycle will continue to be generated and managed as part of the existing business

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: - -

On behalf of: Mr James Hewit

Date: 06/03/2020

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Cover Letter incorporating Planning Statement

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr - -

Declaration Date: 06/03/2020

Payment Details

Cheque: Mr James Hewit, 12345678

Created: 06/03/2020 11:24

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06th March 2020

Development Management
Regulatory Services
Scottish Borders Council
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

Dear Sir/Madam

**RETENTION OF AUTOMOTIVE VEHICLE DISPLAY AND SALES OFFICE AT RIVERSIDE CAR CENTRE,
RIVERSIDE WORKS, EDINBURGH ROAD, JEDBURGH, TD8 6EE**

Ferguson Planning have been instructed by Mr James Hewit to prepare and submit an application for planning permission for the retention of an automotive vehicle display and sales office at the Riverside Car Centre, Jedburgh.

The display and sale of automotive vehicles at Riverside Car Centre was established as the lawful use of the land by Planning Permission 16/01363/FUL, approved on 31st March 2017. Condition 3 attached to the Permission provided that "consent is granted for a limited period of three years from the date of this consent and the approved use shall cease before the expiry of the period unless a planning application to retain the permitted use has been submitted to and approved by the Planning Authority".

In the time which has elapsed since March 2017 Riverside Car Centre has continued to trade successfully on-site and has consistently maintained the employment of local people, providing a valuable local source of income in the town. The Applicant intends to continue trading on the premises for such purposes.

Unfortunately, the success of the business in this time has not been fully replicated in the wider local economy, illustrated by the presence of vacant units at Riverside Works, including Unit 2 at Old Station Yard – a 365m² factory unit. The vacant space at Old Station Yard – which lies adjacent to the south of the application site across a shared access road to the A68 – has not been let despite the efforts of an experienced agent who has succeeded in letting other units on that site. The letting of some of the units at Old Station Yard demonstrates that the older condition of the premises is not identifiable as the reason for vacant space, rather that weak market demand is responsible.

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 **RTPI**
Chartered Town Planner
Company Registration Number: 614302 (Registered in Scotland)

FERGUSON
PLANNING



The Applicant is seeking a new planning permission to allow for the lawful use of the site to continue, securing the future of the existing business and on-site employment. The economic benefit to Jedburgh is clear both in terms of retaining existing employment and maintaining a car showroom within the town. Given the consistent availability of business units within the town since the granting of Permission 16/01363/FUL, it is considered appropriate for this application to be permitted on a permanent basis.

It is considered that the proposal would contribute towards sustainable development in the Borders and is acceptable in planning terms. It is respectfully requested that planning permission is granted.

We consider that sufficient information has been submitted to enable consent to be granted. However should further information be required then please do not hesitate to contact us.

Yours sincerely

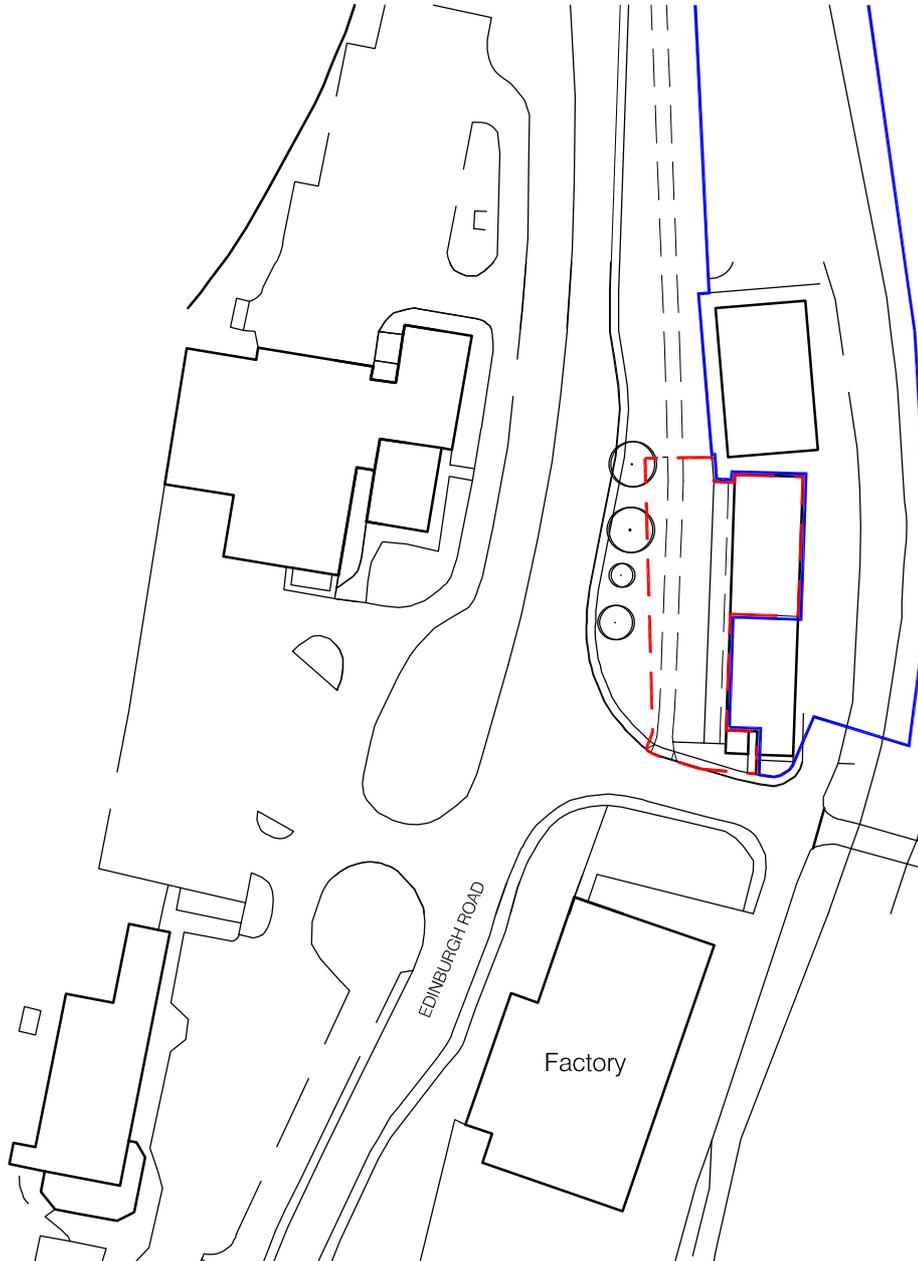


FERGUSON PLANNING

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location plan
scale 1:1250

STUART DAVIDSON | ARCHITECTURE

CLIENT
Mr J Hewit

PROJECT
Proposed formation of forecourt
Riverside Car Centre
Edinburgh road, Jedburgh

TITLE
Location Plan

DATE: Oct 2016 SCALE: as shown DWG NO: P449-SK-LOC REVISION: D DGN NO: 1 of 1 PLOTTED SCALE: A4
Design Studio, 32 High Street, Salford, TD7 4DD Tf: 01750 21792

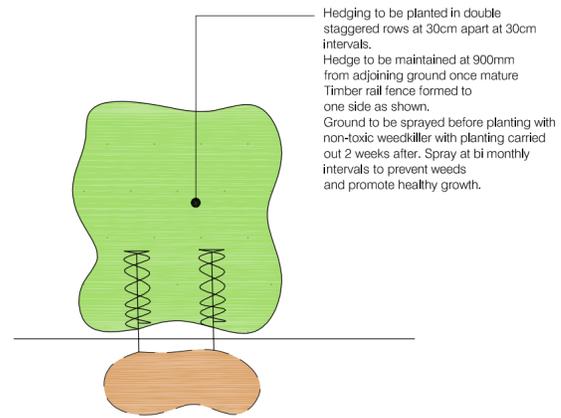
e: info@stuardavidsonarchitecture.co.uk w: www.stuardavidsonarchitecture.co.uk © copyright reserved to stuart davidson architecture

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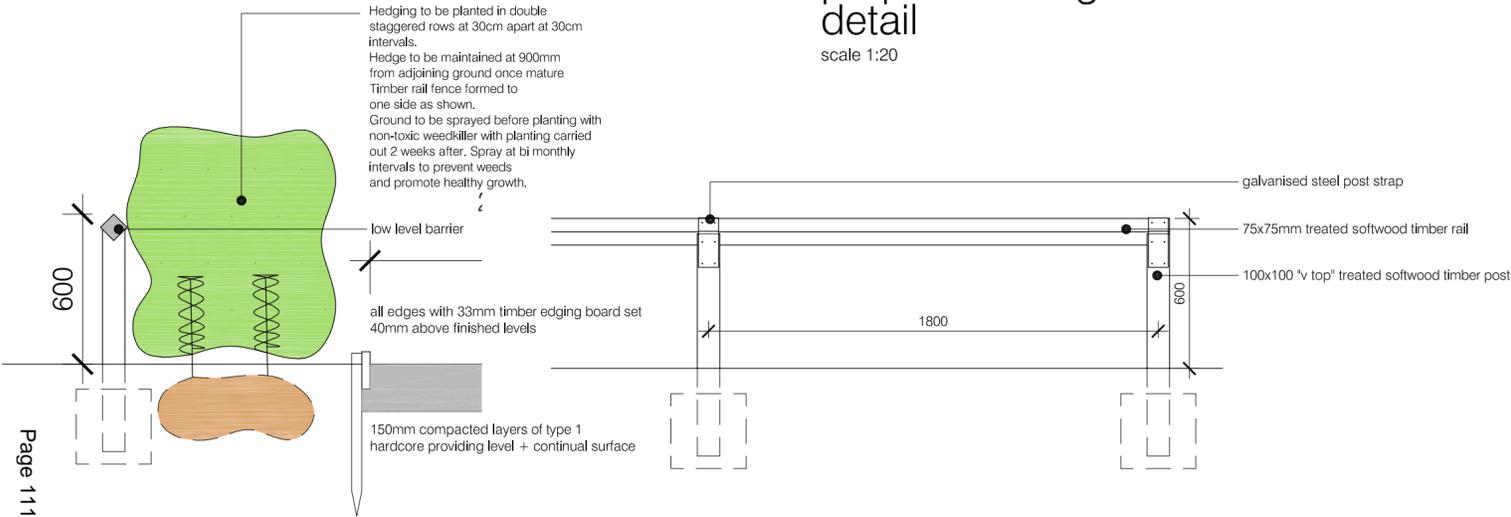
FORECOURT AREA
 existing grass + sub soil to be removed to continuous bearing sub soil level (gravel/clay) all to be well compacted + re-laid with type 1 hardcore laid on max 150mm layers compacted + cross rolled to create permeable bearing surface taken level with new 80mm deep mixed size rounded riverbed gravel finish, all to be edged with treated 18mm wide timber edging board to separate from grassed areas

ACCESS TRACK
 existing grass + sub base to be removed to continuous bearing sub soil level (gravel/clay) all to be well compacted + re-laid with type 1 hardcore laid on max 150mm layers compacted + cross rolled to create permeable bearing surface taken level with new forecourt surface to create continual finish all to be edged with treated 18mm wide timber edging board to separate from grassed and gravel areas

PAVEMENT CROSSING/DROP KERB
 to be formed as shown to SBC technical Services specification, all works to be carried out by suitably SBC approved contractors kerbs to be dropped to provide clear vehicular transition between the existing road surface + access track, new drop kerbs + angled transition kerbs to be formed as shown with all re-finished in tarmac build up to SBC approval

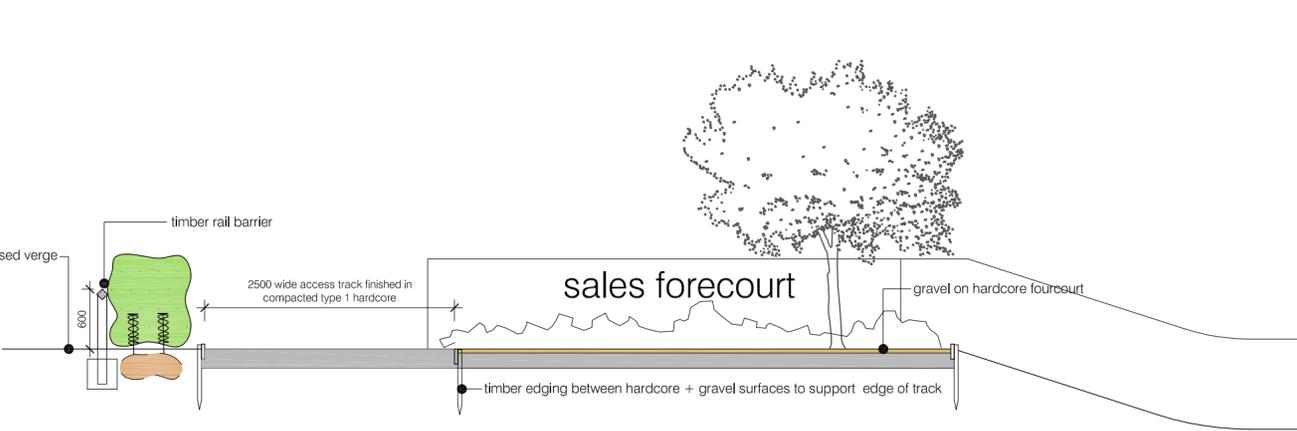


proposed hedge detail
 scale 1:20

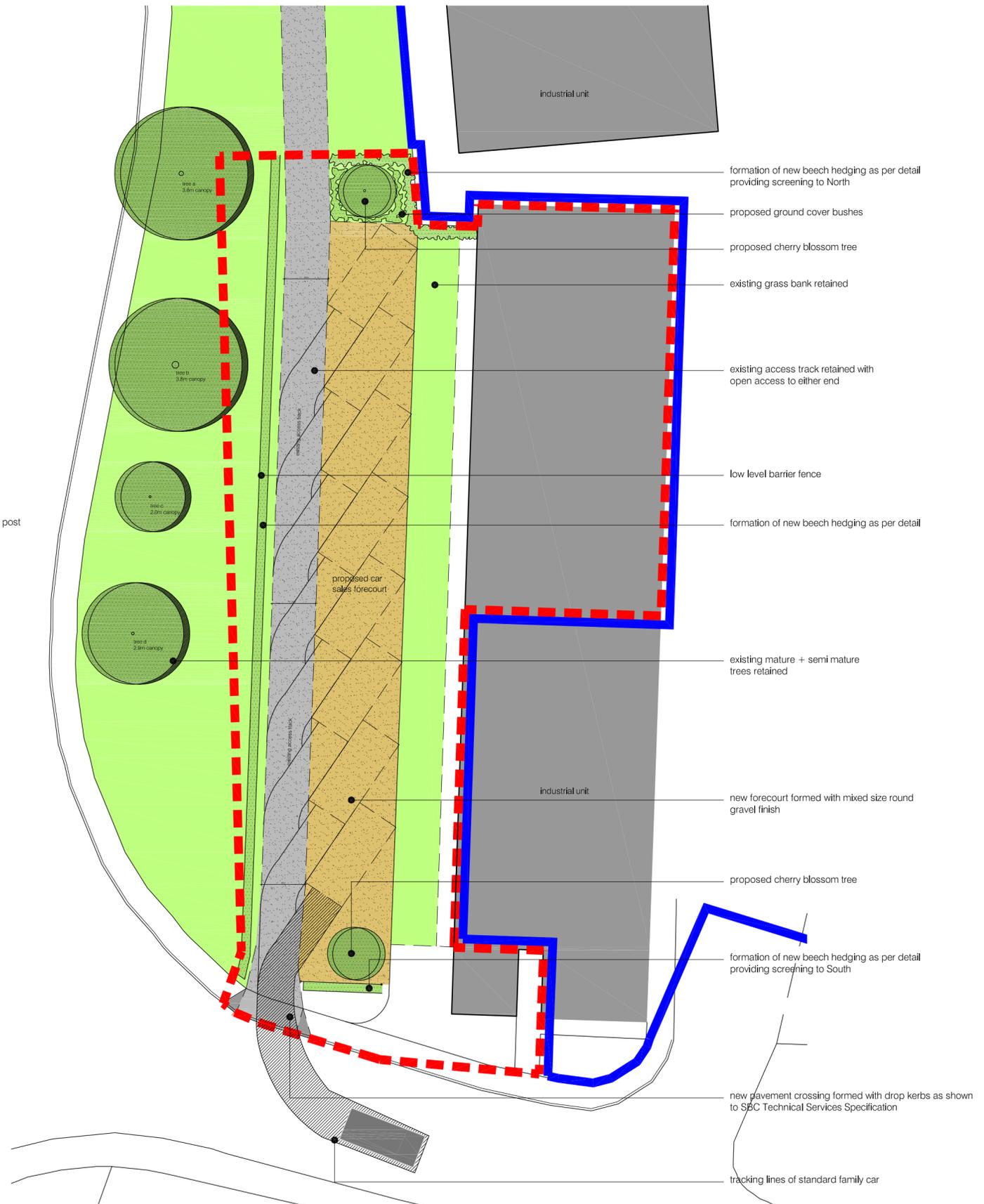


proposed fence detail
 scale 1:20

proposed knee rail fence elevations
 scale 1:20



proposed site cross section
 scale 1:50



proposed block plan
 scale 1:200

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SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 20/00283/FUL

APPLICANT : Mr James Hewit

AGENT : Ferguson Planning

DEVELOPMENT : Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL) and erection of new sales building (retrospective)

LOCATION: Unit 1B And Incorporating Land To West Of
Riverside Works
Edinburgh Road
Jedburgh
Scottish Borders
TD8 6EA

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
LOC Rev D	Location Plan	Refused
001 Rev H	Proposed Block Plan	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

Eleven neighbours were notified. There were no representations.

Consultations:

Council Estates: No response.

Landscape Architect: Object. Landscaping proposals (which the Council had spent considerable length of time securing in the previous approval) have not been implemented. The boundaries of this site do not make the high quality contribution. The "hard" appearance now erodes the visual amenity of this approach to Jedburgh. The hedge proposed will be insufficient in length to provide continuity to the built frontage to mitigate the proposal and safeguard amenity.

Outdoor Access Officer: There is a Core Path, on and adjacent to the planning application site along the Jed Water Riverside. This is Core Path 107. This is a riverside path adjacent to the site bounded at present with trees on the riverside and a fence-line on the side adjacent to the development. It currently then follows an existing pavement to cross the area of the proposed development site and joins the roadside path. A condition is requested.

Community Council: No response.

Transport Scotland: No objection/ no comment.

Roads Planning: No objections.

Second response: Response of 9th April 2020 remains unchanged.

Economic Development: First response: Object. Landscaping has not been implemented from the earlier permission. Development at this site should be considered as part of a wider application considering the development of a vehicular access to the adjacent car wash, which crosses land in control of the Council.

Second response: Do not object but recommend that the change of use is temporary as previous items like hedging have not been undertaken.

Contaminated land: The area is already developed. There appears to be a possible historic use of the land as a slaughterhouse and railway land within the vicinity of this application. A full site assessment may not be proportionate. An informative note is recommended.

Flood Risk Officer: No objection, Small scale of works consistent with 2016 application, although site is within 1:200yr event.

Forward Planning: Object. Contrary to ED1 with loss of business and industrial land for an indefinite period of time, which would also set a major precedent. There has been a significant material changes of circumstance since the application was submitted in 2016 as there is no end user. If consent was to be granted there is no end user business to benefit from this proposal and in essence the approval would have the sole purpose of changing the adopted LDP policy. The Development Management process is not the vehicle for doing this.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2 Quality Standards

ED1: Protection of Business and Employment Land

HD3: Protection of Residential Amenity

EP13: Trees, Woodlands and Hedgerows

IS5: Protection of Access Routes

IS7: Parking Provision and Standards

IS8: Flooding

Supplementary Planning Guidance:

Placemaking and Design 2010

Landscape and Development, 2008

Recommendation by - Euan Calvert (Assistant Planning Officer) on 1st May 2020

This is a proposal for change of use to car sales forecourt and creation of a sales office on a site, which was previously granted retrospective permission for this use in March 2017. This previous planning permission was granted for a 3-year period to Riverside Car Centre only.

Site

The site is located adjacent to the A68 on the northern approach into Jedburgh. It is visibly prominent. This site is situated adjacent to the east of the roadside, fronting Riverside Industrial Units. There are two buildings; one of brick construction and the other constructed in profile steel sheet, aligning with the Edinburgh Road. The northern half of the brick building forms part of this application. Directly opposite (on

the other side of the road) is Jedburgh Woollen Mill. This neighbour is a red brick building set within open grounds which are laid to surfaced parking bays and grassland.

This site appears behind an avenue grassland and specimen trees (sycamore). A 45m long, 0.6m tall, timber knee rail has been erected to define the roadside boundary of the site. A new sealed surfaced vehicular road has been formed from the drop kerb on the southern boundary, through this site. There is no boundary treatment on this northern extent. The road returns to an unbound track through the adjacent grassland. This road now serves the adjacent car wash which is operating from the adjacent building to the north of this site. This track is a right of way; it is the route of the former railway and is now a Core Path leading to Newmill or Jedforest Rugby Ground. Adjacent to the eastern side of this new surfaced road is the forecourt area laid in brown coloured unbound gravel and measuring approximately 5m x 45m. Between the knee rail and this new road is an area of grey coloured loose gravel measuring approximately 3m x 45m.

In May 2019 the Council's Planning Enforcement Officer was alerted to the construction of a new building adjacent to this site measuring 3.7m square. The building is a single pent roofed structure clad in brown profile sheet. It is finished in yellow brick and is attached to the southern gable of the existing factory. It features a single window on the south wall and a window and door unit on the west elevation (facing the A68). It has been constructed independent of the adjacent factory and is set at a higher floor level. The surrounding land has been built up and surfaced in a yellow coloured mono-block to share a common level with the forecourt.

Site History

[The following is not directly related to this application but provides essential context:

This site was formerly amenity grassland which was purchased from the Council by Border Print and Packaging Ltd in 2003. Plans were drafted by the Council to form 16 nose-to-tail parking bays enclosed by a beech hedge/ post and wire fence. The development never came to fruition.

05/00237/OUT: Demolition of existing buildings and erection of residential care home, Border Print and Packaging Ltd, Edinburgh Road, Jedburgh (Refused April 2005).

10/01201/PPP: Erection of retail foodstore with associated parking and access infrastructure; Former Oregon Timber Frame Ltd, Station Yard, Jedburgh. (Refused October 2011).

11/01455/PPP: Erection of retail foodstore with associated parking and access infrastructure; Former Oregon Timber Frame Ltd, Station Yard, Jedburgh. (Refused February 2012).

11/01121/PPP: Erection of retail food store with petrol filling station, associated parking and access road; Former Oregon Timber Frame Ltd and Riverside Workshops, Old Station Yard, Edinburgh Road (Refused April 2013).

13/01048/FUL: Change of use from Class 4 - 6 (industry/storage) to Class 1 (retail) and alterations to entrance door; Land and Building North of Riverside Works Edinburgh Road Jedburgh Scottish Borders (Approved February 2014).

16/00091/UNUSE: Planning Enforcement enquiry 2016- Riverside Car Centre had commenced operation without applying for change the use of the land.

16/01363/FUL: Change of use of land to form motor vehicle display (Approved March 2017). Reason for decision: "The development is a departure from Policy ED1 although several material considerations ensure that partial loss of an employment unit to car sales is acceptable. Considerable amendments have been made to the plan which will mitigate any adverse impacts to amenity and character. The proposal will create jobs and will not negatively impact upon the vitality and viability of the town centre. The use of this building for a limited time-limited period will not prejudice the long term suitability and availability of the site for Class 4, 5 and 6 employment use. The building has sat dormant therefore bringing it to commercial use will maintain viability, while being compatible with the neighbouring uses. "

This previous permission was granted with six conditions:

Condition 1 was a conformity condition and required implementation of Block Plan Rev G within 56 days of decision.

Condition 2 restricted this to a personal permission only for the benefit of "Riverside Car Centre". This was in view of the particular circumstances and nature of the business.

Condition 3 was a time bared condition requiring submission of a planning application within a 3 year period or the use of the premises would revert to lawful use Classes 4-6 of the Use Class (Scotland) Order 1997. This application is submitted within this timescale.

Condition 4 required Core Path 107 (the public path through the site) to be maintained open and free from obstruction in the course of development and in perpetuity. No stiles, gates, steps or barriers to access were permitted on the route of the path.

Condition 5 required landscaping plan, Block Plan Rev G, to be implemented and maintained for a period of three years. This has not occurred.

Condition 6 reserved for further consideration the position, size, colour, materials and method of illumination of any signage to be displayed on the building, within the site or on the site boundaries. No details were ever submitted.

19/00043/SEC27: Building Enforcement case, May 2019.

19/00090/UNDEV: Planning enforcement, May 2019 - Erection of an extension without a planning permission or warrant" - Live.

Proposal

On receipt of the application I highlighted concerns to the agent that the site plan does not correspond with the erection of a building on-site. Block Plan Rev H was submitted and re-consultation has been undertaken.

This proposal now includes the 3.7m x 3.7m office building within the proposals for change of use (within the red line boundary).

Planning statement

Riverside Car Centre trades successfully on-site and maintains employment of local people and income in the town. The Applicant intends to continue trading on the premises and continue presence of a car show room in the town. Old Station Yard site to the south of this unit is vacant. Weak market demand is identified as reason for the vacancy rather than condition of these adjacent premises. There remains plentiful availability of business units in the town.

Policy

The Council is required to consider the application against the prevailing Local Development Plan (Section 25 of the Town and Country Planning (Scotland) Act 1997) unless material considerations indicate otherwise. The site is within the town boundary and this land is identified as business and industrial safeguarded site (zEL33).

Policy ED1 aims to protect supply of business and industrial land. Class 4, 5 and 6 uses are promoted on these sites while other uses may be acceptable, subject to suitability criteria. In addition, any proposals must respect the character and amenity of the surrounding area, and be landscaped accordingly. The must be compatible with neighbouring business and industrial uses.

In the preamble to Policy ED1 (Para 1.4) there is reference to other uses which can "co-exist" on an industrial estate such as sui generis uses and other complementary uses, which do not "conflict with existing uses". The Council may consider location, needs of the community and `deliverability`.

Assessment

There was no business activity evident on the day of the site visit. There are no advertising signs on-site and the office building (which has recently been completed) is empty. Crucially, there are no vehicles for sale. The website of Riverside Car Centre no longer operates. The property is advertised for lease on a local Estate Agent's website. Riverside Car Centre had previously relied on vehicular sales being advertised digitally and was reliant on the prominent roadside location for attracting passing trade.

My concern is how to reconcile any proposed future car sales activities in this application with Policy ED1. I have considered the submitted Planning Statement but I find no case for relaxing the terms of Policy ED1 in this instance.

Precedence

There are several examples of car forecourts spilling out over verges on entrances to other towns in the Borders. On the face of it, this proposal may be considered a logical location for a car sales forecourt. However the absence of Riverside Car Centre is in itself testament to the fact that this has not been a successful site to operate this sui generis use.

It very much seems that there is not an identified end user for this particular site. I am concerned that Riverside Car Centre does not appear to be trading and certainly is not from this site. There has been no evidence presented to demonstrate that this proposed site layout (specifically the size, scale and nature of proposal) is suited to the proposed unrestricted use.

This appears to be a speculative request for land use change where there is no end user identified or demand. No pecuniary evidence has been presented from the past three years of permitted use. There has been no business case presented which would indicate future size and scale of proposed operations. No evidence has been presented of marketing of the site for Class 4, 5 and 6 use and/ or failure to find a tenant. There has been no demonstration that the site is no longer viable or that there is no reasonable prospect of it becoming marketable in future. There has been no neighbouring planning exceptions in the surroundings which would demonstrate that there has been a predominant land use change in this location.

Failure to provide any of the above makes it very difficult to justify any requested departure from Policy ED1. It is not sufficient to note anecdotal evidence from a neighbouring sales agent that demand for business and industrial users is weak. I know the neighbouring industrial site remains vacant.

The permission granted in 2017 was an exception against Policy ED1. Riverside Car Centre was treated as an exception as it; intended to create jobs; intended to ensure occupancy of a dormant building; and intended to improve the viability and vitality of the area without significant amenity issues (to the town). These were material considerations of the previous application and gave weight to a decision of support. The decision notice was specifically restricted to Riverside Car Centre and was restricted to a three year duration on this basis.

I accept that Riverside Car Centre operated without recourse to neighbouring uses or residential amenity issues over the past three years. However, character and amenity must be duly considered.

Landscaping proposals (which the Council had spent a considerable length of time securing in the previous approval) have not been implemented. The boundaries of this site do not make the high quality contribution that was sought and the Landscape Architect has confirmed objection to these proposals. The Landscape Architect notes the "hard" appearance now erodes the visual amenity of this approach to Jedburgh.

Block Plan Rev H is a carbon copy of these previous landscape proposals. The Landscape Architect has highlighted that hedge proposed will be insufficient in length to provide continuity to the built frontage to mitigate the proposal and safeguard amenity.

I therefore have significant concern regarding successfully managing the character and amenity of this site in future.

This is a sensitive location on the gateway to Jedburgh. It is visually prominent and my concerns revolve around the future effective assimilation of a proposal. There is no meaningful way to determine the impacts of size, scale and nature of any operation at this location from the plans submitted. The plans are sparse in detail and lack clarity on how the site would function as a forecourt rather than a parking court.

There is potential for serious adverse impact to character of the gateway in the event of any approval to this decision.

The appearance of the office building (utilitarian as it is) on-site has not harmed the site. It is appropriately sited and does not recourse to significant adverse effects to the area. It appears contiguous in finish to the host building and is innocuous, owing to the small size.

A permanent and unrestricted change to sui generis car sales would sever this wider industrial site and would be contrary to Policy ED1. There can be no meaningful distinction for the Council between a local car sales operator (Riverside Car Centre for example) or a large multi-national franchise coming forward for this site in future if an unrestricted permission were to be granted. That is not to say the latter would be any less acceptable but what I am concerned about are the potential impacts on character and amenity. My concern is that the current application fails to adequately detail how this site will function and operate as a sales forecourt rather than a parking court. As a minimum, I would be expecting detailed elevations, proposals for signage and hoardings, floor plans, a business case and supporting statement.

Colleagues in Forward Planning object and note that proposals (other than Class 4, 5 and 6) on this "District Site" may only be considered against four criteria:

Firstly, limited demand for employment land in Jedburgh is noted but the policy deliberately prioritises the long term needs of providing Class 4, 5 and 6 employment land. I can add weight to this point. On the day of my site visit I witnessed the building being used by a local joinery manufacturer. This proposal would potentially result in the permanent displacement of a local manufacturing business which policy ED1 specifically seeks to protect.

Secondly, this application has not presented any significant community benefits which would outweigh the need to retain the site in business/ employment use.

Thirdly, there are no known constraints on the site. There remains a reasonable prospect of it becoming marketable for employment in the future. The building is actually currently occupied by an appropriate use. The provision of this parking court may even make this site more attractive for future Class 4, 5 and 6 businesses use.

Fourthly and lastly, the predominant surrounding land uses remains unchanged. A major change to the neighbouring site has been the introduction of a car wash business but this operates ancillary to a Class 4, valeting business, from the adjacent building.

This proposal would set an undesirable precedent for the Council. It would displace current employment uses. It would make this area less, not more, attractive for Class 4, 5 and 6 uses. Car sales has not been demonstrated in this application to be an appropriate or successful land use change which could co-exist on this industrial estate. This proposal would recourse to significant adverse impact to the character and amenity of the gateway to Jedburgh. It has not been successfully demonstrated that the landscape proposals contained herein would mitigate these impacts.

Policy EP1, 2 and 3: Ecology

The Jed Water (River Tweed Special Area of Conservation) runs alongside the eastern boundary. There are no anticipated significant ecological impacts or harm to protected species. Policies EP1, 2 and 3 are all satisfied.

Policy IS8: Flooding

The Flood Risk Officer has been consulted and is satisfied that development is small scale. The site is within the 1 in 200 year inundation outline for the Jed Water. It is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems therefore it does not conflict with their statutory duties therefore I find development to be aligned with policy IS8: Flooding, in that it will not adversely affect risk of flooding.

Policy IS7: Parking Provision and Standards

The layout plan successfully demonstrates road safety and is supported by Transport Scotland and Roads Planning.

The Council has monitored the impact of on-site activities in the past three years. Development has not proceeded in accordance with the approved plans. The intention has always been to retain the ability to protect the character and appearance of the town in accordance with policies ED1 and EP13.

There have been no other car sale forecourts or sales areas permitted in Jedburgh in the intervening period. Potentially, this use change could be a reason to visit Jedburgh for prospective purchasers but the case presented does not substantiate this assertion.

Policy PMD2 Quality Standards and Placemaking and Design Supplementary Planning Guidance

The development of a car sales forecourt at this location has not been suitably demonstrated. There will always be tension between roadside trading and landscape setting and it has not been successfully demonstrated that the proposed size, scale and nature of a permanent sales forecourt and office accommodation can be accommodated while preserving and enhance this sensitive landscape setting.

Policy IS5 Protection of Access Routes

Core Path (107) requires to be maintained open and free for public access and this layout would achieve this aim. A condition could ensure the footpath is maintained open.

Economic Development initially objected. The car wash to the north is utilising this site as a through route (over Council owned land without planning permission). This is a peripheral matter which will be followed up as an enforcement matter. I have now received a response of no objection, provided the permission is restricted in duration. They note the previous undertakings like hedging have not been undertaken. I have reviewed this response and find no justification for relying on a temporary consent once more.

Jedburgh Community Council have not responded.

The proposal is not acceptable and does not comply with policies of the Local Development Plan 2016. Mitigating impacts to character and amenity have not been adequately demonstrated in this application. There is potential for significant long lasting adverse impact to the character and amenity of a gateway to Jedburgh. No material considerations have been presented which justify departure from the aim of Policy ED1, which seeks to avoid dilution of the industrial estate with other uses. The proposed permanent and unrestricted use would not fit with the District Site criteria of Policy ED1 and would set an undesirable precedent.

It has not been demonstrated that this proposal will create jobs. There has been no demonstration of marketing history to demonstrate any period of dormancy or vacancy in letting the buildings for Class 4, 5 or 6 use. It has not been demonstrated that this sui generis use is a necessity to maintain viability of the site.

REASON FOR DECISION :

This proposal does not comply with Policy ED1 of the Local Development Plan. There are no material considerations which justify departure from the aim of Policy ED1, which seeks to avoid dilution of the industrial estate with other uses. The proposed permanent and unrestricted use would not fit with the District Site criteria of Policy ED1 and would set an undesirable precedent. It has not been demonstrated that this proposal will create jobs. There has been no demonstration of marketing history to demonstrate any period of dormancy or vacancy in letting the buildings for class 4, 5 or 6 use. It has not been demonstrated that this sui generis use is a necessity to maintain viability of the site. Location, needs of the community and deliverability have not been demonstrated by this proposed sui generis use.

The proposal does not comply with Policy PMD2 of the Local Development Plan in respect of boundary treatments and integration with the surroundings. It will cause significant adverse impacts to the character and visual amenity of this sensitive northern gateway to Jedburgh. These landscape mitigation proposals will

not protect this gateway from long lasting adverse impacts to character and amenity of this high amenity gateway.

Recommendation: Refused

- 1 The sui generis use would be a departure from and does not comply with Policy ED1 of the Local Development Plan. There are no material considerations which justify departure from the aim of Policy ED1, which seeks to avoid dilution of the industrial estate with other uses. The proposed permanent and unrestricted use would not fit with the District Site criteria of Policy ED1 and would set an undesirable precedent. It has not been demonstrated that this proposal will create jobs. There has been no demonstration of marketing history to demonstrate any period of dormancy or vacancy in letting the buildings for Class 4, 5 or 6 use. It has not been demonstrated that this sui generis use is a necessity to maintain viability of the site.

- 2 The proposal does not comply with Policy PMD2 of the Local Development Plan in respect of boundary treatments and integration with the surroundings. It will cause significant adverse impacts to the character and visual amenity of this sensitive northern gateway to Jedburgh. The landscape mitigation proposals will not protect this gateway from long lasting adverse impacts to character and amenity of this high amenity gateway.

Informatives

It should be noted that:

- 1 The former use of the site is potentially contaminative and may have resulted in land contamination. The land is not currently identified as contaminated land and the Council is not aware of any information which indicates the level of risk the potential contamination presents.

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

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

Mr James Hewit
per Ferguson Planning
54 Island Street
Galashiels
Scottish Borders
TD1 1NU

Please ask for: Euan Calvert
☎ 01835 826513
Our Ref: 20/00283/FUL
Your Ref:
E-Mail: ecalvert@scotborders.gov.uk
Date: 5th May 2020

Dear Sir/Madam

**PLANNING APPLICATION AT Unit 1B And Incorporating Land To West Of Riverside Works
Edinburgh Road Jedburgh Scottish Borders TD8 6EA**

PROPOSED DEVELOPMENT: Change of use of land to form motor vehicle display and
form sales office from industrial unit (renewal of previous consent 16/01363/FUL) and
erection of new sales building (retrospective)

APPLICANT: Mr James Hewit

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at
<https://eplanning.scotborders.gov.uk/online-applications/>.

Your right of appeal is set out within the decision notice.

Yours faithfully

John Hayward

Planning & Development Standards Manager

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)

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

Application for Planning Permission

Reference : 20/00283/FUL

To : Mr James Hewit per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU

With reference to your application validated on **9th March 2020** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL) and erection of new sales building (retrospective)

at : Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road Jedburgh Scottish Borders TD8 6EA

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

**Dated 1st May 2020
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 20/00283/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
LOC Rev D	Location Plan	Refused
001 Rev H	Proposed Block Plan	Refused

REASON FOR REFUSAL

- 1 The sui generis use would be a departure from and does not comply with Policy ED1 of the Local Development Plan. There are no material considerations which justify departure from the aim of Policy ED1, which seeks to avoid dilution of the industrial estate with other uses. The proposed permanent and unrestricted use would not fit with the District Site criteria of Policy ED1 and would set an undesirable precedent. It has not been demonstrated that this proposal will create jobs. There has been no demonstration of marketing history to demonstrate any period of dormancy or vacancy in letting the buildings for Class 4, 5 or 6 use. It has not been demonstrated that this sui generis use is a necessity to maintain viability of the site.
- 2 The proposal does not comply with Policy PMD2 of the Local Development Plan in respect of boundary treatments and integration with the surroundings. It will cause significant adverse impacts to the character and visual amenity of this sensitive northern gateway to Jedburgh. The landscape mitigation proposals will not protect this gateway from long lasting adverse impacts to character and amenity of this high amenity gateway.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed to the Clerk of The Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells. TD6 0SA or sent by email to localreview@scotborders.gov.uk. The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

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

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SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01363/FUL

APPLICANT : Mr James Hewit

AGENT : Ferguson Planning

DEVELOPMENT : Change of Use of land to form motor vehicle display and form sales office from industrial unit (retrospective)

LOCATION: Unit 1B And Incorporating Land To West Of
Riverside Works
Edinburgh Road
Jedburgh
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
P449-SK-001 REV G	Block Plans	Approved

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

Nine neighbours were notified and adverts placed in the Southern Reporter and PINS website for development contrary to Policy.

No responses were received.

Consultations:

Jedburgh Community Council: Object. Inadequate room to manoeuvre vehicles without damaging the Right Of Way and grass. Concerns about oil seepage and water from valeting contaminating ground/ Jed Water.

Outdoor Access Officer: There is a Core Path on and adjacent to the planning application site. It currently follows an existing pavement to cross the area of the proposed development site and joins the roadside path. Core Path 107 should be kept open and free of obstruction and encroachment.

Roads Planning: First response: Transport Scotland and the private owner of the road to the southern boundary should be consulted. The footway crossing must be constructed as per our standard detail DC10. Potential damaged by constant use by vehicles on pedestrian route and, if approved, there should be a suitably worded condition to ensure future maintenance of this area. There is adequate customer parking to the rear of the building.

Second response:

1. Proposed layout requires vehicles to reverse into or out of the site. Layout should be amended to allow access egress in a forward gear.
2. The existing footway will be damaged if it is not surfaced or diverted from the site.
3. A barrier and hedge to the west of the site will obscure views, which could cause concern for Transport Scotland, as Trunk Road manager.

Forward Planning/ Local development plan: First response: Object. Outright retail activities will not be allowed on District sites to protect from loss of business and industrial sites. Alternative uses must be avoided to prevent undesirable precedents. Retrospective applications should not be a reason of decision or a material planning consideration.

The site is allocated within the adopted Local Development Plan as a business and industrial safeguarded site (zEL33).

Criteria:

- a) the loss of business and industrial land does not prejudice the existing and predicted long term requirements for industrial and business land in the locality, and [whilst it is accepted that there has been limited demand for employment land in Jedburgh over recent years, the long term needs of the settlement must be considered.]
- b) the alternative land use is considered to offer significant benefits to the surrounding area and community that outweigh the need to retain the site in business and industrial use, and [it is not considered that the proposed development would result in any significant community benefit which would outweigh the need to retain the site in employment use.]
- c) there is a constraint on the site whereby there is no reasonable prospect of its becoming marketable for business and industrial development in the future, or the predominant surrounding land uses remain as business and employment and in view of the overall policy, it is important to retain this. [there are no known constraints on the site which would mean that there is reasonable prospect of it becoming marketable for employment in the future. No evidence has been provided to the contrary in the supporting documentation.]
- d) the predominant land uses have changed owing to previous exceptions to policy such that a more mixed use land use pattern is now considered acceptable by the Council. [the predominant surrounding land uses remain as business and employment and in view of the overall policy, it is important to retain this.]

Second response:

If the proposed hedge is considered acceptable to the Council's Landscape Architect in terms of screening the site, and provided this permission is only granted on a temporary basis, in order to monitor on-site activities and matters such as demand for other uses on industrial sites, it is considered that this proposal can be supported.

Flood Risk Officer: No objection. Within the 1 in 200 year inundation outline for the Jed Water. This is a small scale development that is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems.

Economic Development: No comment.

Transport Scotland:

First response: Conditions required on any permission granted: A suitable barrier is to be erected along the site. Reason To prevent vehicles taking direct access to/from the trunk road.

Second Response: Does not propose to advise against the granting of permission

Landscape Architect

First response: This development would lead to a loss of amenity at a very conspicuous location at the entrance to the town and is not supported. Recommend refuse. If minded to approve, it be recommend that a beech hedge be established along the full length of the roadside boundary and maintained at a height of at least 1 metre. (This may be in conjunction with a fence.)

Second response: Do not support the application but do accept that it provides a more suitable finish if, for 'non landscape' reasons, the application is considered acceptable.

Estates Department: No objections to this proposal.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2 Quality Standards

ED1: Protection of Business and Employment Land

HD3: Protection of Residential Amenity

EP13: Trees, Woodlands and Hedgerows

IS5: Protection of Access Routes

IS7: Parking Provision and Standards

IS8: Flooding

Supplementary Planning Guidance:

Placemaking and Design 2010

Landscape and Development, 2008

Recommendation by - Euan Calvert (Assistant Planning Officer) on 23rd March 2017

Full planning permission is sought for retrospective change of use of land to form a motor vehicle display and form sales office in a portion of an industrial unit, in Jedburgh. The application is retrospective further to planning enforcement action being taken (16/00091/UNUSE). The business has commenced operation without applying for change the use of the land. The applicant advertises digitally and is reliant on the prominent location for attracting passing trade.

Site and location

The site is visibly prominent on the northern approach into Jedburgh on the A68. This site is to the east of the roadside, fronting Riverside Industrial Units, while directly on the opposite side of the road is Jedburgh Woollen Mill, an incongruous appearing red brick building. Its grounds are laid to bitmac parking bays and grassland which gives clear views across the site.

This site appears as mown amenity grassland featuring a line (an avenue next to the A68) of specimen trees (sycamore). An aggregate footpath is sited back from the roadside and leads directly north, from a drop kerb, through the centre of this site, and on to Newmill or Jedforest Rugby Ground. This footpath is not wide enough to accommodate vehicular traffic owing to encroachment of grass however the applicant has used it as access to display cars at a perpendicular angle to the roadside. This display area fronts an industrial building to the east. Two buildings, one of brick and the other constructed in profile steel sheet, align with the Edinburgh Road, and form a backdrop to this amenity land. Attempts have been made to break views of these buildings with native hedge planting however this has not established to any significant degree.

Planning history

The planning history do not directly relate to the current application:

05/00237/OUT: Demolition of existing buildings and erection of residential care home, Border Print and Packaging Ltd, Edinburgh Road, Jedburgh (Refused April 2005)

10/01201/PPP: Erection of retail foodstore with associated parking and access infrastructure; Former Oregon Timber Frame Ltd, Station Yard, Jedburgh. (Refused October 2011)

11/01455/PPP: Erection of retail foodstore with associated parking and access infrastructure; Former Oregon Timber Frame Ltd, Station Yard, Jedburgh. (Refused February 2012)

11/01121/PPP: Erection of retail food store with petrol filling station, associated parking and access road; Former Oregon Timber Frame Ltd and Riverside Workshops, Old Station Yard, Edinburgh Road (Refused April 2013)

13/01048/FUL: Change of use from Class 4 - 6 (industry/storage) to Class 1 (retail) and alterations to entrance door; Land And Building North Of Riverside Works Edinburgh Road Jedburgh Scottish Borders (Approved February 2014)

Policy

Policy ED1 provides for protection of business and industrial Land. Class 4, 5 and 6 uses are promoted on these sites while other uses may be acceptable, subject to suitability criteria. Development;

- i. Must respect the character and amenity of the surrounding area, and be landscaped accordingly.
- ii. Be compatible with neighbouring business and industrial uses.

In the preamble to this policy there is reference to other uses which can "co-exist" on an industrial estate such as sui generis uses and other complementary uses, which do not "conflict with existing uses".

This land is identified as business and industrial safeguarded site (zEL33) however this "allocation" has taken no account of the actual present land use. This site serves as a landscape buffer to the industrial units however this landscape use has not been documented in the Local Development Plan.

The material consideration in this decision is whether this sui generis use can be accommodated without recourse to the character and appearance of the town.

Ownership

The applicant is the owner of this site, having purchased it from the Council in 2003. However the site remains unfenced and un-identifiable as being a separate land parcel. The Council's landscape operatives have continued to mow the whole site indiscriminate of ownership.

The site had been sold to accommodate staff and visitor parking (16 spaces) for Border Print and Packaging Ltd, which had previously occupied the industrial units. Draft plans demonstrate nose to tail parking for 16 bays fronting the A68 which were to be enclosed by a beech hedge/ post and wire fence. Planning permission was never sought and no development took place.

Precedence and supporting statement

There are several examples of car forecourts and sales areas spilling out over verges on entrances to other towns and cities. The applicant has been keen to demonstrate that this site should be no different. They consider the use to fit well with neighbouring uses; that there would be no residential amenity issues; that it would create two jobs; that the building has sat dormant and this will improve its viability and vitality; that there would be no significant amenity issues (to the town).

Proposal

There have been several revisions to the proposals since submission:

31 Oct 2016 - Rev B - A forecourt constructed in mixed gravel and drop kerb.

21 Dec 2016 - Rev C - Screen planting and hedging either end of the display forecourt.

01 Mar 2017 - Rev E - Knee rail fence within site boundary.

10 Mar 2017 - Rev F - Knee rail and hedge enclosing the elevation with A68.

30 Mar 2017 - Rev G - Introduction of surfacing and edging to the existing track.

A meeting was held with the Agent in January 2017 to discuss the proposals. The Council considered the proposal to appear as over-development. Concerns were raised by the Council that operations are presently having demonstrable harm on character and amenity of the entrance to the town. The grass surface is being damaged by vehicular movements and vehicles were being advertised on Council land rather than the applicant's. The advertisement and movement of cars onto the verge was also a concern for road safety, as highlighted in Transport Scotland's response.

I requested the following changes to proposals:

- i. A 1m high beech hedge to be formed on road ward side.
- ii. The boundary should be reinforced with a timber 3 bar fence or similar (essential for Transport Scotland requirements, which should enclose the site but not close or obstruct free pedestrian movement along the informal footpath).
- iii. Surfacing within and throughout this resulting enclosure.
- iv. Diagrams of swept path analysis to demonstrate how the cars (for sale) would achieve the parked locations.

The Council acknowledged that these requirements could obscure the display and advertisement of cars to passing trade.

Assessment

Policy ED1

In strict policy terms, the proposal is contrary to development plan policy. There was initial objection from colleagues in Forward Planning at loss of employment land:

1. Limited demand for employment land in Jedburgh is acknowledged but the long term needs of the settlement must be considered a priority.
2. No significant community benefits are identified which outweigh the need to retain the site in employment use.
3. There are no known constraints on the site which would mean that there is reasonable prospect of it becoming marketable for employment in the future. No evidence has been provided to the contrary in the supporting documentation.
4. The predominant surrounding land uses remain as business and employment which is important to retain.

At this meeting with the agent in January, Forward Planning acknowledged that this sui generis proposal would not displace current employment use and preamble to Policy ED1, LDP 2016, positively encourages these uses where they are considered to co-exist on an industrial estate.

Forward Planning have now issued a revised response offering conditional support provided the Council's Landscape Architect removes their objection and provided this permission is only granted on a temporary basis. A temporary permission would offer protection (to the aims of ED1 by allowing monitoring of on-site activities and monitoring demand for other uses on industrial sites.

I acknowledge that a neighbouring temporary permission (3yr) was granted, 13/01048/FUL, by Planning Committee, for retailing in the neighbouring warehouse. This is not precedent for this case, which is assessed on its own merits. This neighbouring permission has now expired and is not a comparable use change. Previous supermarket applications have also been refused as they raised serious concerns regarding loss of employment land and impact upon the town centre, for which neither could be mitigated. Again, it is contended that this proposal is different and would not raise such concerns.

Owing to the size, scale, nature and location of this proposal I am now satisfied that a departure from Policy ED1 is acceptable in this instance. In balancing this decision, I have taken account of the following material considerations:

1. The nature of use would have a neutral impact on the vitality and viability of the town centre. I am not aware of any other car sale forecourts or sales areas in Jedburgh. Potentially, this use could be a reason to visit Jedburgh for prospective purchasers.
2. Recent slow take up of employment land is acknowledged by the Council. The building has sat dormant for "a long period" and partial use could enhance viability. The building may otherwise continue to deteriorate, becoming a less attractive proposition for future investors.
3. Over half of the established employment land supply in Jedburgh is available immediately (SBC survey). This does not account for vacant buildings within employment sites (such as this). I consider this to be a very marginal loss in a climate of plentiful supply of employment land.
4. Although partial loss of a building is proposed, no material changes are being made to the external appearance or internal layout. I am confident that this building could be reverted to Class 4, 5 or 6 employment uses without significant change.
5. A temporary permission will allow for the Council to monitor the impact of onsite activities and allow for monitoring changes of demand for other uses on industrial sites. In the event that there are changes in economic climate in the forthcoming 3 years, or in the event that development has not proceeded in accordance with the Approved plans, the Council retains ability to protect the character and appearance of the town in accordance with policies ED1 and EP13.

PMD2 Quality Standards, Placemaking and Design SPG

I agree with the Forward Planning response that the retrospective nature of this application should be no basis for decision nor should it be a material planning consideration.

I am however satisfied that proposed material changes to develop a forecourt at this location can be undertaken in a sympathetic manner to contribute to character of the entrance gateway. The most recent Plan (Ref G) complies with policy PMD2: Placemaking and Design principles. On balance, and in

acknowledgement of the surrounding buildings, I find the sufficiency and adequacy of landscaping to be appropriate. Implementation of the entire scheme (knee rail/ beech hedging/ surfacing/ edging/ cherry specimen trees) will need to be ensured by condition (in a timely manner) given the applicant is already operating.

HD3: Protection of residential amenity

I identify no recourse to residential amenity. The site would be disparate from any residential receptors.

EP13: Trees, woodlands and hedgerows

The Landscape Architect, having first objected to the initial proposal, notes that the boundaries now provide a more suitable finish. For "non-landscape reasons", the application is considered acceptable.

I am minded to agree that, on balance, what has been achieved throughout the course of application is a proposal which largely acknowledges the sensitivity of the site (as a gateway to the town), opposite the Jedburgh Woollen Mill. Retrospective permission, in its initial guise, was unsupportable. These proposals will now be appropriately landscaped to assist with assimilating development in to the surrounding area.

This landscape scheme will formalise the current layout and protect surrounding character and amenity by introducing beech hedging which is used in the surrounding environments. There will always be tensions between roadside trading and landscape setting. Desire of commercial premises to maximise advertisement of their goods or services to passing trade must be balanced against the need to preserve and enhance landscape setting.

IS5 Protection of Access Routes

The Outdoor Access Officer has confirmed that the footpath through this development is a Core Path (107) which requires to be maintained open and free from obstruction. The Agent has confirmed that maintaining the route open is part of the development proposal and I find the two to be mutually beneficial, in that the footpath presence will encourage footfall to the site and see improvement of the surface for pedestrians. A condition will be placed to ensure the footpath is maintained open (policy IS5).

IS7: Parking provision and standards

Plan, Revision G, displays a knee rail, enclosing the site from the A68, which has addressed Transport Scotlands concerns "To prevent vehicles taking direct access to/from the trunk road." No planning conditions are required on the basis of implementing Rev G. The Roads Planning Officer;

1. Requires a footway crossing to be constructed as per standard detail DC10.
2. Requires amendments to allow access or egress in a forward gear.
3. Requires re-surfacing of the existing track to an appropriate width to accommodate continued vehicular use.
4. Identifies visitor parking as being adequate.

I have now liaised with the Agent and Roads Planning Officer to discuss proportionally of these requirements. 1 and 4 remain necessary to ensure quality standards however point 2 is not a material consideration. The Agent contends that use of the vehicular access will be minimal and the swept path analysis (reversing into site) has been accepted by Transport Scotland. The Roads Planning Officer now accepts to forego requirement of point 2. I agree however that surfacing of the existing track is a reasonable, necessary and a relevant requirement.

Surfacing of the existing track is proposed for 150mm depth of type 1 stone, 2.5m in width, edged either side with 33mm timber edging board. Plan (Rev G) has now addressed all material planning considerations, in accordance with policy IS7, in that it will secure road safety and sufficiency by design.

IS8: Flooding

The Flood Protection Officer has confirmed no objection to development although the site is within the 1 in 200 year inundation outline for the Jed Water. This is a small scale development that is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems.

Council Estates Department makes no objection. The Council Neighbourhoods Manager sought reassurance over responsibility for maintaining the proposed plan. Scottish Borders Council has habitually maintained this private ground and I find this matter to be an operational issue and not a planning concern.

The applicant must implement this planning permission to continue operating from this site and a planning condition will require implementation of landscape works within the first season of operation.

Economic Development offers "No comment". Jedburgh Community Council have placed an objection and issue concerns over inadequate room to manoeuvre vehicles without damaging the Right Of Way and grass. I am satisfied that Rev G now addresses all these concerns. Concerns are also raised about oil seepage and water from valeting which may contaminate ground or the Jed Water. This proposal is not for commercial valeting/ car washing and I do not therefore identify oil seepage as a planning issue. I am satisfied that these issues will not arise. In any case, monitoring of the Jed Water by the statutory agency (SEPA) will ensure environmental protection.

In the absence of any third party objections I am minded to offer support to the amended proposals, which should ensure that the impacts to character and amenity of the surrounding area are no more than minor significance (opposite both the Jedburgh and Edinburgh Woollen Mill outlets).

REASON FOR DECISION :

The sui generis use is considered to be acceptable. The development is a departure from Policy ED1 although several material considerations ensure that partial loss of an employment unit to car sales is acceptable. Considerable amendments have been made to the plan which will mitigate any adverse impacts to amenity and character. The proposal will create jobs and will not negatively impact upon the vitality and viability of the town centre. The use of this building for a limited time-limited period will not prejudice the long term suitability and availability of the site for Class 4, 5 and 6 employment use. The building has sat dormant therefore bringing it to commercial use will maintain viability, while being compatible with the neighbouring uses. Subject to planning conditions, the proposal is acceptable and complies with policies of the Local Development Plan 2016.

Recommendation: Approved subject to conditions

- 1 Within 56 days of the date of this Decision Notice, the details of Block Plan (Rev G) shall be implemented in its entirety, as approved by the Planning Authority, except those Landscaping Works, which are to be implemented by condition 5 of this permission. Development shall be implemented in complete accordance with this Approved Plan unless prior written approval for an alternative timescale has been sought and confirmed in writing by the Planning Authority.
Reason: The present form of development is having an unacceptable impact on the character of the Jedburgh and is having an unacceptable impact on road safety with the A68 Trunk Road.
- 2 This permission shall exist for the benefit of Riverside Car Centre and for no other business.
Reason: This permission is granted exceptionally and only in view of the circumstances and nature of the business.
- 3 Consent is granted for a limited period of three years from the date of this consent and the approved use shall cease before the expiry of the period unless a planning application to retain the permitted use has been submitted to and approved by the Planning Authority. In the event that no such planning application has been so approved, the use of the premises shall revert to its current lawful use under Classes 4-6 of the Use Class (Scotland) Order 1997.
Reason: To ensure that the proposed use of this building does not compromise the long term availability of available employment land in Jedburgh.
- 4 The public path through the site, identified as Core Path 107, must be maintained open and free from obstruction in the course of development and in perpetuity. No stiles, gates, steps or barriers to access may be erected that would deter the potential future use.
Reason: To protect public access rights to this Core Path both during and after development.
- 5 The landscaping plan, Block Plan Rev G, as approved, shall be implemented within the first planting season from the date of this planning permission. These landscaping works will be maintained for a period of three years upon planting, during which time, all failed planting shall be replaced. The

applicant shall notify the Planning Authority that the approved planting (as per the approved Landscape Plan) is available for inspection after this three year period, at which point, the approved landscaping scheme shall have been implemented and landscaping established in its entirety.
Reason: To ensure effective assimilation of the development to its surroundings.

- 6 Details of the position, size, colour, materials and method of illumination of any signage to be displayed on the building, within the site or on the site boundaries to be submitted to and approved in writing by the Planning Authority prior to any signage being displayed. Thereafter the works are to be carried out strictly in accordance with the approved details.
Reason: In accordance with the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1994.

Informatives

It should be noted that:

- 1 The Council's Flood Protection Officer advises:
- i. As access and egress to the development may be affected by flood waters, the applicant should receive flood warnings from SEPA: sign up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188.
 - ii. The applicant should develop an evacuation plan for the building during times of flood warning.
 - iii. The applicant should adopt water resilient materials and construction methods as appropriate in the development and the applicant should review the Online Planning Advice on Flood Risk.

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



SCOTTISH BORDERS COUNCIL BUSINESS AND INDUSTRIAL LAND AUDIT

Contents

1.	Introduction	2
1.1	Purpose of the audit	2
1.2	Overview of methodology	2
2.	Policy Context	3
2.1	National Policy Drivers	3
2.2	Strategic Development Plan.....	3
2.3	Scottish Borders Local Development Plan	3
3	Established Business and Industrial Land Supply.....	4
3.1	Land Supply	4
3.2	Site Type.....	5
3.3	Site Size	7
3.4	Availability.....	8
3.5	Site servicing	9
3.6	Immediately available land	10
4	Take-up of Business and Industrial Land.....	11
4.1	Take-up in 2019.....	11
4.2	Take-up since 2015	12
5	Windfall employment developments	12
5.1	Record of windfall employment developments	13
6	Conclusion.....	13
7	Appendix 1: Methodology	14
7.1	Update the Geographic Information System (GIS) and database.....	14
7.2	Background information	14
7.3	Site Visits	14
7.4	Site Servicing	15
7.5	Database input.....	15
7.6	GIS spatial updates.....	15
7.7	Analysis	15
7.8	Windfall employment developments	15
7.9	Changes to the process and revisions.....	15
8	Appendix 2: Glossary.....	16
9	Appendix 3: Established Employment Land Supply Sites.....	20
10	Appendix 4: Sites Taken Up (2018).....	44

1. Introduction

1.1 Purpose of the audit

- 1.1.1 The Business and Industrial Land Audit (formerly known as the Employment Land Audit) monitors the supply, take-up and status of business and industrial land within the Scottish Borders, in accordance with Scottish Planning Policy. Businesses have a variety of size and quality requirements, so the audit assesses the range and choice of the sites which make up the supply. The audit also identifies the availability and constraints of sites, and also monitors windfall employment developments.
- 1.1.2 The audit is undertaken annually in order to monitor the changing pattern of business and industrial development activity within the Scottish Borders. This year's audit records:
- the **established business and industrial land supply** at 31 March 2019
 - the **take-up of business and industrial land** between 1 April 2018 to 31 March 2019
 - and **windfall business and industrial developments** between 1 April 2018 to 31 March 2019

1.2 Overview of methodology

- 1.2.1 The established business and industrial land supply is the total area of:
- Business and industrial use sites (including safeguarded business and industrial land) which were undeveloped or under construction on 31 March 2019
 - Mixed use or redevelopment sites with potential to be developed for business and industrial use which were undeveloped or under construction on 31 March 2019.
- 1.2.2 Following the Examination of the Scottish Borders Local Development Plan and the Council's formal decision of December 2015 to take forward the plan as amended by the agreed modifications, the Business and Industrial Land Audit 2019 uses LDP allocations as the basis for establishing the business and industrial land supply.
- 1.2.3 The take-up is business and industrial land which has been developed over the previous 12 months.
- 1.2.4 The Council also monitors **windfall business and industrial developments**. These are new business or industrial developments on sites which do not form part of the business and industrial land supply (i.e. on land not allocated for business and industrial use). These developments are recorded in section 5.
- 1.2.5 The audit is managed through a database which holds detailed information on each site. This includes a unique reference number; site area; site type; planning status; tenure; availability; constraints and site servicing information. Much of this data is presented in Appendix 3, along with maps of each site. Further explanation of the methodology is presented within Appendix 1 and a glossary is contained within Appendix 2.

2. Policy Context

2.1 National Policy Drivers

- 2.1.1 Scottish Planning Policy (SPP) sets out the Scottish Government's planning policies in relation to economic development. SPP requires local authorities to allocate sites appropriate for the range of business sectors and business sizes in the plan area.
- 2.1.2 Allocations should therefore reflect market demand and location, size, quality and infrastructure requirements. Allocations should also take account of whether sites are serviced or serviceable within five years; the potential for mixed use development; and their accessibility within the transport network, including options for walking, cycling and public transport.

2.2 Strategic Development Plan

- 2.2.1 The Strategic Development Plan (SDP) was adopted in 2013 and provides a strategic framework for development in the South East of Scotland, including the whole of the Scottish Borders, to the year 2032. The Proposed SDP2 was rejected by Scottish Ministers and therefore SDP 2013 remains the document in force.
- 2.2.2 The SDP supports job creation by setting out a spatial strategy which focusses on growing key sectors of the economy in a sustainable manner. It identifies a range of strategically important sectors in the economy, including: higher education; energy; tourism; food and drink; and life sciences. SDP Policy 2 requires Local Development Plans (LDPs) to provide a range and choice of accessible and marketable sites to meet anticipated requirements of businesses. Policy 2 also sets out the levels of employment land supply LDPs should provide. Of a total 981ha across the plan area, the SDP requires that the Scottish Borders LDP provides 56ha. The proposed SDP2 stated that LDP's will identify and safeguard a sufficient supply of business and industrial land.

2.3 Scottish Borders Local Development Plan

- 2.3.1 The Scottish Borders Local Development Plan sets the primary policy context for development within the Scottish Borders, including in relation to business and industrial land.
- 2.3.2 The LDP has a business and industrial land policy which establishes a hierarchy of business and industrial land. Policy ED1—Protection of Business and Industrial Land aims to ensure adequate supplies of business and industrial land are retained for business and industrial use and are not diluted by a proliferation of other uses. The policy recognises the financial difficulty - resulting from market failure - in bringing forward new business and industrial land. The policy therefore protects resources into the long term and complements the Council's economic strategy.

- 2.3.3 The hierarchy identifies key areas of Strategic High Amenity business land (class 4 only) and Strategic (class 4, 5 or 6) business and industrial land and, recognising the difficulty in bringing these sites forward, provides them with rigorous policy protection. District level business and industrial sites and local sites are also identified, each with different levels of protection.
- 2.3.4 The Local Development Plan did not bring forward new available business and industrial land but did allocate new mixed use sites in Cardrona, Reston, Swinton and Tweedbank. These were considered for business and industrial land potential and through this process site TW008 (Tweedbank) has been added to the supply.
- 2.3.5 The Strategic Business and Industrial sites at Tweedbank Industrial Estate and Tweedside Park are now the subject of Supplementary Guidance which sets out the Council’s detailed vision for the future of this land in tandem with a Simplified Planning Zone (SPZ). Both documents aim to encourage investment and an improved environment within the Business Park at Tweedbank, capitalising on the arrival of the Borders Railway.

3 Established Business and Industrial Land Supply

3.1 Land Supply

- 3.1.1 The 2019 established business and industrial land supply is **102.2ha**, which is made up by a total of 70 sites. Table 1 shows the annual change in established business and industrial land supply since 2015 and shows that the Scottish Borders established business and industrial land supply decreased by 1.3% since 2018.

Table 1: Annual Established Employment Land Supply (ha)

2015	2016	2017	2018	2019	% change since 2018
110.9	110.1	107.4	103.5	102.2	-1.3 %

- 3.1.2 The 1.3% decrease follows a number of changes to the supply for a number of reasons including: 3 sites have been taken-up (3 < 0.3ha). Further information regarding these sites is presented in section 4.
- 3.1.3 Table 2 (below) shows the established business and industrial land supply down by Housing Market Area [Appendix 2 provides a map showing Housing Market Area boundaries]. The greatest business and industrial land supply is within the Central Borders (73.7ha), whilst there is no established business and industrial land supply within the Southern area. A map of the HMAs can be found in Appendix 2.

Table 2: Employment Land Supply by HMA (ha)

Areas	Employment Land Supply
Berwickshire	24.7
Central	73.7
Northern	3.8
Southern	0
Total	102.2

3.2 Site Type

3.2.1 Local Development Plan business and industrial land sites (including business and industrial safeguarding) are classified by Site Type. This establishes the level of protection the employment land is afforded by policy ED1—Protection of Business and Industrial Land. Sites are classified as Strategic High Amenity, Strategic, District or Local. Table 3 sets out a breakdown of business and industrial land supply by Site Type per Housing Market Area and settlement. In addition to the sites listed, three sites which form part of the business and industrial land supply (GR001, SE003 and TW008) are allocated within the plan for mixed use. These sites are not included in the table below.

Table 3: Business and Industrial Land Supply by Site Type (ha and number of sites)

		Local		District		Strategic		Strategic High Amenity	
HMA	Settlement	Ha	Sites	Ha	Sites	Ha	Sites	Ha	Sites
Berwickshire	Chirnside	0	0	0.7	1	0	0	0	0
	Coldstream	0	0	7.7	4	0	0	0	0
	Duns	0	0	5.9	6	0	0	0	0
	Eyemouth	0	0	2.1	3	7.8	3	0	0
	Greenlaw	0	0	0.3	1	0	0	0	0
	Area Total		0	0	16.6*	15	7.8	3	0
Central	Earlston	0	0	4.8	2	0	0	0	0
	Galashiels	0	0	3.3	3	0	0	0	0
	Hawick	0	0	1.8	4	12.3	4	0	0
	Jedburgh	0	0	8.6	4	0	0	0	0
	Kelso	0	0	0.2	1	5.7	12	0	0
	Morebattle	0	0	0.6	1	0	0	0	0
	Newtown St Boswells	0	0	0	0	0	0	12.8	1
	Selkirk	0.5	1	2.3	5	0	0	0	0
	St Boswells (Charlesfield)	0	0	0	0	15.5	3	0	0
	Tweedbank	0	0	0	0	2.9	4	0	0
	Area Total		0.5	1	21.6	20	36.4	23	12.8
Northern	Innerleithen	0	0	0.4	1	0	0	0	0
	Lauder	0	0	2	1	0	0	0	0
	Peebles	0	0	0.7	1	0	0	0	0
	West Linton	0	0	0.7	1	0	0	0	0
	Area Total		0	0	3.8	4	0	0	0
Southern	Area Total	0	0	0	0	0	0	0	0
Scottish Borders	Overall Total	0.5	1	42.1	39	46.3*	16	12.8	1

* Total does not add up due to rounding

Note figures do not add to the overall supply (102.2ha) as three mixed use sites are not classified by Site Type

3.2.2. Overall, 0.5% of the business and industrial land supply is Local, 41% is District, 45% is Strategic, 13% is Strategic High Amenity. There's no Strategic High Amenity sites in Berwickshire or Northern area. Within the Northern area only district sites are available which account for 3.7% of the total supply. There is a good range of Site Types available within Central area.

3.3 Site Size

3.3.1 Table 4 breaks the business and industrial land supply down by categorised site size. There is a lack of range of business and industrial land site sizes within the Northern area, with only 1 site greater than 1ha, which is located in Lauder. Larger sites over 5ha are located in Coldstream, Eyemouth, Hawick, Newtown St Boswells and St Boswells (Charlesfield). Some 70% of all business and industrial land supply sites are less than 1ha in size, at a total of 19.2ha, but this represents just 19% of the land supply overall.

Table 4: Size breakdown of Business and Industrial Land Supply sites (number of sites)

HMA	Settlement	0-1ha	1-5ha	>5ha
Berwickshire	Chirnside	1	0	0
	Coldstream	3	0	1
	Duns	5	1	0
	Eyemouth	3	2	1
	Greenlaw	2	0	0
	Area Total	14	3	2
Central	Earlston	1	1	0
	Galashiels	2	1	0
	Hawick	4	3	1
	Jedburgh	1	3	0
	Kelso	12	1	0
	Morebattle	1	0	0
	Newtown St Boswells	0	0	1
	Selkirk	6	1	0
	St Boswells (Charlesfield)	1	1	1
	Tweedbank	4	1	0
	Area Total	32	12	3
Northern	Innerleithen	1	0	0
	Lauder	0	1	0
	Peebles	1	0	0
	West Linton	1	0	0
	Area Total	3	1	0
Southern	Area Total	0	0	0
Scottish Borders	Total	49	16	5

3.4 Availability

3.4.1 The availability of sites is broken down into the following categories: immediate, one to five years, beyond five years and under construction. The definitions for these categories can be found in Appendix 2. Table 5 looks at the availability of land by area. 50% of immediately available land is located within the Central area, some 22.7ha. There is 2.4ha of immediately available business and industrial land within the Northern area. Across the Scottish Borders 90ha - some 88% of the overall land supply - is available within 5 years, and of this, 45.3ha is available immediately.

Table 5: Availability of Employment Land Supply (ha)

HMA	Area	Immediate	1-5 yrs	Beyond 5 yrs	Under Construction	Total
Berwickshire	Chirnside	0.7	0	0	0	0.7
	Coldstream	7.4	0.3	0	0	7.7
	Duns	4.2	1.2	0.4	0	5.9*
	Eyemouth	8	0	1.9	0	9.8*
	Greenlaw	0	0.3	0.4	0	0.6*
	Berwickshire	Berwickshire	20.2*	1.8	2.7	0
Central	Earlston	0	4.6	0.2	0	4.8
	Galashiels	0.4	0	2.8	0	3.3*
	Hawick	2	7	5	0.2	14.1*
	Jedburgh	1.4	6	1.3	0	8.6*
	Kelso	2.7	3.2	0	0	5.9
	Morebattle	0	0.6	0	0	0.6
	Newtown St Boswells	0	12.8	0	0	12.8
	Selkirk	1.7	2.5	0	0	4.2
	St Boswells (Charlesfield)	11.5	4	0	0	15.5
	Tweedbank	2.9	1	0	0	3.9
	Central	Central	22.7*	41.6*	9.3	0.2
Northern	Innerleithen	0.4	0	0	0	0.4
	Lauder	2	0	0	0	2
	Peebles	0	0.7	0	0	0.7
	West Linton	0	0.7	0	0	0.7
	Northern	Northern	2.4	1.4	0	0
Southern	Area Total	0	0	0	0	0
Scottish Borders	Total	45.3	44.8	12	0.2	102.2

*Figures do not add up due to rounding

3.5 Site servicing

3.5.1 The audit classifies sites as either serviced, partially serviced or not serviced. This is based on availability of services such as electricity, water supply, and roads access. Appendix 1 outlines the methodology in the assessment of site servicing. Table 6 breaks the employment land supply down by servicing classification and area.

Table 6: Employment Land Supply by Servicing Status (ha)

	Area	Serviced	Partially Serviced	Not Serviced
Berwickshire	Chirnside	0.7	0	0
	Coldstream	0.3	7.4	0
	Duns	0.5	4	1.4
	Eyemouth	1.7	6.3	1.9
	Greenlaw	0	0.3	0.4
	Area Total	3.1*	17.9*	3.7
Central	Earlston	0	0.2	4.6
	Galashiels	0.4	2.8	0
	Hawick	2.1	3	9
	Jedburgh	2.4	1.3	4.9
	Kelso	2.7	0	3.2
	Morebattle	0	0	0.6
	Newtown St Boswells	0	12.8	0
	Selkirk	0.8	3.3	0
	St Boswells (Charlesfield)	0	12.3	3.2
	Tweedbank	0.4	3.5	1
	Area Total	9*	39.1*	25.6*
Northern	Innerleithen	0	0.4	0
	Lauder	2	0	0
	Peebles	0	0	0.7
	West Linton	0	0	0.7
	Area Total	2	0.4	1.4
Southern	Area Total	0	0	0
Scottish Borders	Total	14.1*	57.5*	30.7

*Figures do not add due to rounding

3.5.2 The figures above show that most of the business and industrial land supply is at least partially serviced, some 71.6ha, against 30.7ha which are not serviced. Only 13.8% of the overall supply is fully serviced, covering 30 sites.

3.6 Immediately available land

3.6.1 There are 35 sites immediately available in total, which account for 45.3ha (44%) of the business and industrial land supply. Several of these sites are strategic sites. These are:

CF002	Charlesfield (11.5ha);
EY007	Gunsgreenhill, Eyemouth (6.3ha);
EY008	Gunsgreen Industrial Estate 1, Eyemouth (0.3ha);
EY009	Gunsgreen Industrial Estate 2, Eyemouth (1.2ha);
HA014	Galalaw, Hawick (0.7ha);
KE008	Pinnaclehill, Kelso (0.7ha);
KE018	South Pinnaclehill - Plot 14 (0.2ha);
KE020	South Pinnaclehill - Plot 12 (0.2ha);
KE021	South Pinnaclehill - Plot 13 (0.2ha);
KE022	South Pinnaclehill - Plot 10 (0.2 ha);
KE023	South Pinnaclehill - Plot 1 (0.3 ha);
KE024	South Pinnaclehill - Plot 2 (0.2 ha);
KE025	South Pinnaclehill - Plot 3 (0.1 ha);
KE026	South Pinnaclehill - Plot 4 (0.2 ha);
KE027	South Pinnaclehill - Plot 5 (0.2 ha);
KE028	South Pinnaclehill - Plot 6 (0.2 ha);
TW001	Tweedbank (1.5ha);
TW004	Tweedbank (0.4ha);

3.6.2 Table 7 shows a breakdown of immediately available sites by size and HMA. The majority of immediately available sites are less than 1ha in size. Only three sites greater than 5ha are immediately available. Over half of all immediately available sites are located in the Central area, at sites in Galashiels, Hawick, Jedburgh, Kelso, Selkirk, St Boswells (Charlesfield) and Tweedbank. There's also nine immediately available sites in Berwickshire, within Chirnside, Coldstream, Duns and Eyemouth but there are only two within the Northern area, in Lauder and Innerleithen.

Table 7: Number of Immediately Available Sites by Site Size

HMA	Area	0-1ha	1-5ha	>5ha
Berwickshire	Chirnside	1	0	0
	Coldstream	1	0	1
	Duns	1	1	0
	Eyemouth	2	1	1
	Area Total	5	2	2
Central	Galashiels	1	0	0
	Hawick	1	1	0
	Jedburgh	0	1	0
	Kelso	12	0	0
	Selkirk	4	0	0
	St Boswells (Charlesfield)	0	0	1
	Tweedbank	2	1	0
	Area Total	20	3	1
Northern	Innerleithen	1	0	0
	Lauder	0	1	0
	Area Total	1	1	0
Southern	Area Total	0	0	0
Scottish Borders	Total	26	6	3

4 Take-up of Business and Industrial Land

4.1 Take-up in 2019

- 4.1.1 Business and industrial land take-up refers the total area of business and industrial land supply land which has been developed since the last audit. Section 5 of this report covers windfall business and industrial developments, which are business and industrial developments completed outwith the business and industrial land supply.
- 4.1.2 This audit covers developments completed between 1st April 2018 and 31st March 2019. Table 8 lists the employment sites taken up within this period. Appendix 4 provides maps of these sites.

Table 8: Employment Land Take-up (1 April 2018 to 31 March 2019)

Site Ref.	Site Address	Settlement	Site Area
EY019	Gunsgreen Industrial Estate 3	Eyemouth	0.28
KE017	South Pinnaclehill - Plot 11	Kelso	0.16
KE019	South Pinnaclehill - Plot 7	Kelso	0.24
TOTAL			0.68 ha

4.1.3 Table 8 shows the overall take-up of employment land between 1 April 2018 and 31 March 2019 was 0.68 ha, consisting of 5 employment sites. This compares to a take-up of 3.78ha in the previous audit period (2017-18).

4.2 Take-up since 2015

4.2.1 Table 9 shows the take-up in established land supply over the last 5 years. The table shows that overall, around 10.2ha have been taken up since 2015, equivalent to an annual take-up rate of around 2ha a year.

Table 9: Annual Business and Industrial Land Take-up, 2015-2019 (ha)

HMA	Settlement	2015	2016	2017	2018	2019
Berwickshire	Chirnside	0.7	0	0	0	0
	Eyemouth	0	0	0	0	0.3
	Greenlaw	0.1	0	0	0	0
	Area Total	0.8	0	0	0	0.3
Central	Galashiels	0	0	0.4	0	0
	Hawick	0.2	0.2	0	3.2	0
	Kelso	0.6	0	0.4	0.7	0.4
	Selkirk	0	0.2	0	0	0
	St Boswells (Charlesfield)	0	0	2.1	0	0
	Area Total	0.8	0.4	2.9	3.9	0.4
Northern	Innerleithen	0.4	0	0	0	0
	Peebles	0	0.3	0	0	0
	Area Total	0.4	0.3	0	0	0
Southern	Area Total	0	0	0	0	0
Scottish Borders	Total	2	0.7	2.9	3.9	0.7

5 Windfall employment developments

5.1 Record of windfall employment developments

- 5.1.1 Windfall business and industrial developments are developments on land which does not form part of the business and industrial land supply (e.g. on 'white land'). These developments are also an indicator of potential demand for business and industrial land in addition to the take-up of employment land. Windfall business and industrial developments should be use class 4, 5 or 6 new-build or conversion developments which occur on land not previously in active, existing business or industrial use. The full methodology is detailed in Appendix 1.
- 5.1.2 There were no windfall business and industrial developments completed between 1 April 2018 and 31 March 2019.

6 Conclusion

- 6.1.1 The overall **established business and industrial land supply** has decreased to 102.2ha. Three small sites were taken up in the last year resulting in an overall take-up of employment land of 0.7ha. No windfall employment development was recorded.
- 6.1.2 The current Local Development Plan which was approved in May 2016 did not bring forward any business and industrial land, but did allocate new mixed use sites. Of these one new site in Tweedbank (TW008) will be developed for some business use within an area which has an identified land supply need. There is now a Supplementary Guidance and Simplified Planning Zone (SPZ) covering the Strategic Business and Industrial sites in Tweedbank. Both support investment and improvements in the Business Park in Tweedbank.
- 6.1.3 Table 2 shows that there's only 3.8ha in the Northern HMA which accounts for 3.7% of the overall supply. In Peebles there is only one site available at South Parks. Table 3 also shows that there are four sites all of which are district type. This suggests there is a shortage of variety of business and Industrial land in the Northern HMA. Table 9 shows that land take-up has been in the central and northern area and this year. 2019 saw the first decrease in take up in two years. It should be noted there's only three available sites in Galashiels. Of these, site GA007 which is a district site at Huddersfield Street, will soon be developed for social housing and site GA011 has physical contamination issues. Further land requires to be allocated in Tweedbank and Kelso due to land availability and perceived developer interest.
- 6.1.4 It is proposed that the LDP2 will allocate further sites for mixed use which will include an element of business and industrial land. In order to insure such land is delivered the LDP2 will identify a site area for this element of the allocation and this will be picked up in the next appropriate future Business and Industrial Land Audit.
- 6.1.5 Scottish Planning Policy and the SESplan Strategic Development Plan both require local authorities to provide a range and choice of business and industrial land sites. This Audit has assessed the sites which make up the supply in terms of their size, availability, type, servicing and constraints and has shown that overall, the current business and industrial land supply provides a broad range and choice of sites. Going forward the Proposed Plan requires more business and industrial land of suitable type, availability and site servicing to be found in particularly the Northern HMA and further land in the Central HMA around Galashiels and Tweedbank.

7 Appendix 1: Methodology

Established Employment Land Supply and Take-Up

The process for preparing the Employment Land Audit is set out below.

7.1 Update the Geographic Information System (GIS) and database

The audit is managed through a database which holds information including: unique site reference number, site name, existing use, planning status, site availability, site type and site servicing. The data is also recorded spatially using the Geographic Information System (GIS). Maps are produced from the GIS project to aid site visits and outline any planning approvals and completions within the previous year.

7.2 Background information

To ensure that the most up to date and accurate information is recorded in the database, Officers liaise with a representative from Economic Development to review all existing land supply sites, in order to gather up to date information on the sites.



Site servicing information is reviewed and updated where appropriate. Data is captured from site servicing maps and recorded in the database for all sites.



All employment/mixed use and redevelopment sites allocated are reviewed and changes including potential additions to the employment land supply are captured and assessed.

7.3 Site Visits

Officers undertake site visits for their allocated areas. All existing land supply sites are shown on settlement maps and are visited. Site visits are undertaken to establish whether there has been a change in the status of sites, for example whether a site has been developed or is under construction. All allocated employment sites are also monitored, in order to identify any new land supply. All allocated mixed use and redevelopment sites are assessed as to whether they have the potential for future employment use. To avoid double counting, such sites can only be included within either the employment land supply or the housing land supply. For sites to be included in the employment land supply, they must be allocated and must not have any development on the site. Vacant buildings are not surveyed within the audit as they may be leased and the land is not readily available for development.

7.4 Site Servicing

Sites are assessed for service provision and service provision potential. For each service 'yes/no/potential' may be recorded. The glossary explains service categories in greater detail. As part of the 2012 audit, the site servicing fields were updated and the methodology revised. Six new fields were created in the database: foul drainage; electricity; water; phone; gas; and access. A drop down menu was added to the database with the following fields: not serviced; partially serviced; and serviced.

7.5 Database input

Once all site visits have been undertaken, records are updated in the database and any changes are recorded and new sites included.

7.6 GIS spatial updates

Once the database has been updated, changes are captured spatially. Site area data is then updated in the database. A figure for the developable area of sites is also held in the database. This represents an estimate of the floor area of the site that is likely to be developed. This is calculated as 60% of the site area, unless more accurate information is available, for example the gradient of the site may alter the developable area.

7.7 Analysis

The database is exported into an Excel spreadsheet for data analysis. The Employment Land Audit report is then produced along with Appendix 3 which contains maps showing each employment land supply site.

7.8 Windfall employment developments

Windfall employment developments are business/ industrial developments on land which does not form part of the employment land supply. The purpose of the survey of windfall developments is to help identify additional demand for employment land not being met by the employment land supply.

To qualify as windfall employment development, the following criteria will normally be met:

- Land is not allocated for employment use or employment safeguarding
- New development must be use class 4 (business), 5 (industrial) or 6 (storage)
- Development must be new-build or conversion
- Existing land use must not be use classes 4, 5 or 6, unless previously inactive

The process undertaken utilises data held within the Council's Planning and Building Warrants databases. This data is processed using FME software to produce a list of employment developments completed within the timeframe of interest. Each list is then assessed against the criteria above, until a list of all windfall employment developments is achieved. In exceptional cases, a development not meeting all of the criteria listed above may be included as a windfall employment development where it represents substantial demand for employment land. Similarly, developments which meet the criteria above but were minor in scale and do not represent demand for employment land may be omitted from the record of windfall employment developments.

7.9 Changes to the process and revisions

- When the 2012 audit was prepared, the category options for site availability were altered to include: immediate; between 1 and 5 years; and beyond 5 years. As a result of access to more up to date site servicing information, it was considered appropriate to update the availability definitions. A direct comparison should not be drawn between pre-2012 and post-2012 audit figures for site availability for this reason.
- In the 2012 audit, an additional 'removed' option was included amongst site 'status' options. This was in addition to previous 'available', 'under construction' and 'taken up' options. The existing options did not take into account sites that may have been removed for definitional reasons. This could include sites which are no longer suitable for employment development or sites which have been removed from the Development Plan. As a result a new choice was created for such sites, to allow these to be retained in the database but not included in the taken up analysis.
- In the 2013 audit, revisions were made to 2011 and 2012 Established Land Supply and 2011 take-up figures.
- In 2018 ELA sites with the potential for business and industrial uses on mixed use allocations were removed. Theoretically mixed use sites could be developed for many uses including business and industrial, but to avoid subjectivity and the possibility of potentially overestimating they have been removed.

8 Appendix 2: Glossary

Availability

- Immediate: These sites are serviced (fully or partially) and have no constraints that would prevent the site being developed immediately.
- 1-5 years: These sites can be (fully/partially or not serviced) but have minor constraints which prevent immediate development OR the site has no constraints but is not serviced.
- Beyond 5 years: Land that has no extant planning permission, is partially or not serviced, has a major constraint and is unlikely to be developed within 5 years.
- Under Construction: Sites where development has commenced but has not yet been completed.
- Taken Up: Sites where development has been completed. For clarity and consistency, sites are classed as being complete when the Completion Certificate has been issued.

Constraints

- Ownership: Land subject to ownership difficulties (e.g) option land, owner seeking alternative use to allocation, unwilling seller, submitted an alternative use through the LDP process, more than 1 owner of a site.
- Contamination: It is known that there has been a previous use on the site that would warrant the site to be remediate prior to any future development. This can be picked up from any planning approvals in conditions.
- Infrastructure: No road access, no water, no gas, no foul drainage disposal, no surface water disposal, no telecommunications. Known road concerns and issues.
- Marketability: Sites which are not considered to be marketable in the current economic climate.

- Physical: Sites with physical constraints such as topography, ground conditions, flooding and landlocked sites.
- None: Site has no known constraints.

Established Employment Land Supply

More commonly referred to as the employment land supply, the supply includes all land available for business and industrial use (including safeguarded business and industrial land and mixed use or redevelopment sites with potential to be developed for employment use and which are not included within the housing land supply) which were undeveloped or under construction on 31 March on the year of the audit.

Existing Use

(Brownfield) - Land which has been built or used in the past for development purposes. Brownfield land does not include private or public gardens, sports pitches, woodlands or open spaces used for leisure and recreational purposes. The grounds of institutions (such as schools and hospitals) that are no longer used are not considered as brownfield sites. (Greenfield) - Sites which have never been previously developed, or are fully restored derelict land.

Housing Market Area (HMA)

The Employment Land Area uses Housing Market Areas [HMAs] to look at employment land supply and take-up by wider geographic area. A map showing the boundaries of the four Scottish Borders HMAs is shown below.



SESplan

SESplan is the strategic planning authority for South East Scotland and produces the Strategic Development Plan.

Site Servicing

The employment land audit monitors the servicing of sites within the employment land supply. Six services are monitored recorded in the database; foul drainage, water supply, electricity, access, phone and gas connection. Each service is categorised as; yes, no or potential in terms of the provision within the site. Please note that the gas information is only for background information. If all 5 services are provided within the site, the site is classified as fully serviced. If no services are provided within the site, the site is classified as not serviced.

Site Area

This refers to the total gross area (in ha) within the boundary of the site.

Site Reference

A unique site reference number given to every site covered by the Employment Land Audit. Note that these are unique to the Employment Land Audit and do not match those used by the LDP.

Site Type

Local Development Plan business and industrial use sites (including safeguarded business and industrial land) are classified by site type. Site types establish the level of protection the employment land is afforded by policy ED1—Protection of Business and Industrial Land. Sites are classified as Strategic High Amenity, Strategic, District or Local.

Supply

See 'established employment land supply'.

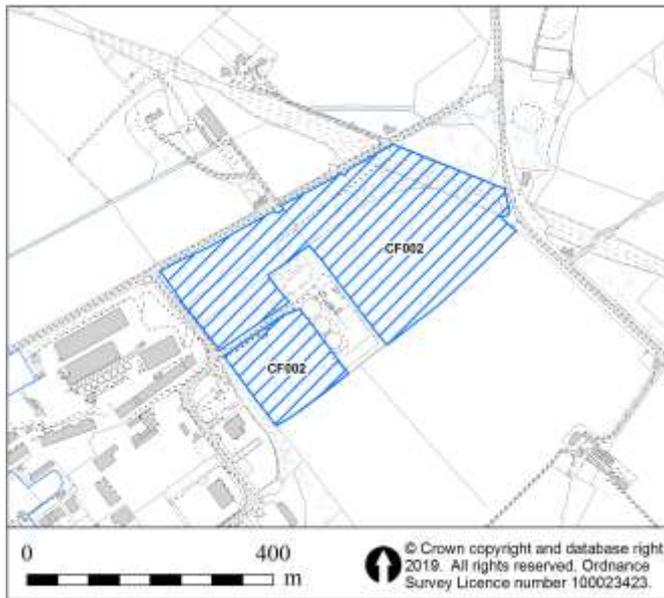
Take-up

The take-up of employment land refers to the total area of established employment land supply which has been developed since the last audit.

Windfall employment developments

Windfall employment developments are business and industrial developments on land which does not form part of the employment land supply. Windfall employment developments should be use class 4/ 5 or 6 new-build or conversion developments which occur on land not in existing business or industrial use. The full methodology is detailed in Appendix 1.

Appendix 3: Established Employment Land Supply Sites



CF002

Site Name: Charlesfield Extension

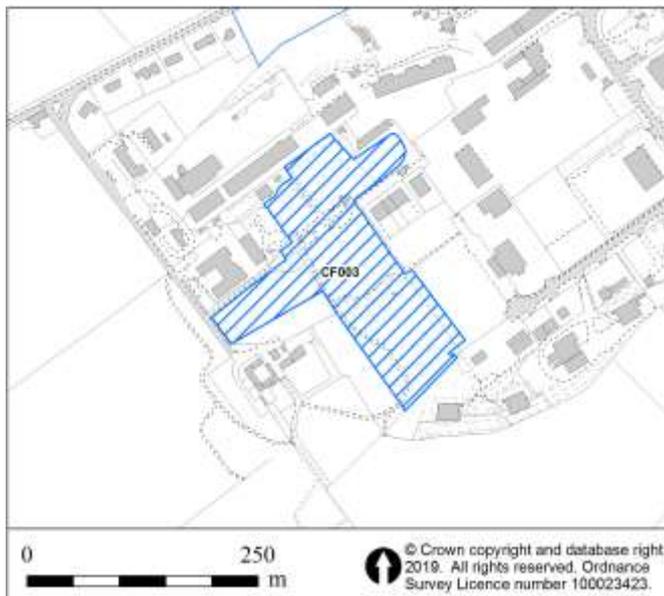
Settlement: St Boswells

Area (ha): 11.5

Availability: Immediate

Serviced: Partially Serviced

Constraints: None



CF003

Site Name: Charlesfield

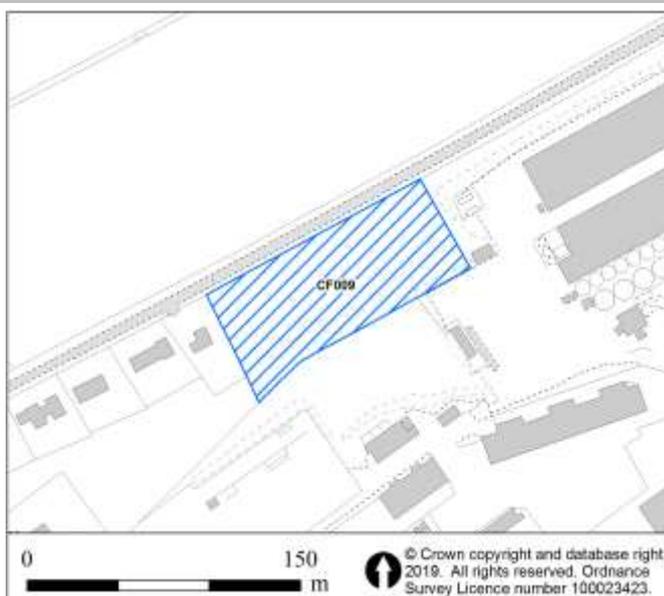
Settlement: St Boswells

Area (ha): 3.2

Availability: One to Five Years

Serviced: Not Serviced

Constraints: Ownership
Infrastructure



CF009

Site Name: Charlesfield

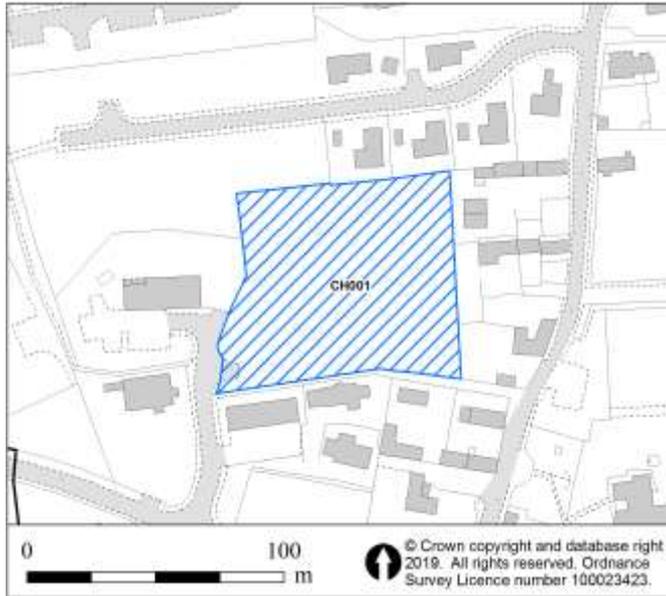
Settlement: St Boswells

Area (ha): 0.8

Availability: One to Five Years

Serviced: Partially Serviced

Constraints: Physical



CH001

Site Name: Southfield

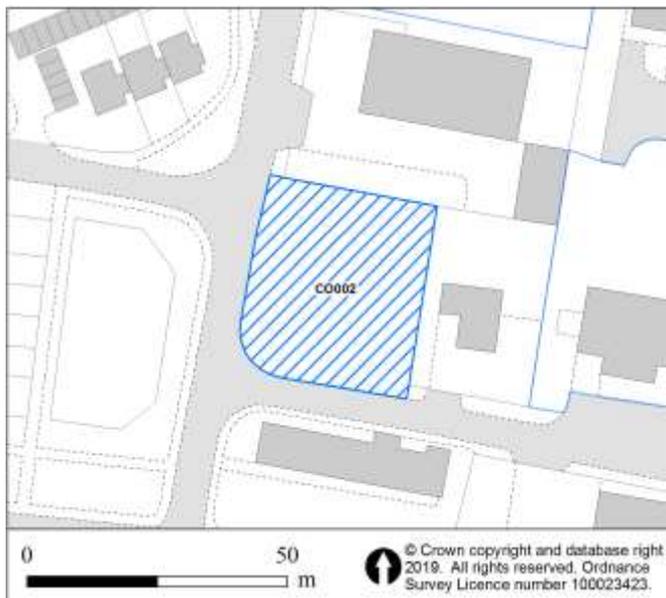
Settlement: Chirnside

Area (ha): 0.7

Availability: Immediate

Serviced: Serviced

Constraints: None



CO002

Site Name: Hillview Industrial Estate 1

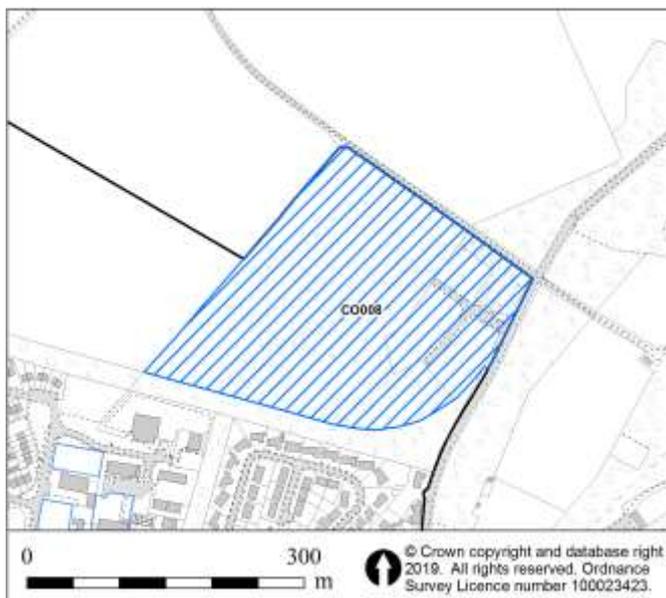
Settlement: Coldstream

Area (ha): 0.1

Availability: One to Five Years

Serviced: Serviced

Constraints: Ownership



CO008

Site Name: Lennel Mount North

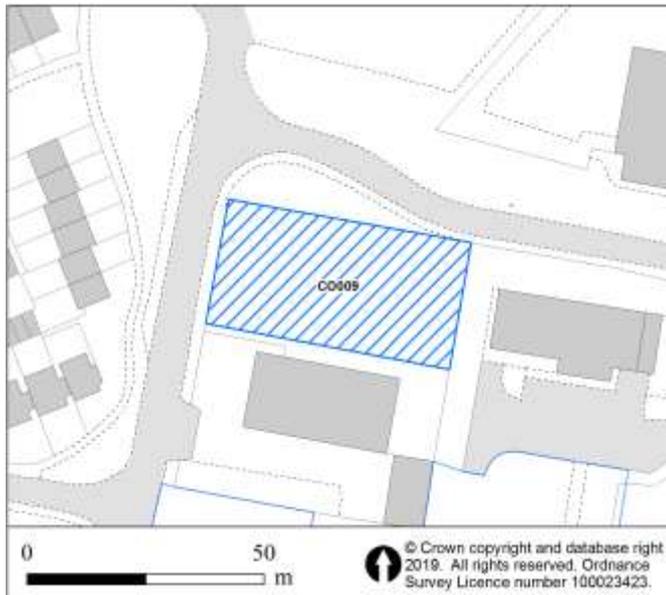
Settlement: Coldstream

Area (ha): 7.2

Availability: Immediate

Serviced: Partially Serviced

Constraints: Ownership



CO009

Site Name: Hillview Industrial Estate 2

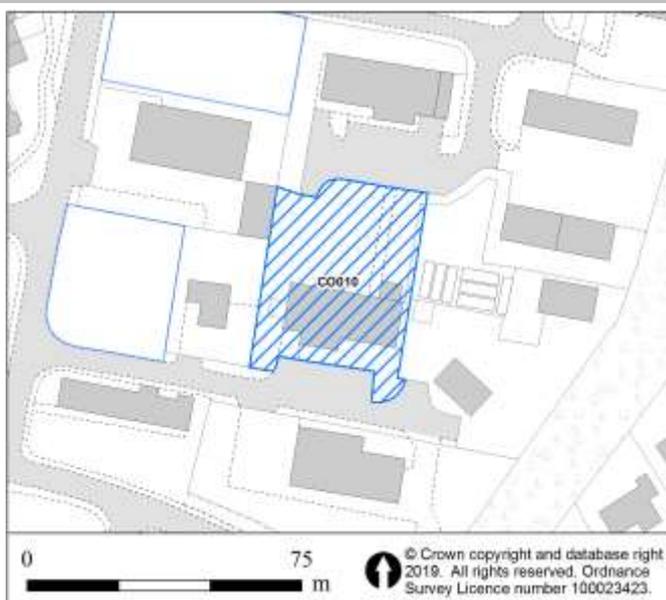
Settlement: Coldstream

Area (ha): 0.1

Availability: One to Five Years

Serviced: Serviced

Constraints: Ownership



CO010

Site Name: Hillview Industrial Estate 3

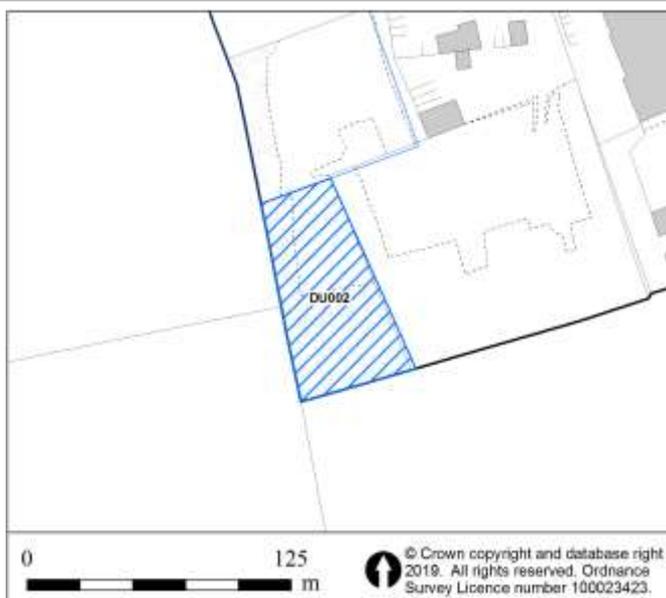
Settlement: Coldstream

Area (ha): 0.2

Availability: Immediate

Serviced: Partially Serviced

Constraints: Contamination



DU002

Site Name: Duns Industrial Estate 2

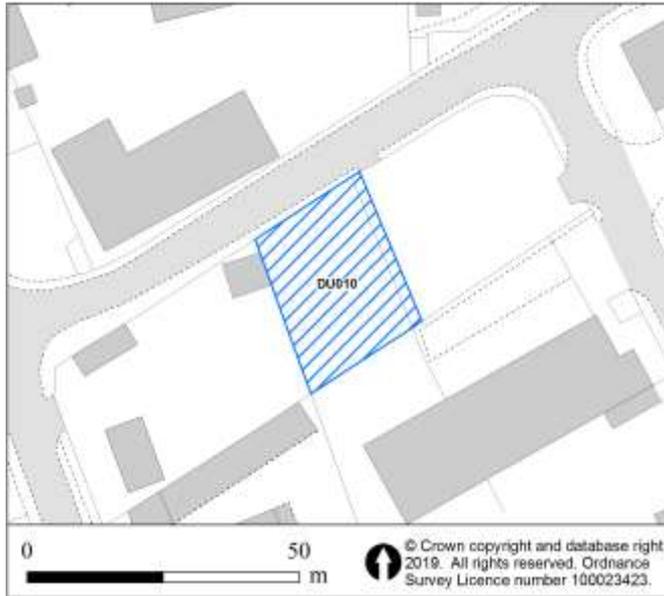
Settlement: Duns

Area (ha): 0.4

Availability: Beyond Five Years

Serviced: Not Serviced

Constraints: Physical



DU010

Site Name: Duns Industrial Estate 10

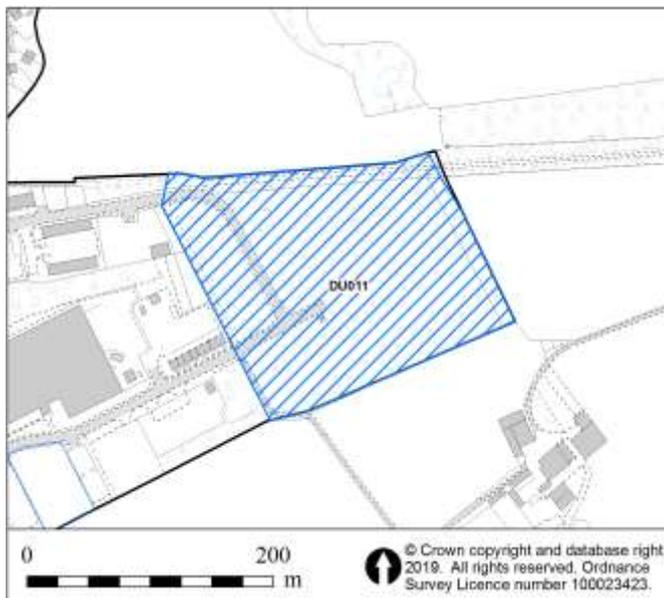
Settlement: Duns

Area (ha): 0.07

Availability: One to Five Years

Serviced: Partially Serviced

Constraints: Ownership



DU011

Site Name: Duns Industrial Estate 17

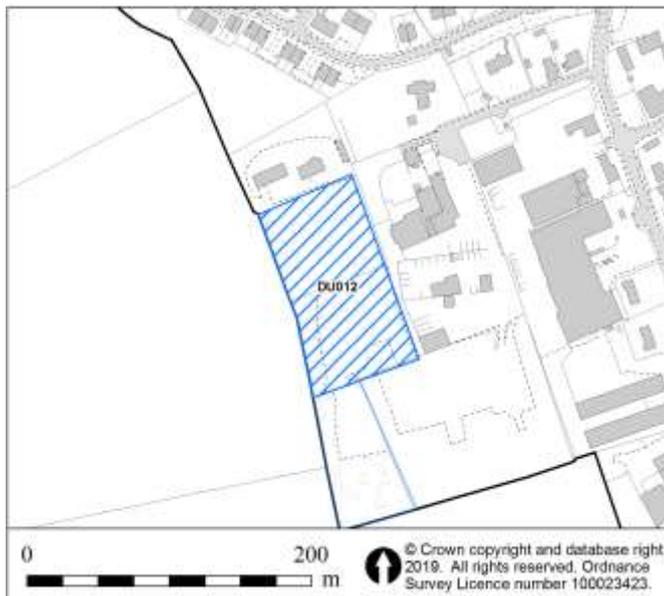
Settlement: Duns

Area (ha): 3.9

Availability: Immediate

Serviced: Partially Serviced

Constraints: None



DU012

Site Name: Duns Industrial Estate 11

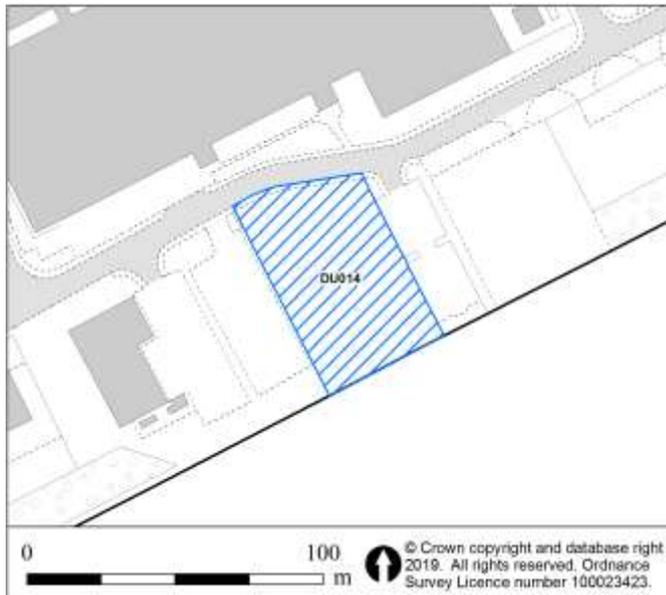
Settlement: Duns

Area (ha): 1.0

Availability: One to Five Years

Serviced: Not Serviced

Constraints: None



DU014

Site Name: Duns Industrial Estate 13

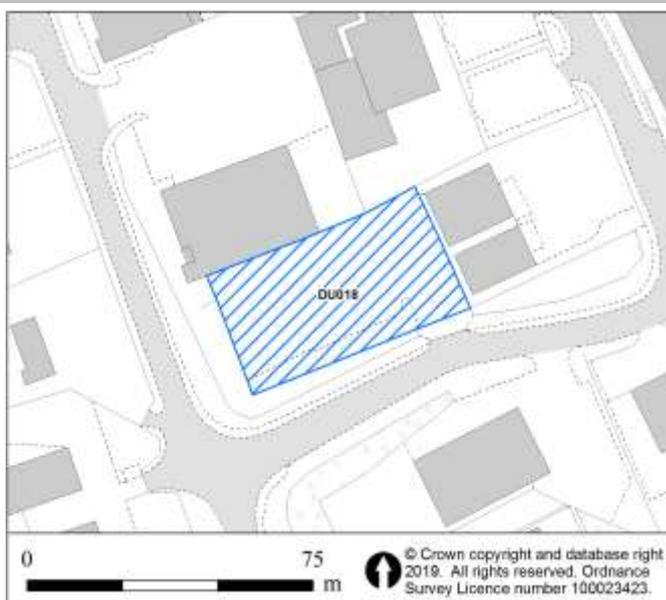
Settlement: Duns

Area (ha): 0.3

Availability: Immediate

Serviced: Serviced

Constraints: Ownership



DU018

Site Name: Duns Industrial Estate 18

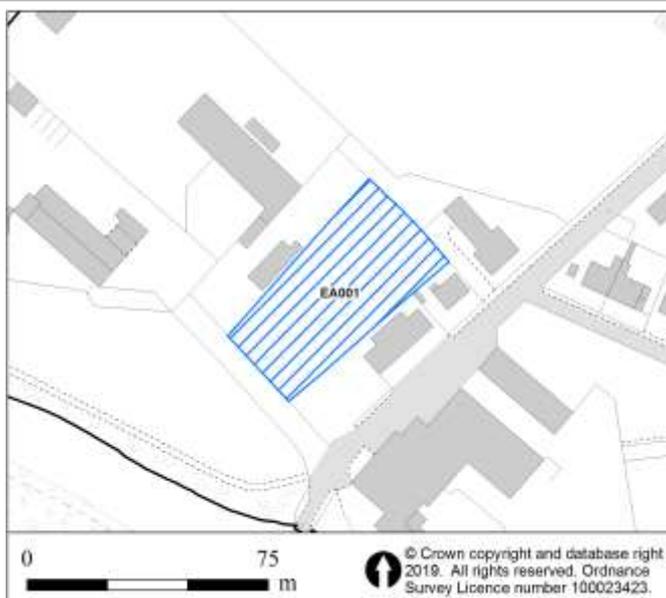
Settlement: Duns

Area (ha): 0.2

Availability: One to Five Years

Serviced: Serviced

Constraints:



EA001

Site Name: Mill Road 1

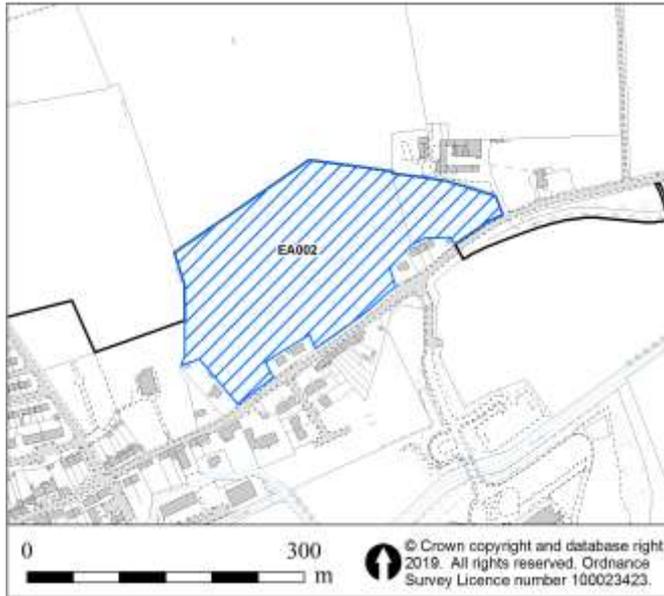
Settlement: Earlston

Area (ha): 0.2

Availability: Beyond Five Years

Serviced: Partially Serviced

Constraints: Physical



EA002

Site Name: Townhead

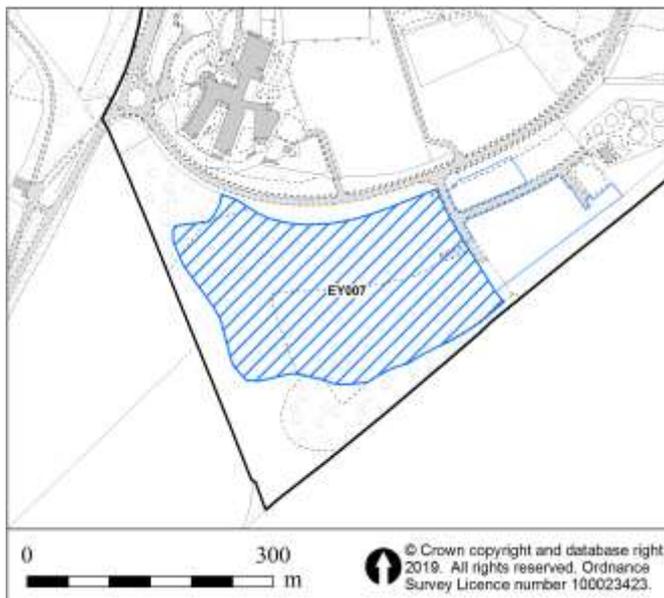
Settlement: Earlston

Area (ha): 4.6

Availability: One to Five Years

Serviced: Not Serviced

Constraints: None



EY007

Site Name: Gunsgreenhill

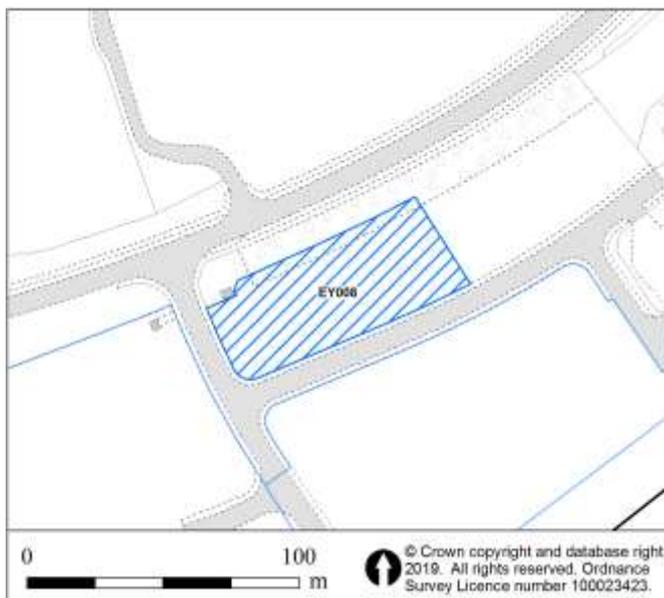
Settlement: Eyemouth

Area (ha): 6.3

Availability: Immediate

Serviced: Partially Serviced

Constraints: None



EY008

Site Name: Gunsgreen Industrial Estate 1

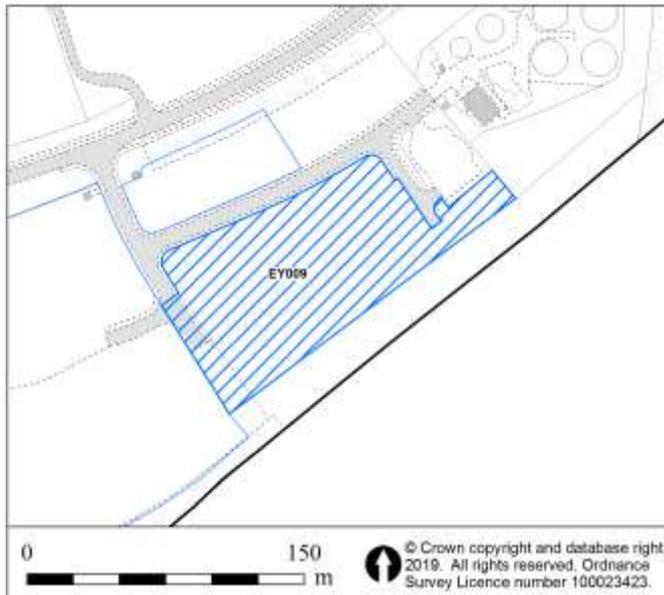
Settlement: Eyemouth

Area (ha): 0.3

Availability: Immediate

Serviced: Serviced

Constraints: None



EY009

Site Name: Gunsreen Industrial Estate 2

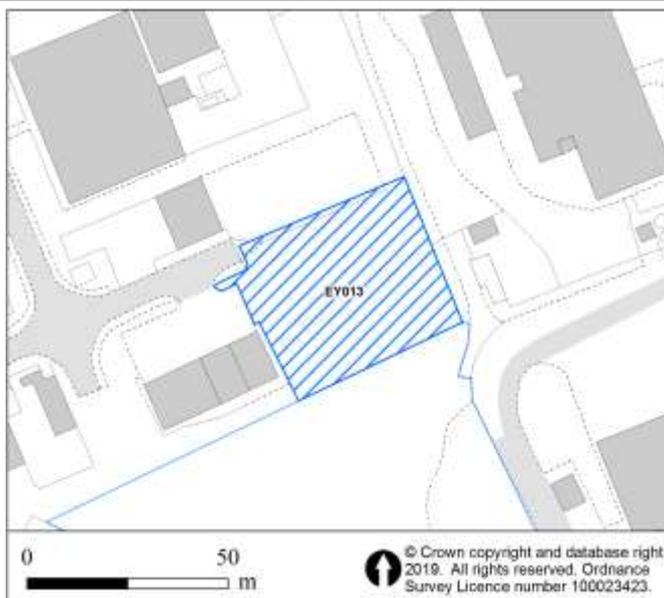
Settlement: Eyemouth

Area (ha): 1.2

Availability: Immediate

Serviced: Serviced

Constraints: None



EY013

Site Name: Acredale 3

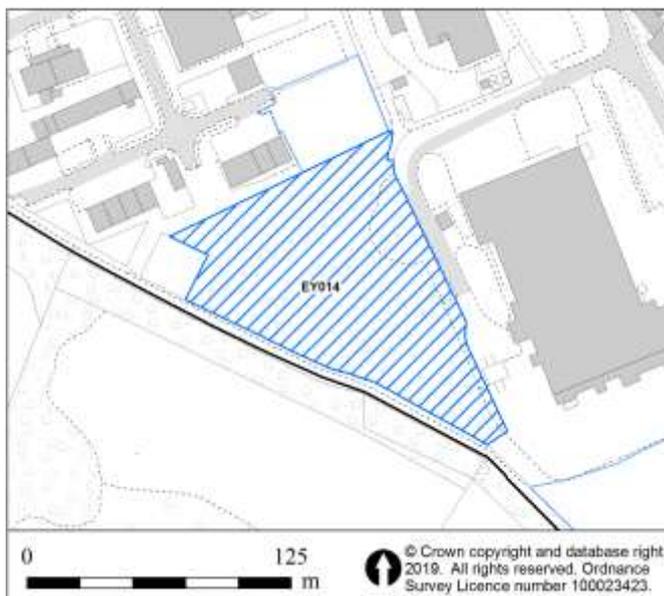
Settlement: Eyemouth

Area (ha): 0.2

Availability: Immediate

Serviced: Serviced

Constraints: None



EY014

Site Name: Acredale 4

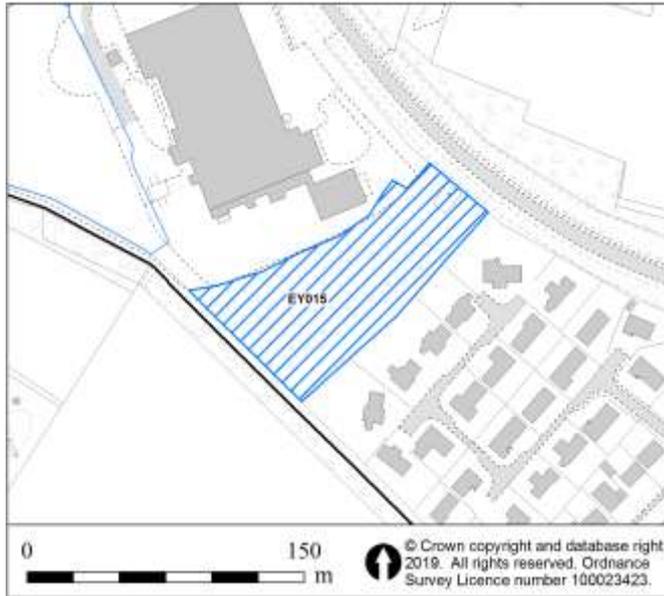
Settlement: Eyemouth

Area (ha): 1.1

Availability: Beyond Five Years

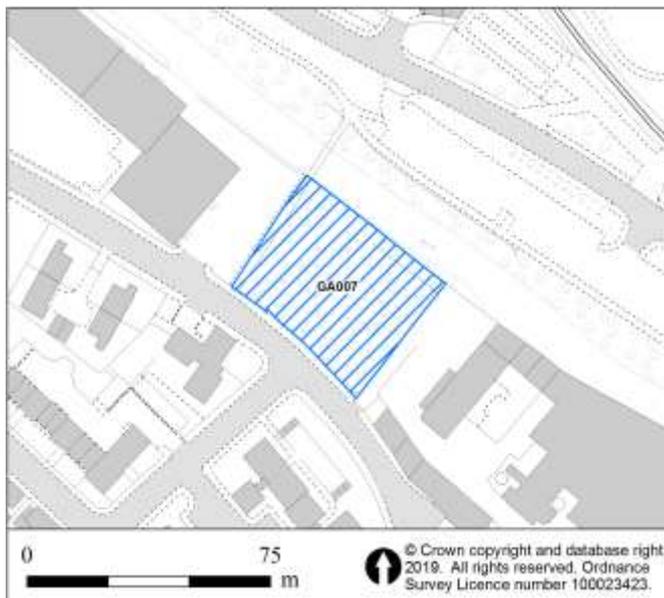
Serviced: Not Serviced

Constraints: Physical
Ownership
Infrastructure



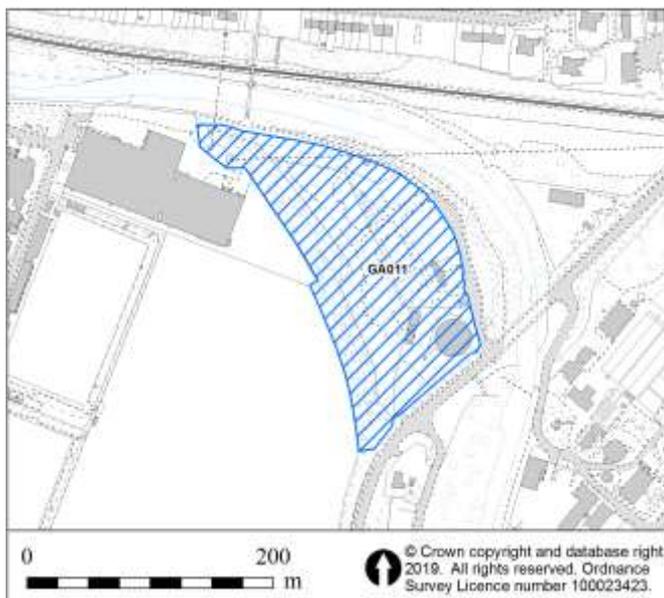
EY015

Site Name: Acredale 5
Settlement: Eyemouth
Area (ha): 0.8
Availability: Beyond Five Years
Serviced: Not Serviced
Constraints: Physical
 Ownership
 Infrastructure



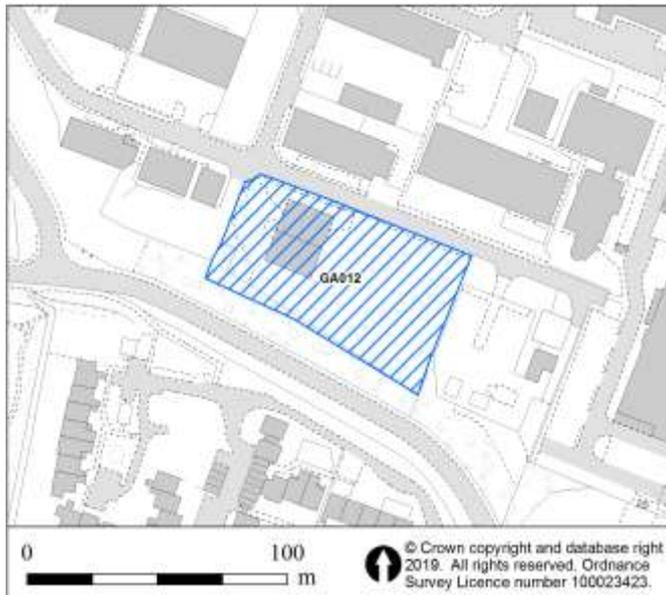
GA007

Site Name: Huddersfield Street 2
Settlement: Galashiels
Area (ha): 0.2
Availability: Beyond Five Years
Serviced: Partially Serviced
Constraints: Physical
 Ownership



GA011

Site Name: Galafoot
Settlement: Galashiels
Area (ha): 2.6
Availability: Beyond Five Years
Serviced: Partially Serviced
Constraints: Physical
 Contamination



GA012

Site Name: Netherdale Estate South

Settlement: Galashiels

Area (ha): 0.4

Availability: Immediate

Serviced: Serviced

Constraints: None



GR001

Site Name: Extension to Duns Road Industrial Estate

Settlement: Greenlaw

Area (ha): 0.4

Availability: Beyond Five Years

Serviced: Not Serviced

Constraints: Ownership



GR002

Site Name: Duns Road Industrial Estate 1

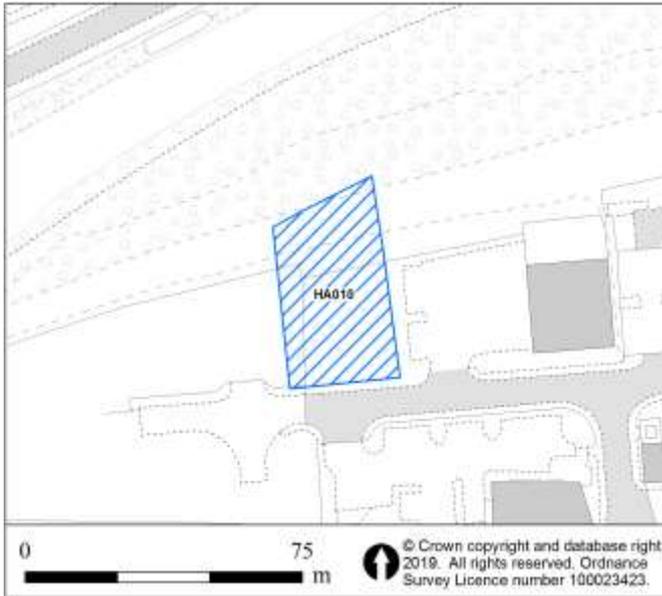
Settlement: Greenlaw

Area (ha): 0.3

Availability: One to Five Years

Serviced: Partially Serviced

Constraints: Ownership



HA010

Site Name: Weensland

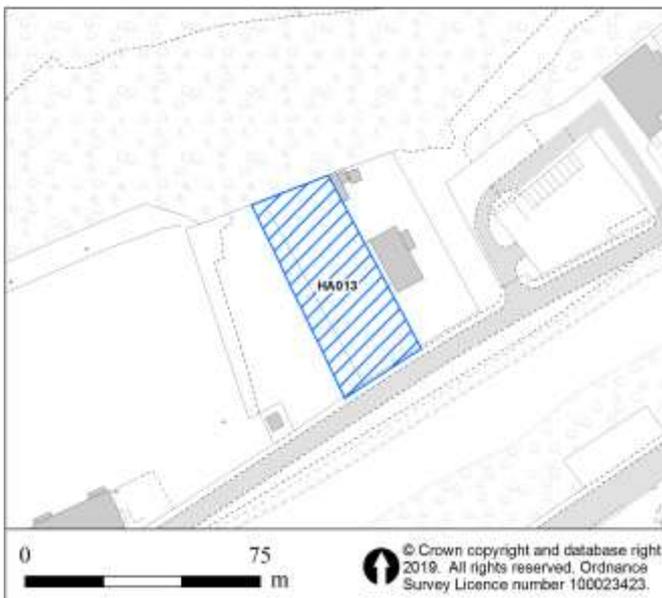
Settlement: Hawick

Area (ha): 0.1

Availability: One to Five Years

Serviced: Partially Serviced

Constraints: Physical



HA013

Site Name: Land West Of Longhorn Hardware

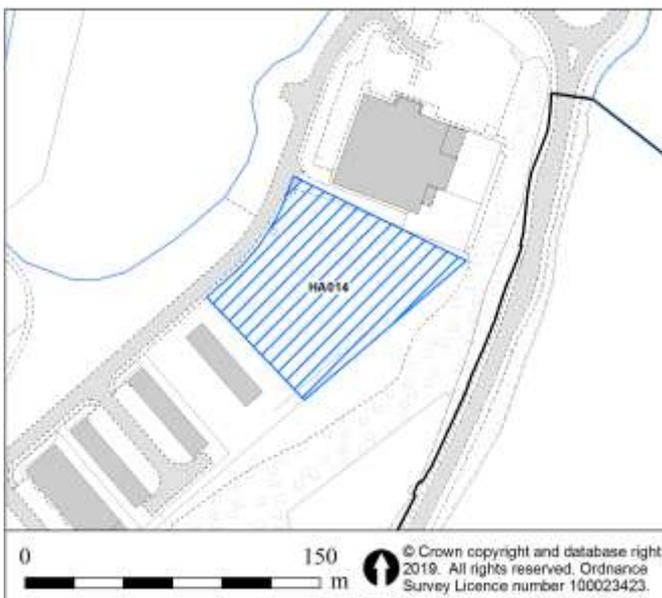
Settlement: Hawick

Area (ha): 0.2

Availability: Under Construction

Serviced: Serviced

Constraints: None



HA014

Site Name: Galalaw, zEL60

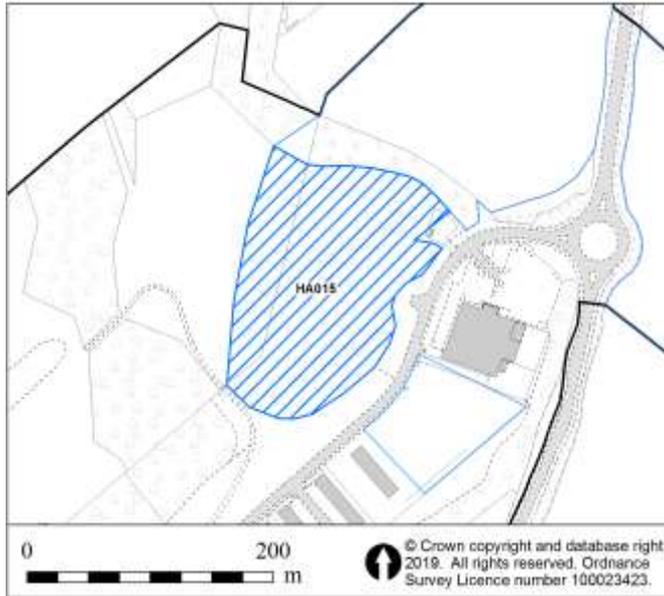
Settlement: Hawick

Area (ha): 0.7

Availability: Immediate

Serviced: Serviced

Constraints: None



HA015

Site Name: Gala Law West

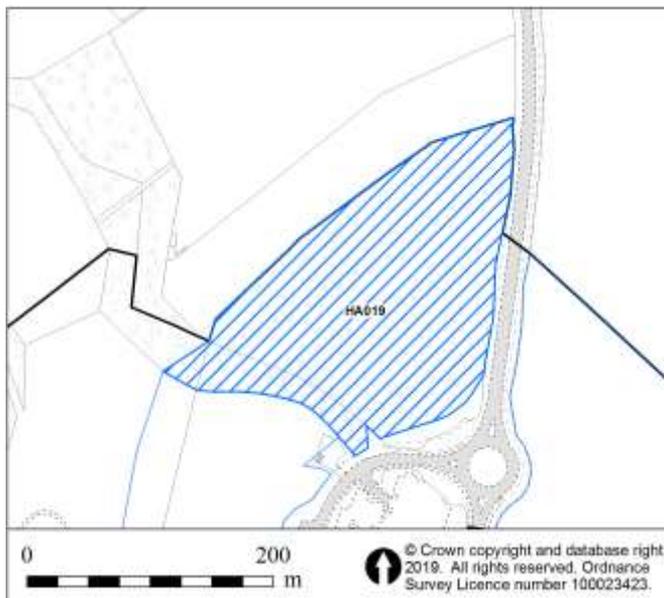
Settlement: Hawick

Area (ha): 2.6

Availability: One to Five Years

Serviced: Partially Serviced

Constraints: Marketability



HA019

Site Name: Gala Law North

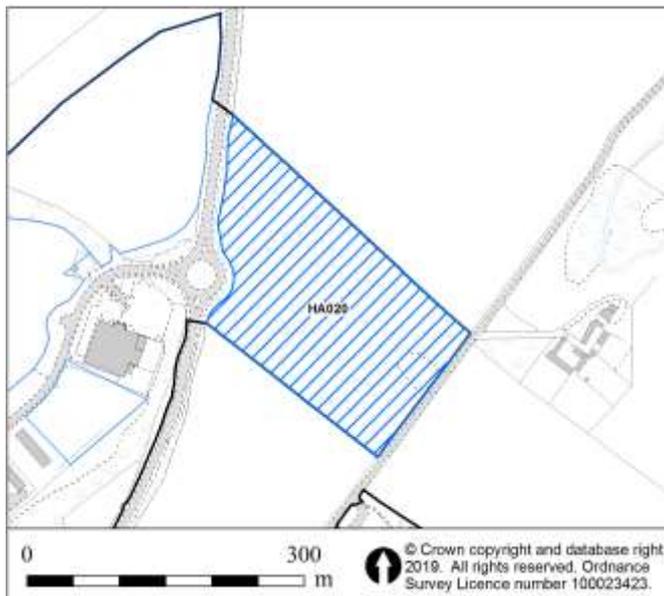
Settlement: Hawick

Area (ha): 4.0

Availability: One to Five Years

Serviced: Not Serviced

Constraints: Marketability



HA020

Site Name: North West Burnfoot

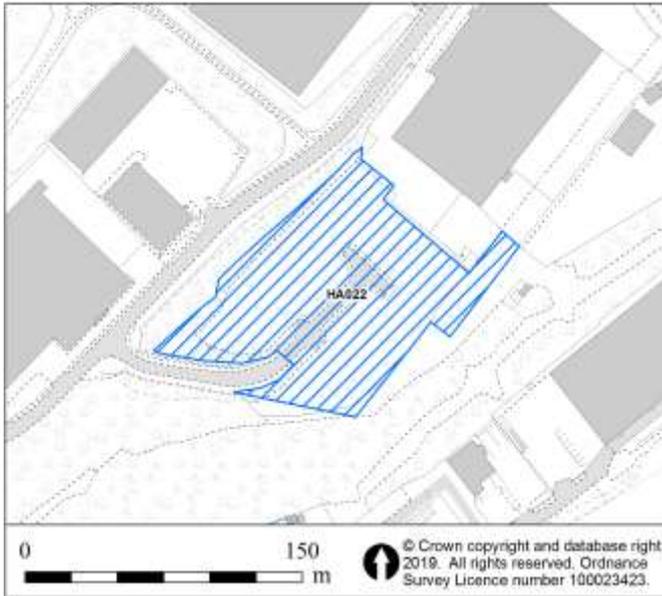
Settlement: Hawick

Area (ha): 5.0

Availability: Beyond Five Years

Serviced: Not Serviced

Constraints: Marketability



HA022

Site Name: Burnfoot Industrial Estate, Central

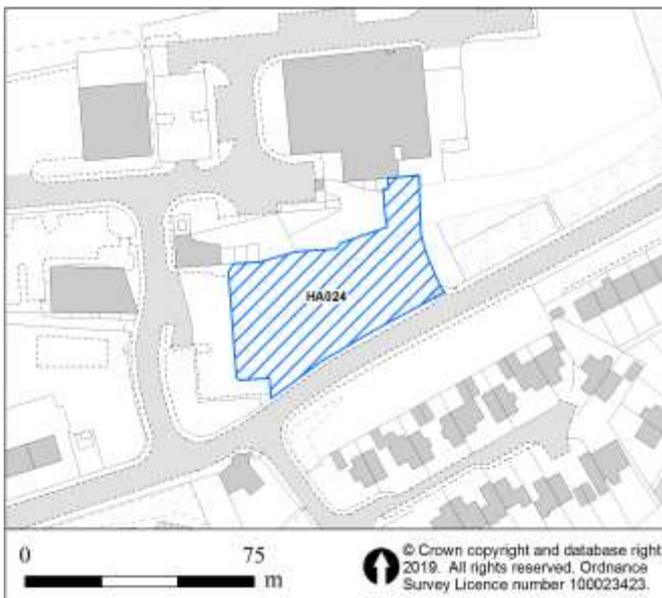
Settlement: Hawick

Area (ha): 1.2

Availability: Immediate

Serviced: Serviced

Constraints: None



HA024

Site Name: Weensland South

Settlement: Hawick

Area (ha): 0.2

Availability: One to Five Years

Serviced: Partially Serviced

Constraints: Physical
Infrastructure



IN002

Site Name: Traquair Road East

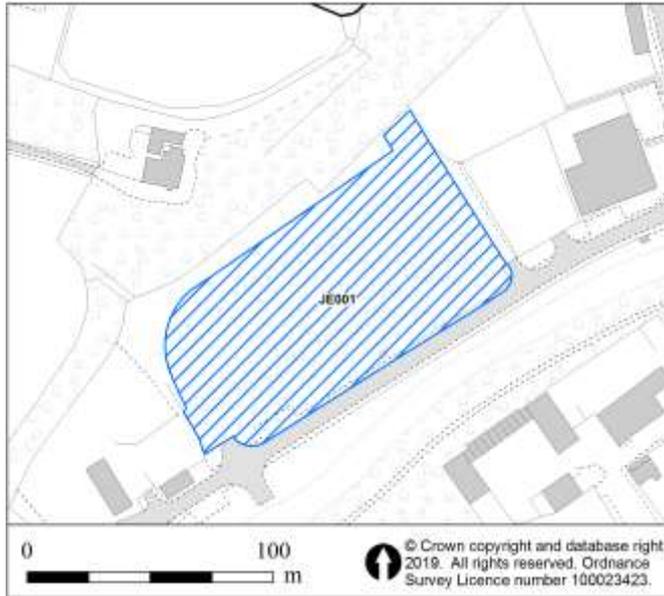
Settlement: Innerleithen

Area (ha): 0.4

Availability: Immediate

Serviced: Partially Serviced

Constraints: None



JE001

Site Name: Bankend South

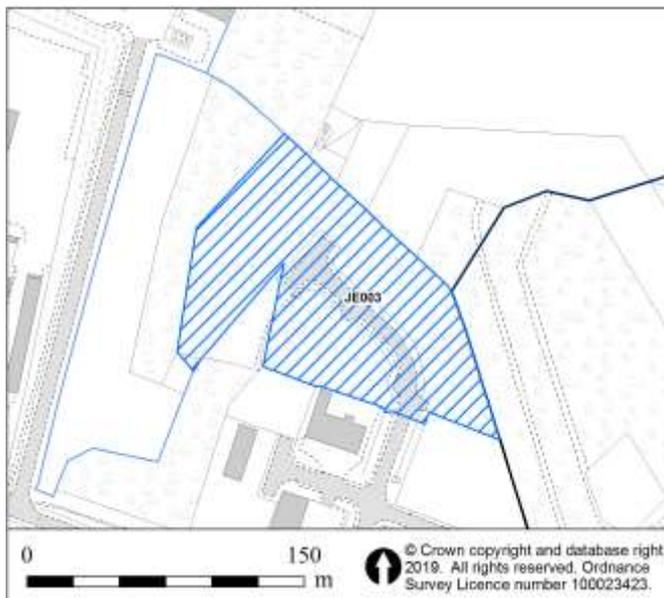
Settlement: Jedburgh

Area (ha): 1.0

Availability: One to Five Years

Serviced: Serviced

Constraints: Ownership
Contamination



JE003

Site Name: Land North of Industrial Estate

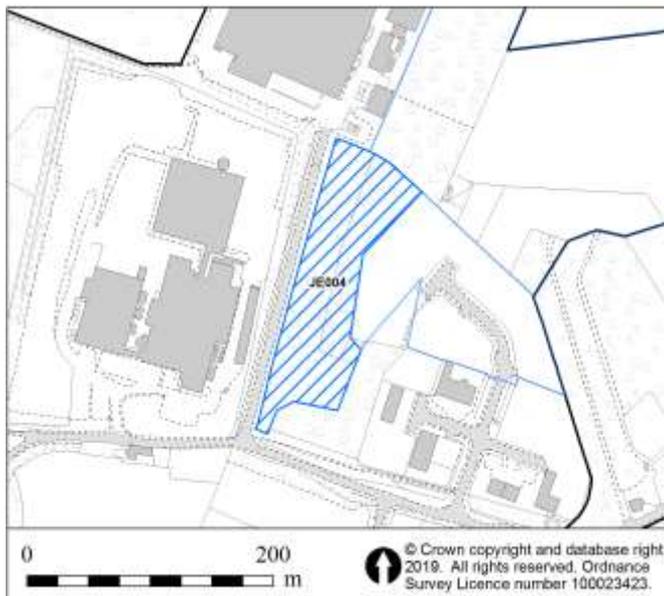
Settlement: Jedburgh

Area (ha): 1.4

Availability: Immediate

Serviced: Serviced

Constraints: None



JE004

Site Name: Western Part of BJEDB001

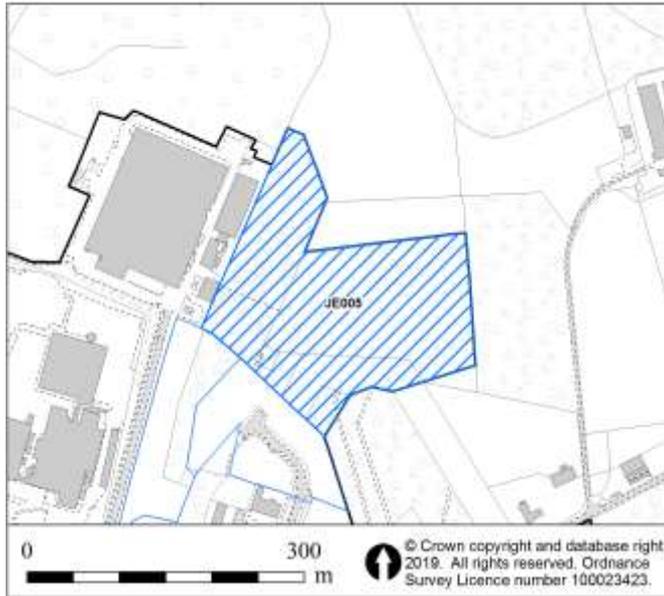
Settlement: Jedburgh

Area (ha): 1.3

Availability: Beyond Five Years

Serviced: Partially Serviced

Constraints: Infrastructure



JE005

Site Name: Northern Part of BJEDB001

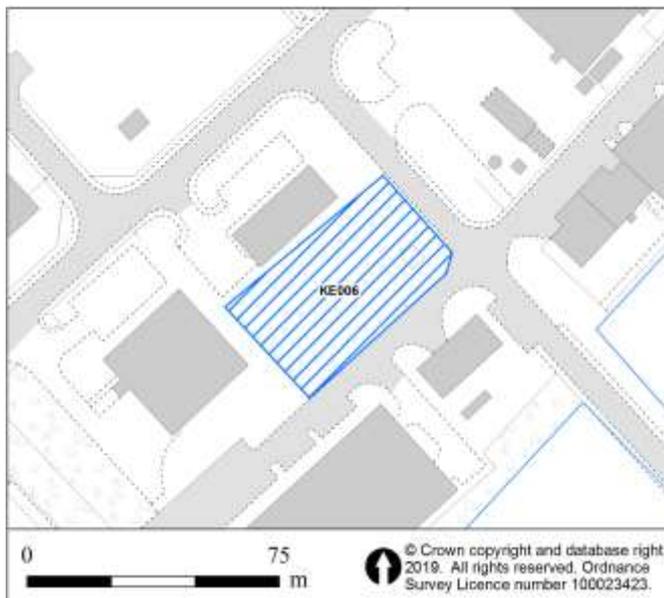
Settlement: Jedburgh

Area (ha): 4.9

Availability: One to Five Years

Serviced: Not Serviced

Constraints: Ownership



KE006

Site Name: Part of Pinnaclehill/Spylaw Road VI

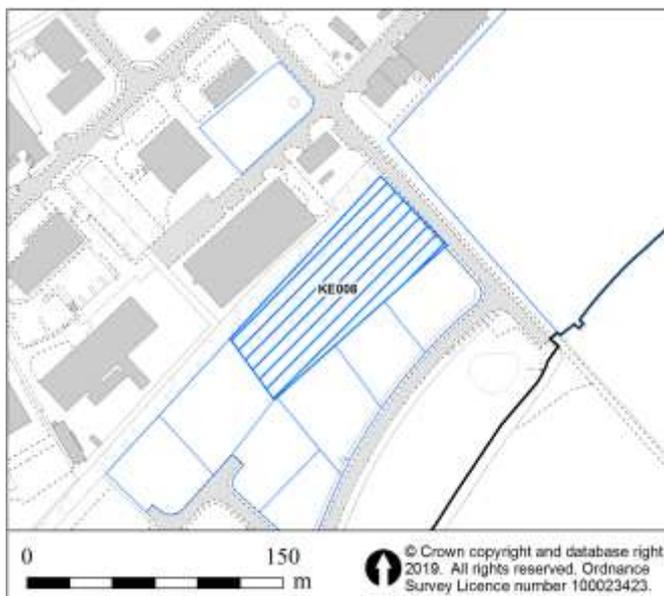
Settlement: Kelso

Area (ha): 0.2

Availability: Immediate

Serviced: Serviced

Constraints: None



KE008

Site Name: South Pinnaclehill

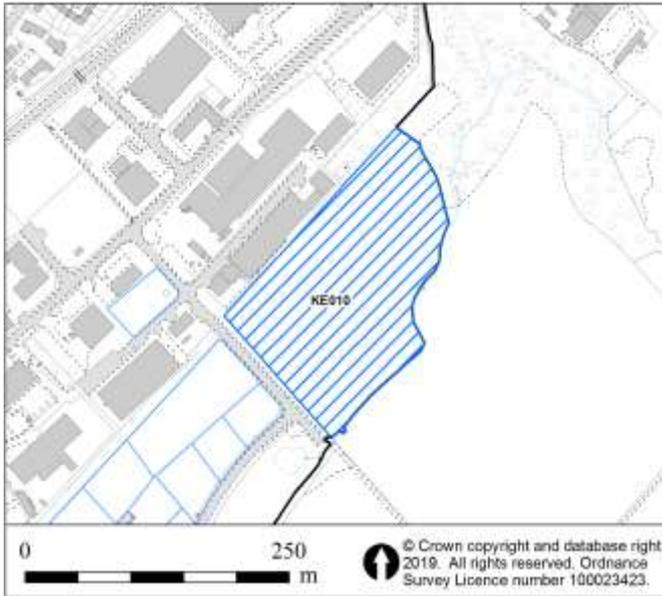
Settlement: Kelso

Area (ha): 0.7

Availability: Immediate

Serviced: Serviced

Constraints: None



KE010

Site Name: Wooden Linn

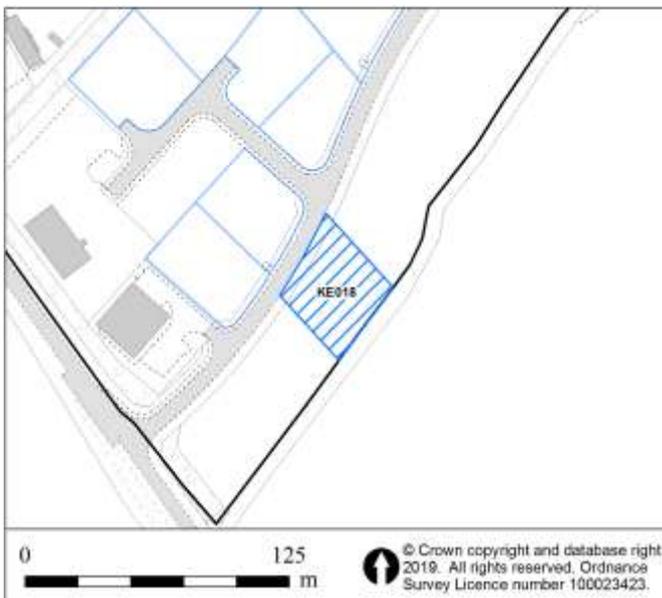
Settlement: Kelso

Area (ha): 3.2

Availability: One to Five Years

Serviced: Not Serviced

Constraints: None



KE018

Site Name: South Pinnaclehill - Plot 14

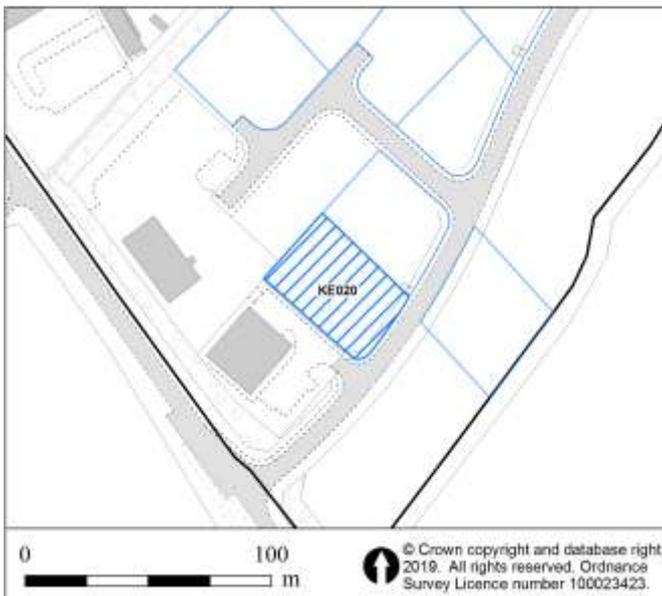
Settlement: Kelso

Area (ha): 0.2

Availability: Immediate

Serviced: Serviced

Constraints:



KE020

Site Name: South Pinnaclehill - Plot 12

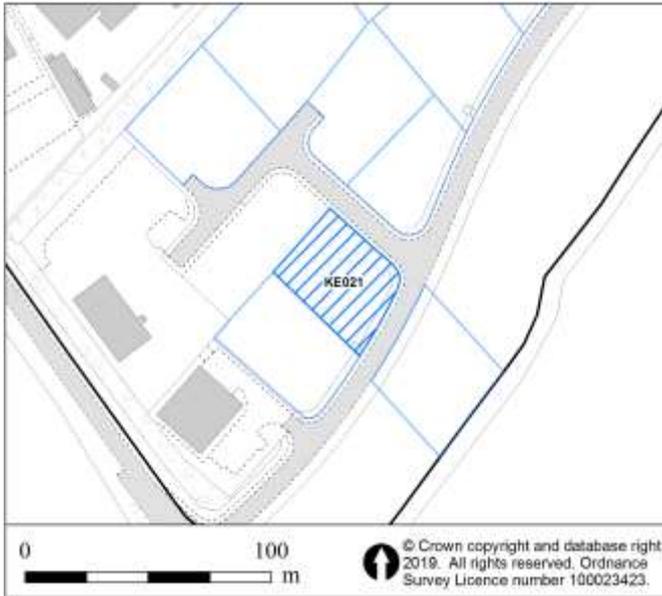
Settlement: Kelso

Area (ha): 0.2

Availability: Immediate

Serviced: Serviced

Constraints: None



KE021

Site Name: South Pinnaclehill - Plot 13

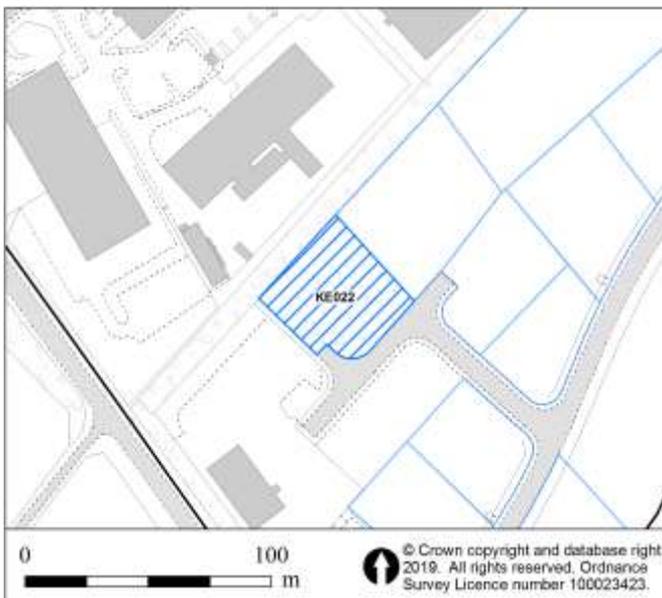
Settlement: Kelso

Area (ha): 0.2

Availability: Immediate

Serviced: Serviced

Constraints: None



KE022

Site Name: South Pinnaclehill - Plot 10

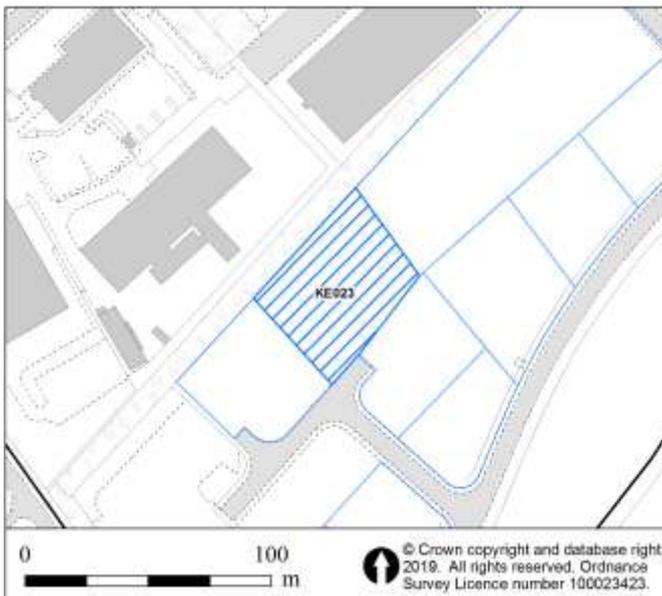
Settlement: Kelso

Area (ha): 0.2

Availability: Immediate

Serviced: Serviced

Constraints: None



KE023

Site Name: South Pinnaclehill - Plot 1

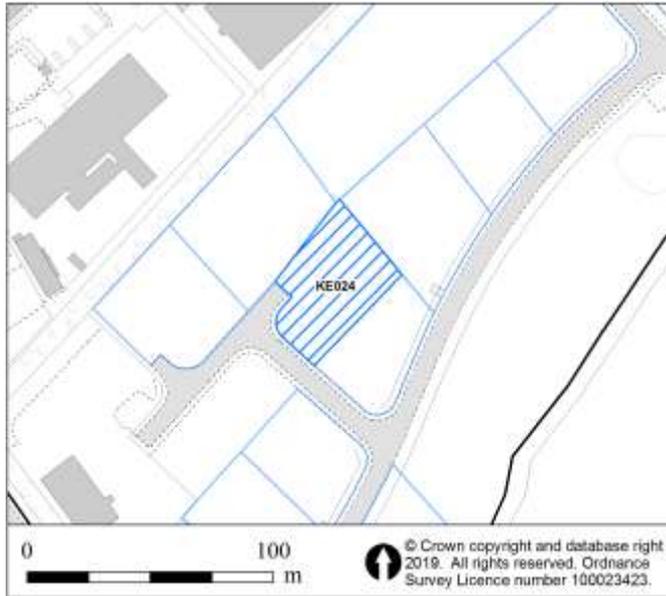
Settlement: Kelso

Area (ha): 0.3

Availability: Immediate

Serviced: Serviced

Constraints: None



KE024

Site Name: South Pinnaclehill - Plot 2

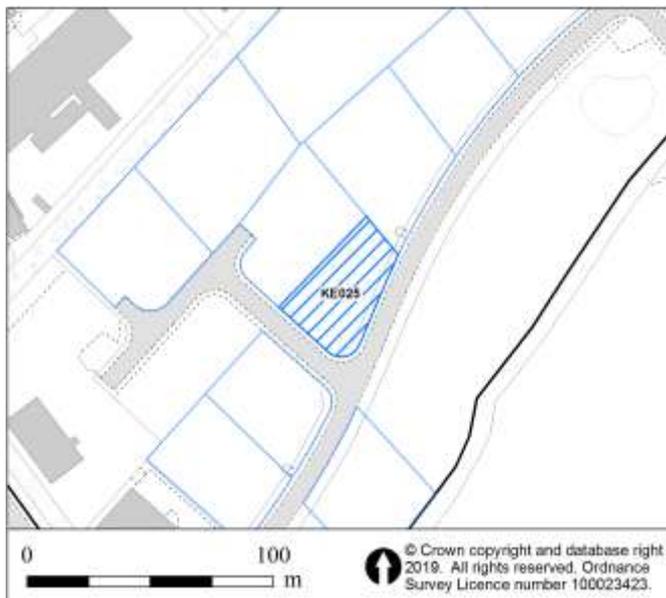
Settlement: Kelso

Area (ha): 0.2

Availability: Immediate

Serviced: Serviced

Constraints: None



KE025

Site Name: South Pinnaclehill - Plot 3

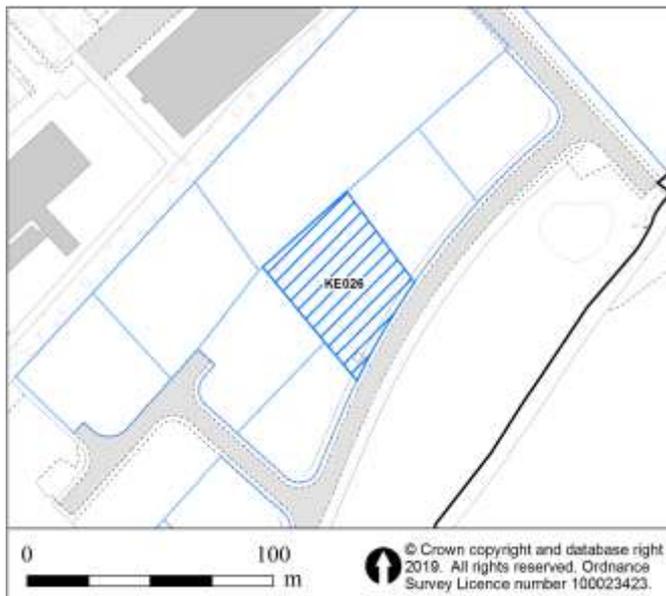
Settlement: Kelso

Area (ha): 0.1

Availability: Immediate

Serviced: Serviced

Constraints: None



KE026

Site Name: South Pinnaclehill - Plot 4

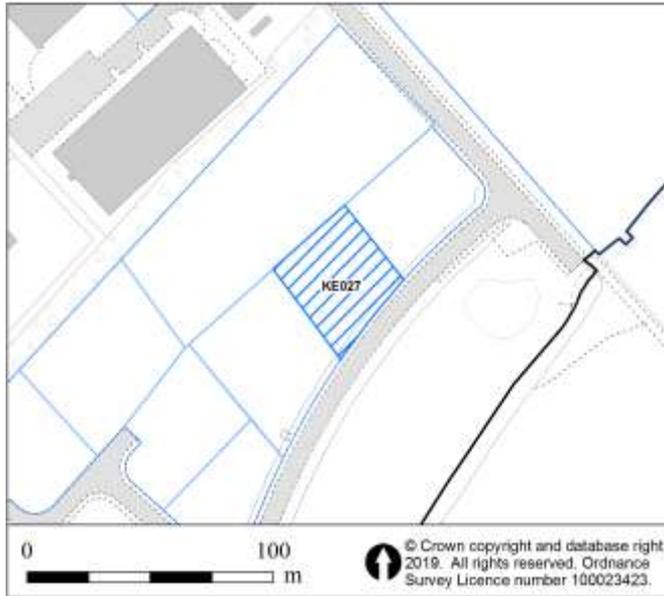
Settlement: Kelso

Area (ha): 0.2

Availability: Immediate

Serviced: Serviced

Constraints: None



KE027

Site Name: South Pinnaclehill - Plot 5

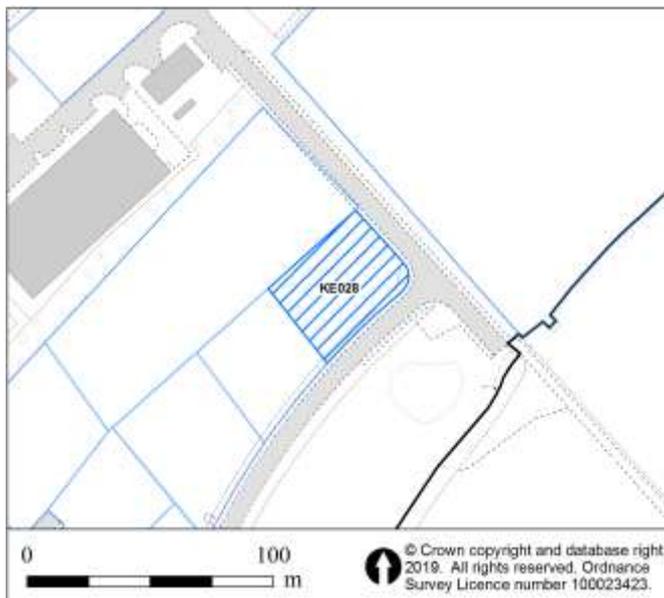
Settlement: Kelso

Area (ha): 0.2

Availability: Immediate

Serviced: Serviced

Constraints: None



KE028

Site Name: South Pinnaclehill - Plot 6

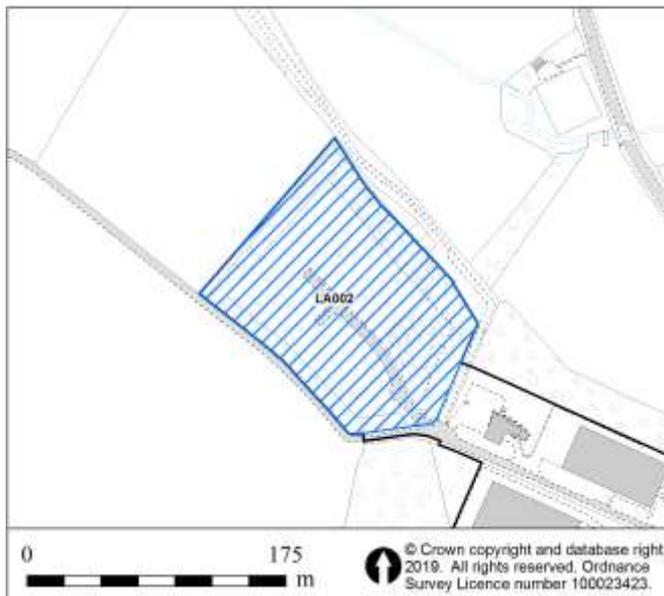
Settlement: Kelso

Area (ha): 0.2

Availability: Immediate

Serviced: Serviced

Constraints: None



LA002

Site Name: North Lauder Industrial Estate

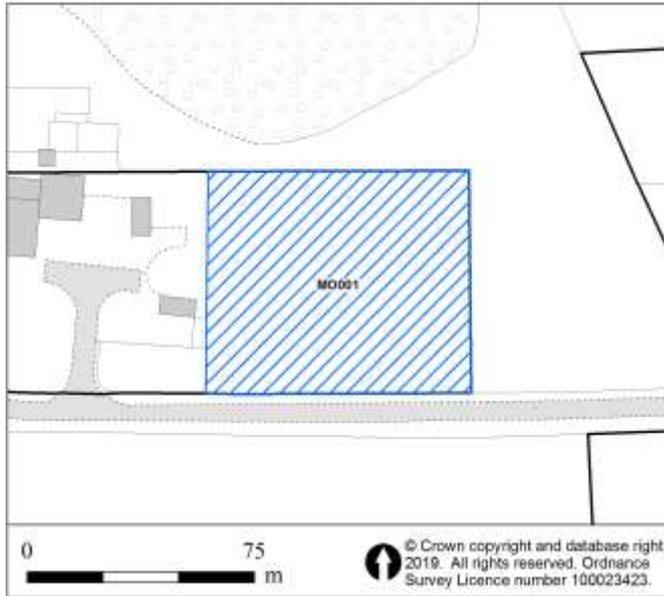
Settlement: Lauder

Area (ha): 2.0

Availability: Immediate

Serviced: Serviced

Constraints: None



MO001

Site Name: Extension to Croft Industrial Park

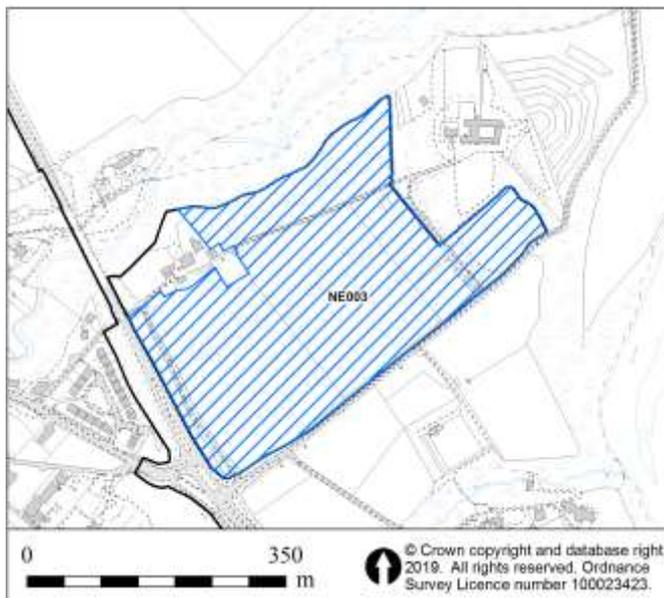
Settlement: Morebattle

Area (ha): 0.6

Availability: One to Five Years

Serviced: Not Serviced

Constraints: Ownership



NE003

Site Name: Tweed Horizons Expansion

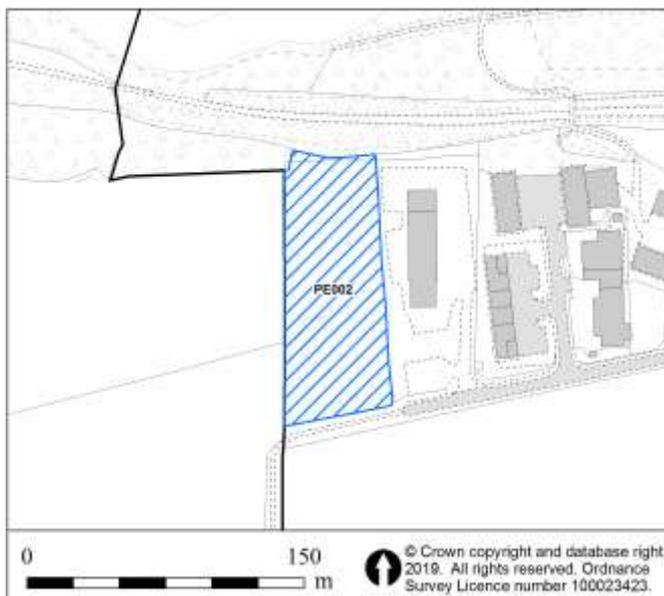
Settlement: Newtown St Boswells

Area (ha): 12.8

Availability: One to Five Years

Serviced: Partially Serviced

Constraints: Ownership
Infrastructure



PE002

Site Name: South Park

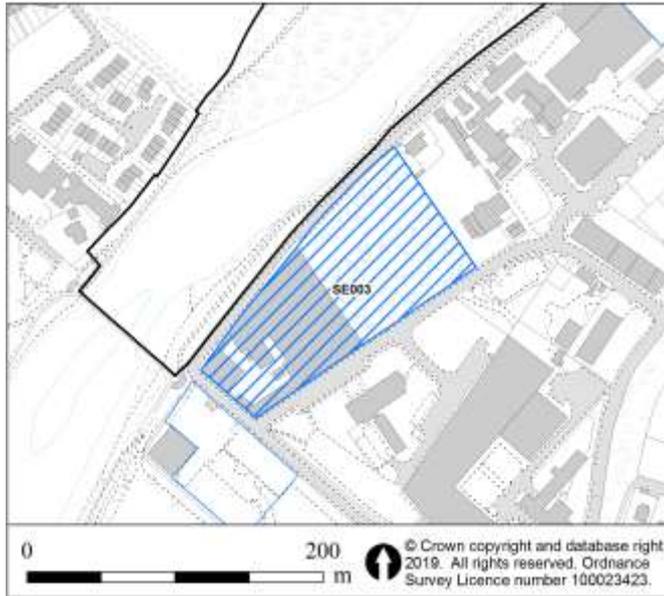
Settlement: Peebles

Area (ha): 0.7

Availability: One to Five Years

Serviced: Not Serviced

Constraints: Ownership
Infrastructure



SE003

Site Name: Riverside 1

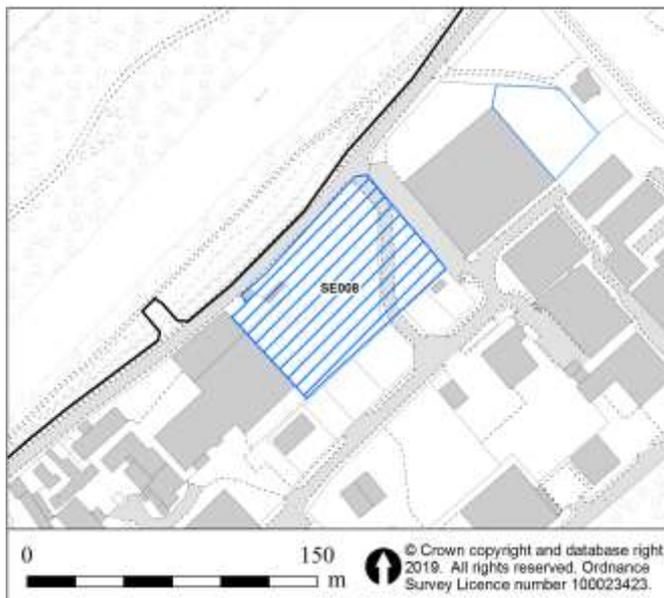
Settlement: Selkirk

Area (ha): 1.4

Availability: One to Five Years

Serviced: Partially Serviced

Constraints: Physical
Contamination



SE008

Site Name: Riverside 2

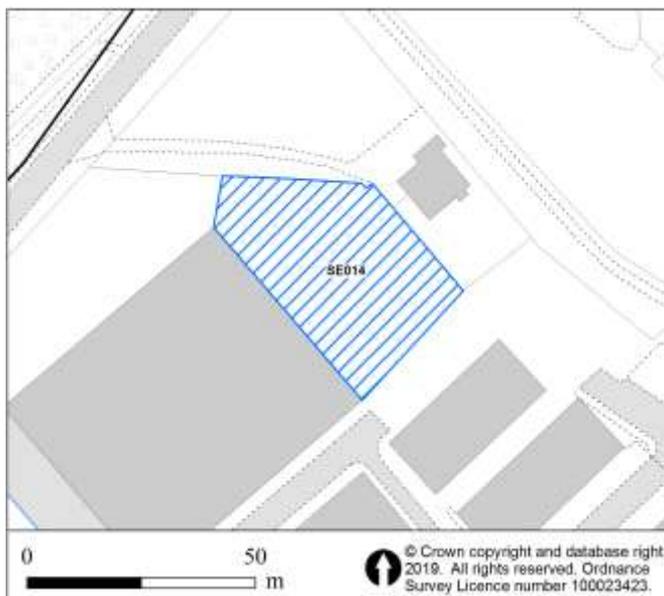
Settlement: Selkirk

Area (ha): 0.6

Availability: One to Five Years

Serviced: Partially Serviced

Constraints: NonePhysical



SE014

Site Name: Tweed Mill Site (undeveloped part)

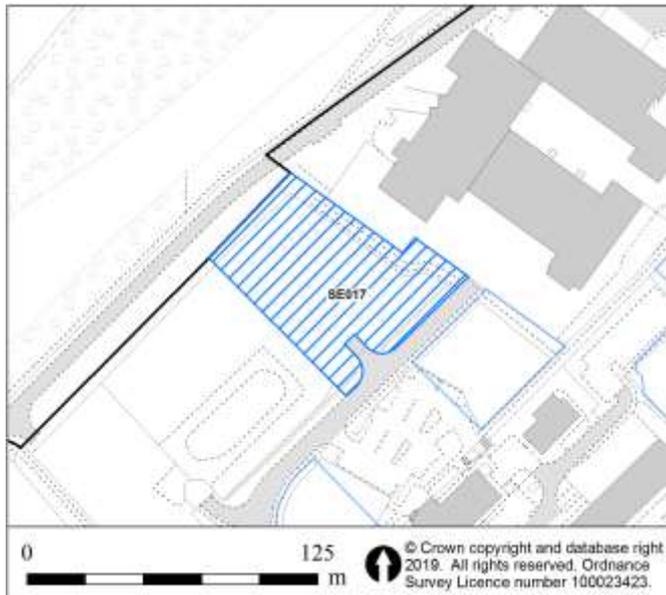
Settlement: Selkirk

Area (ha): 0.1

Availability: Immediate

Serviced: Partially Serviced

Constraints: Physical
Ownership



SE017

Site Name: Riverside 5 - Former playing field

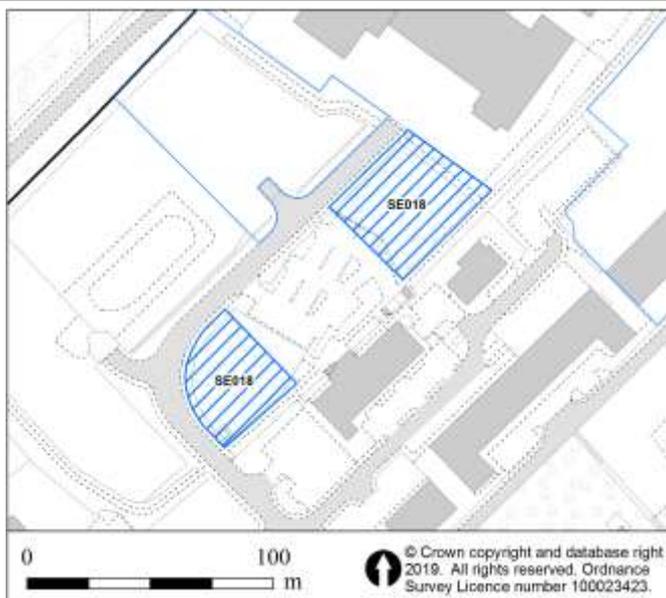
Settlement: Selkirk

Area (ha): 0.5

Availability: Immediate

Serviced: Serviced

Constraints:



SE018

Site Name: Land North West of the Weaving Shed

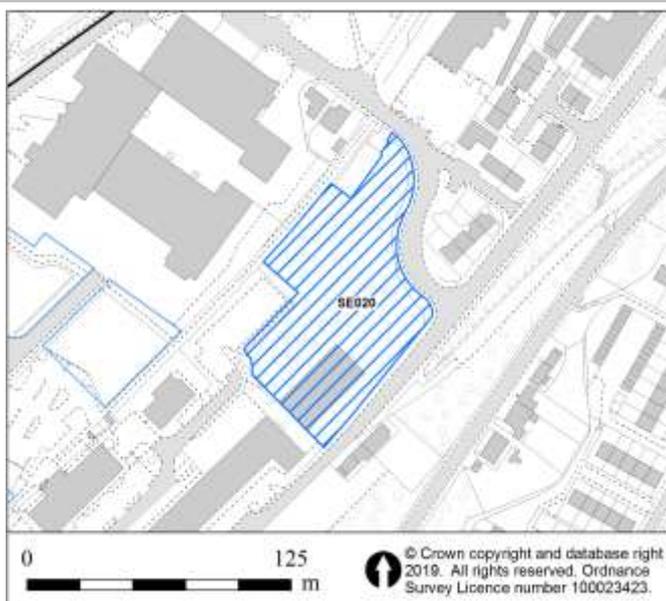
Settlement: Selkirk

Area (ha): 0.3

Availability: Immediate

Serviced: Serviced

Constraints: Physical



SE020

Site Name: Riverside 6 - North of the Yarn Store

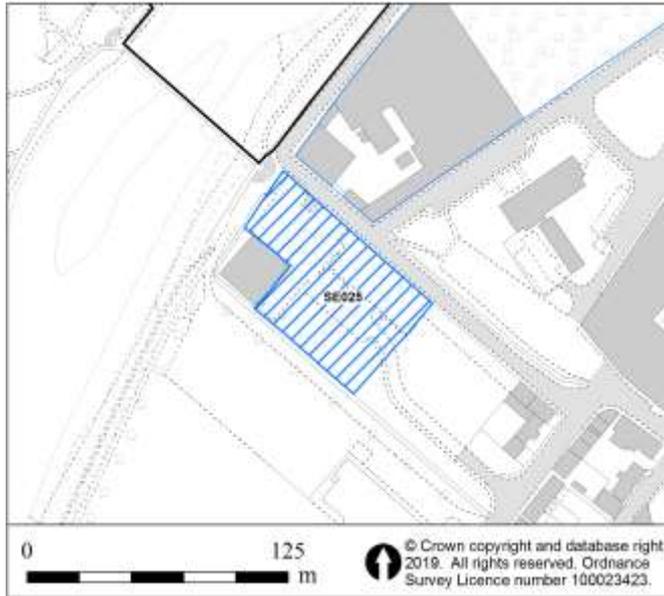
Settlement: Selkirk

Area (ha): 0.7

Availability: Immediate

Serviced: Partially Serviced

Constraints:



SE025

Site Name: Bridgehaugh

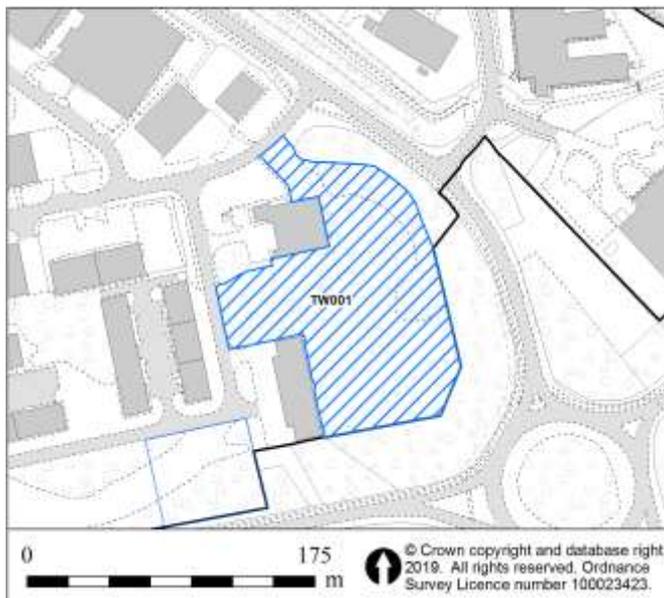
Settlement: Selkirk

Area (ha): 0.5

Availability: One to Five Years

Serviced: Partially Serviced

Constraints: Physical



TW001

Site Name: Tweedbank Industrial Estate 1

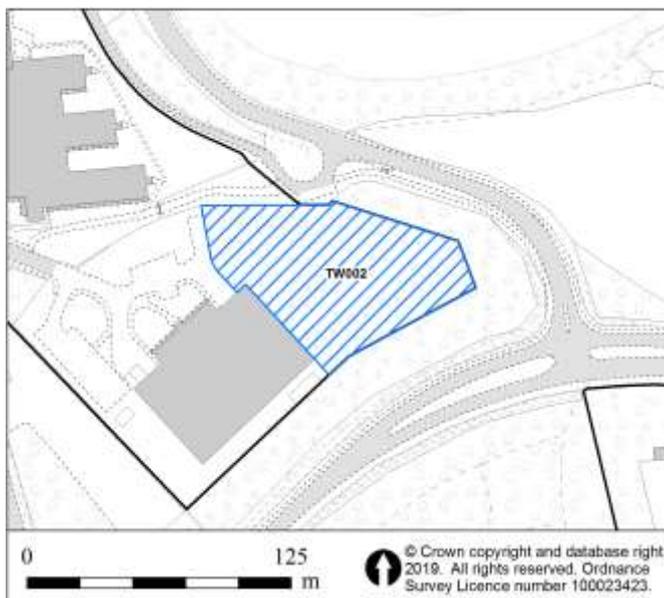
Settlement: Tweedbank

Area (ha): 1.5

Availability: Immediate

Serviced: Partially Serviced

Constraints: None



TW002

Site Name: Tweedside Park - Beside Barbour

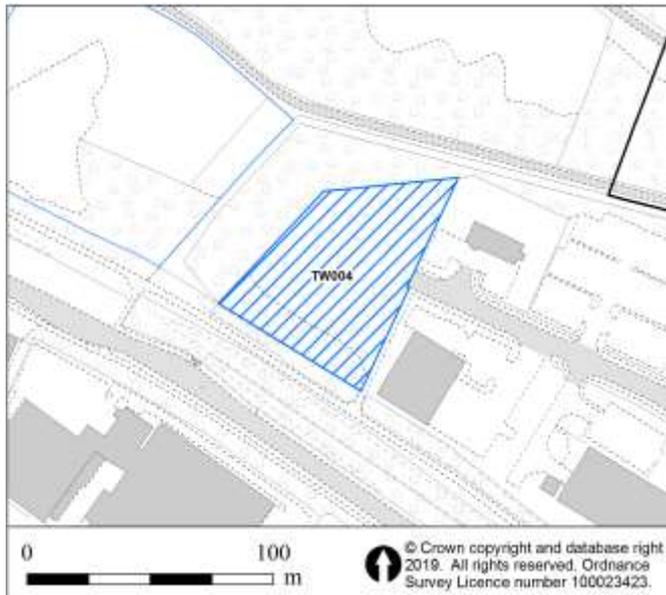
Settlement: Tweedbank

Area (ha): 0.6

Availability: One to Five Years

Serviced: Partially Serviced

Constraints: None



TW004

Site Name: Tweedside Park - Scottish Borders Council

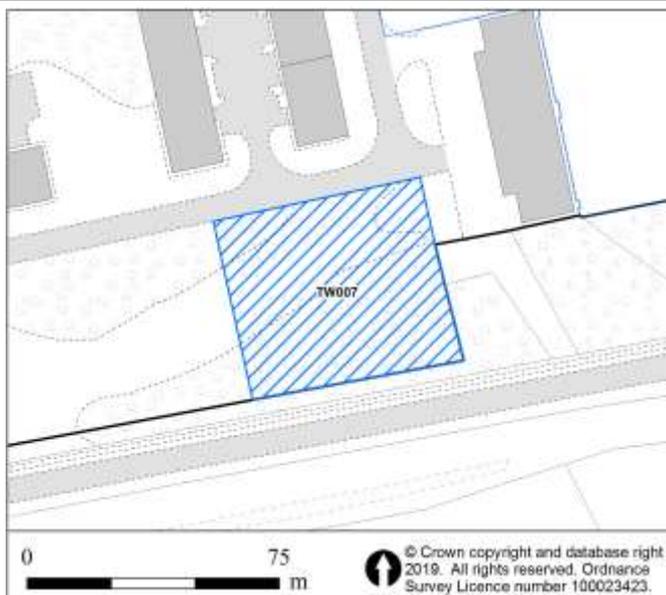
Settlement: Tweedbank

Area (ha): 0.4

Availability: Immediate

Serviced: Serviced

Constraints: None



TW007

Site Name: Site north of A6091

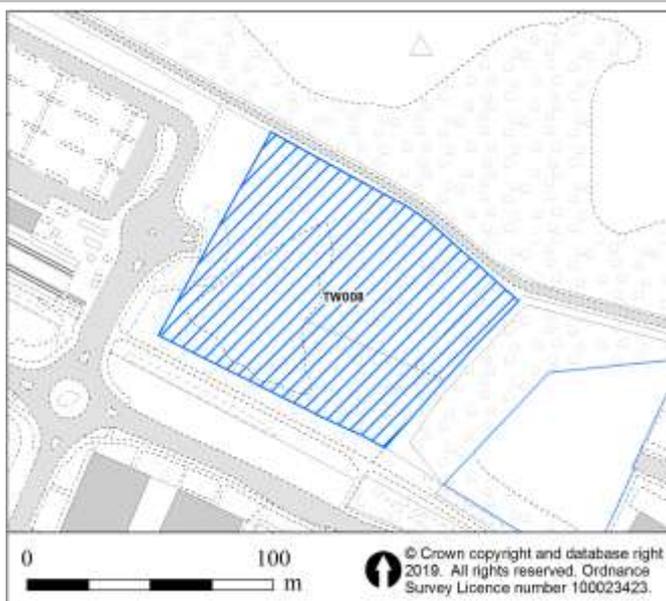
Settlement: Tweedbank

Area (ha): 0.3

Availability: One to Five Years

Serviced: Partially Serviced

Constraints: Physical



TW008

Site Name: Site east of railway terminal

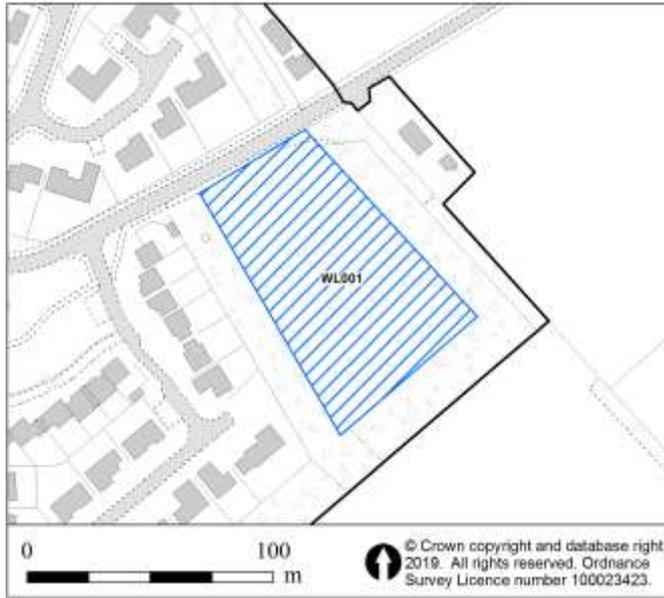
Settlement: Tweedbank

Area (ha): 1.0

Availability: Immediate

Serviced: Partially Serviced

Constraints: None



WL001

Site Name: Deanfoot Road Employment Land

Settlement: West Linton

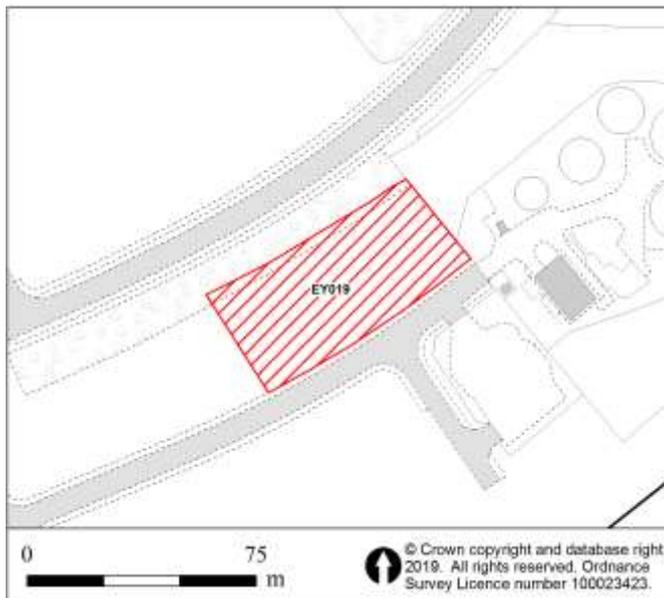
Area (ha): 0.7

Availability: One to Five Years

Serviced: Not Serviced

Constraints: Ownership

Appendix 4: Sites Taken Up (2019)

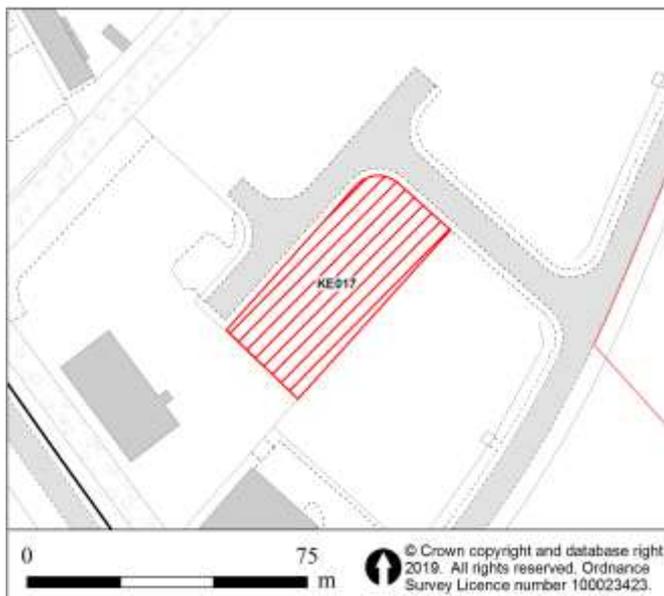


EY019

SiteName: Gunsgreen Industrial Estate 3

Settlement: Eyemouth

Area (ha): 0.3

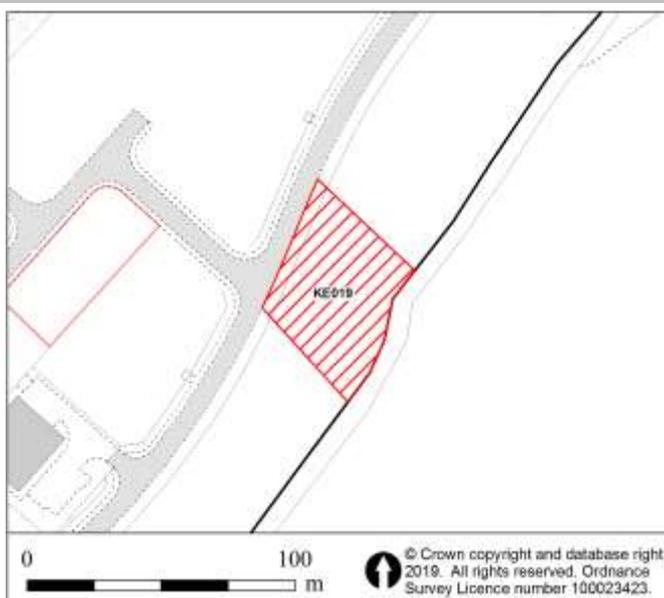


KE017

SiteName: South Pinnaclehill - Plot 11

Settlement: Kelso

Area (ha): 0.2



KE019

SiteName: South Pinnaclehill - Plot 7

Settlement: Kelso

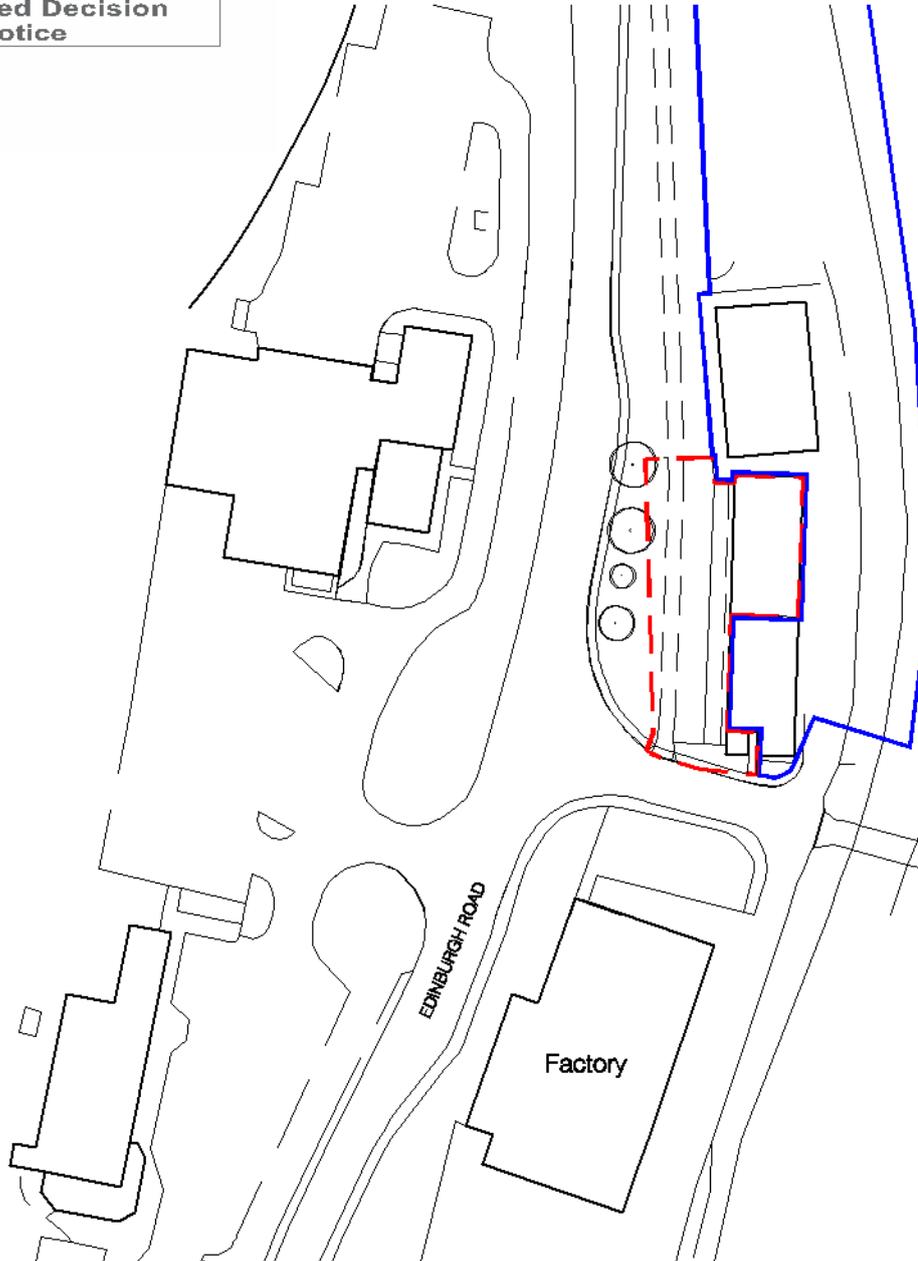
Area (ha): 0.2

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Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



location plan
scale 1:1250

STUART DAVIDSON | ARCHITECTURE

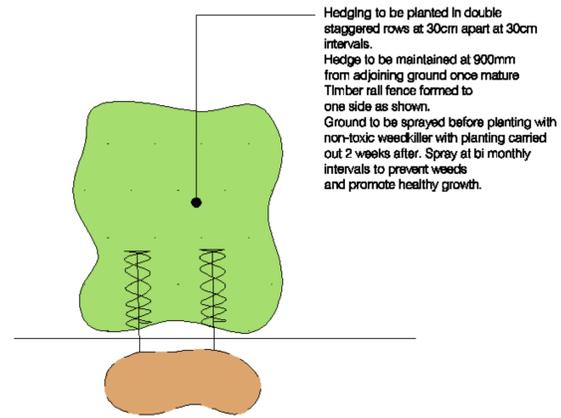
CLIENT
Mr J Hewitt
PROJECT
Proposed formation of forecourt
Riverside Car Centre
Edinburgh road, Jedburgh
TITLE
Location Plan

DATE: Oct 2018 SCALE: as shown DWG NO: PM48-SK-L002 REVISION: D DGHY NO: 1 of 1 PLOTTED SCALE: A4
Design Studio, 25 High Street, Salford, T12 4DD TEL: 01753 217282
or info@stuartdavidsonarchitecture.co.uk www.stuartdavidsonarchitecture.co.uk © copyright reserved to stuart davidson architecture

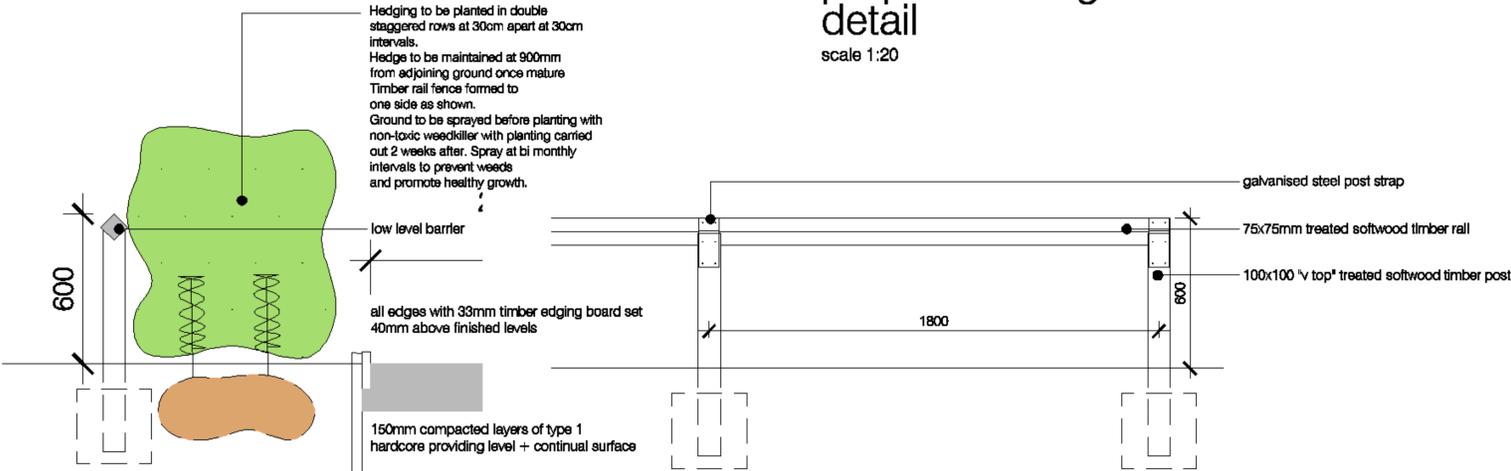
FORECOURT AREA
existing grass + sub soil to be removed to continuous bearing sub soil level (gravel/clay) all to be well compacted + re-laid with type 1 hardcore laid on max 150mm layers compacted + cross rolled to create permeable bearing surface for new 80mm deep mixed size rounded riverbed gravel finish, all to be edged with treated 18mm wide timber edging board to separate from grassed areas

ACCESS TRACK
existing grass + sub base to be removed to continuous bearing sub soil level (gravel/clay) all to be well compacted + re-laid with type 1 hardcore laid on max 150mm layers compacted + cross rolled to create permeable bearing surface for new 80mm deep mixed size rounded riverbed gravel finish, all to be edged with treated 18mm wide timber edging board to separate from grassed and gravel areas

PAVEMENT CROSSING/DROP KERB
to be formed as shown to SBC technical Services specification, all works to be carried out by suitably SBC approved contractors kerbs to be dropped to provide clear vehicular transition between the existing road surface + access track, new drop kerbs + angled transition kerbs to be formed as shown with all re-finished in tarmac build up to SBC approval

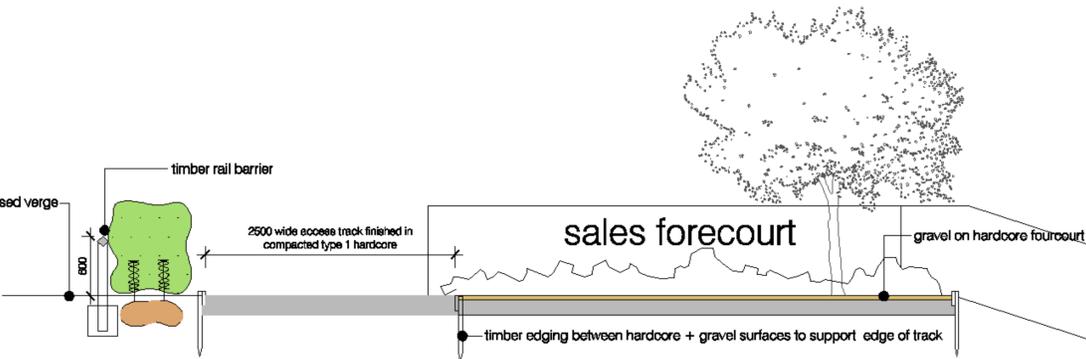


proposed hedge detail
scale 1:20



proposed fence detail
scale 1:20

proposed knee rail fence elevations
scale 1:20

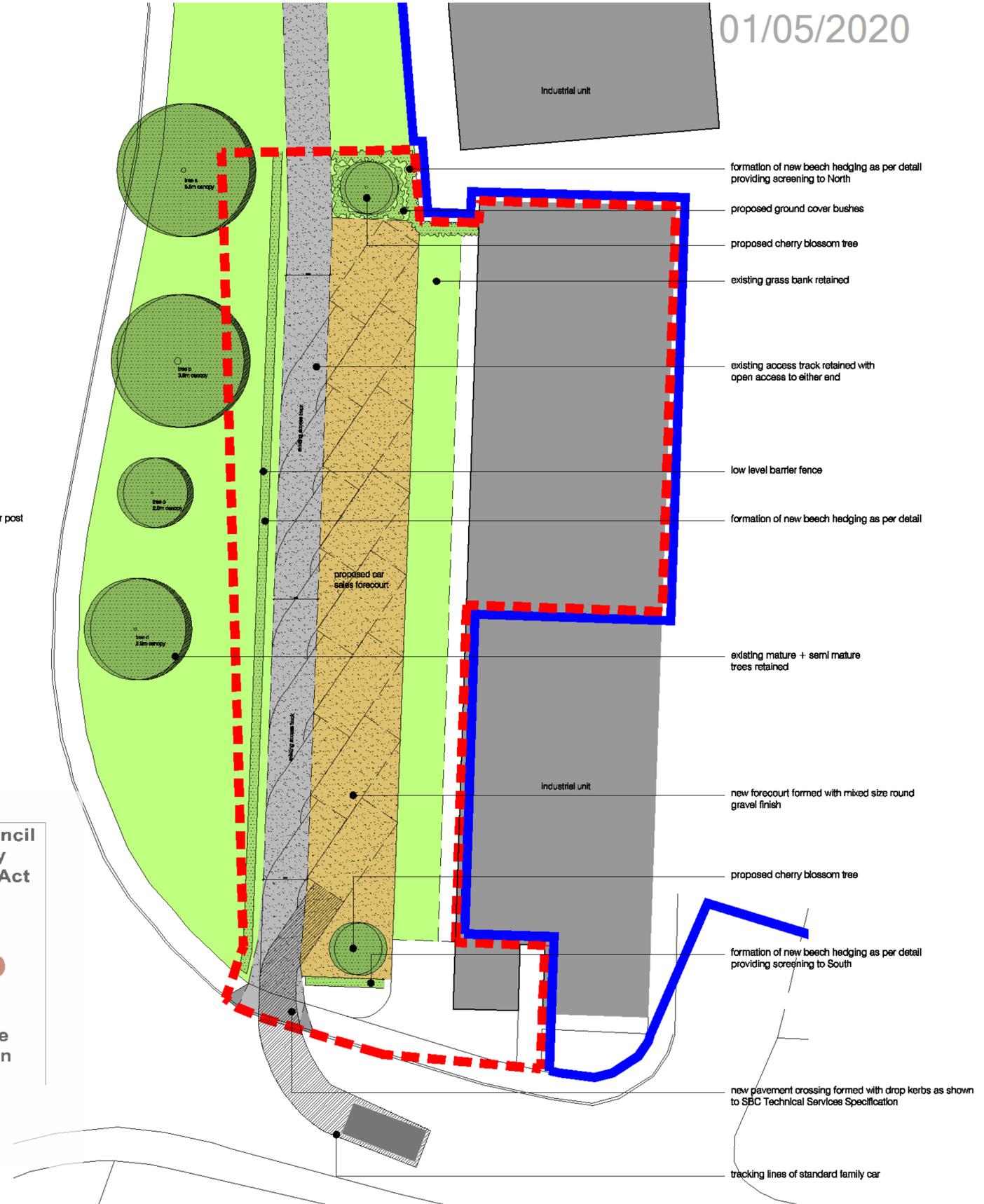


proposed site cross section
scale 1:50

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



proposed block plan
scale 1:200

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 16/01363/FUL

To : Mr James Hewit per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU

With reference to your application validated on **7th November 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Change of Use of land to form motor vehicle display and form sales office from industrial unit (retrospective)

**at : Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road Jedburgh
Scottish Borders**

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, subject to the following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

And subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 31st March 2017
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 16/01363/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
P449-SK-001 REV G	Block Plans	Approved

REASON FOR DECISION

The sui generis use is considered to be acceptable. The development is a departure from Policy ED1 although several material considerations ensure that partial loss of an employment unit to car sales is acceptable. Considerable amendments have been made to the plan which will mitigate any adverse impacts to amenity and character. The proposal will create jobs and will not negatively impact upon the vitality and viability of the town centre. The use of this building for a limited time-limited period will not prejudice the long term suitability and availability of the site for Class 4, 5 and 6 employment use. The building has sat dormant therefore bringing it to commercial use will maintain viability, while being compatible with the neighbouring uses. Subject to planning conditions, the proposal is acceptable and complies with policies of the Local Development Plan 2016.

SCHEDULE OF CONDITIONS

- 1 Within 56 days of the date of this Decision Notice, the details of Block Plan (Rev G) shall be implemented in its entirety, as approved by the Planning Authority, except those Landscaping Works, which are to be implemented by condition 5 of this permission. Development shall be implemented in complete accordance with this Approved Plan unless prior written approval for an alternative timescale has been sought and confirmed in writing by the Planning Authority.
Reason: The present form of development is having an unacceptable impact on the character of the Jedburgh and is having an unacceptable impact on road safety with the A68 Trunk Road.
- 2 This permission shall exist for the benefit of Riverside Car Centre and for no other business.
Reason: This permission is granted exceptionally and only in view of the circumstances and nature of the business.
- 3 Consent is granted for a limited period of three years from the date of this consent and the approved use shall cease before the expiry of the period unless a planning application to retain the permitted use has been submitted to and approved by the Planning Authority. In the event that no such planning application has been so approved, the use of the premises shall revert to its current lawful use under Classes 4-6 of the Use Class (Scotland) Order 1997.
Reason: To ensure that the proposed use of this building does not compromise the long term availability of available employment land in Jedburgh.
- 4 The public path through the site, identified as Core Path 107, must be maintained open and free from obstruction in the course of development and in perpetuity. No stiles, gates, steps or barriers to access may be erected that would deter the potential future use.

Reason: To protect public access rights to this Core Path both during and after development.

- 5 The landscaping plan, Block Plan Rev G, as approved, shall be implemented within the first planting season from the date of this planning permission. These landscaping works will be maintained for a period of three years upon planting, during which time, all failed planting shall be replaced. The applicant shall notify the Planning Authority that the approved planting (as per the approved Landscape Plan) is available for inspection after this three year period, at which point, the approved landscaping scheme shall have been implemented and landscaping established in its entirety.

Reason: To ensure effective assimilation of the development to its surroundings.

- 6 Details of the position, size, colour, materials and method of illumination of any signage to be displayed on the building, within the site or on the site boundaries to be submitted to and approved in writing by the Planning Authority prior to any signage being displayed. Thereafter the works are to be carried out strictly in accordance with the approved details.

Reason: In accordance with the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1994.

FOR THE INFORMATION OF THE APPLICANT

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU



Regulatory Services

British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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

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



*Planning and
Regulatory Services*

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Application for Planning Permission

Reference : 11/01121/PPP

To : James Brown per James Hewit Park Lane Croft Road Kelso TD5 7ET

With reference to your application validated on **10th August 2011** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of retail foodstore with petrol filling station, associated parking and access road

**at : Former Oregon Timber Frame Ltd And Riverside Workshops Old Station Yard Edinburgh Road
Jedburgh Scottish Borders
TD8 6EE**

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

**Dated 29th April 2013
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed
Head of Planning and Regulatory Services

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

APPLICATION REFERENCE : 11.01121/PPP**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
1913/02	Existing Layout	Refused
1913/01 REV A	Planning Layout	Refused

REASON FOR REFUSAL

- 1 The proposal is contrary to policy E12 of the Scottish Borders Consolidated Structure Plan 2001 - 2018 and policy ED1 of the Scottish Borders Consolidated Local Plan Adopted 2011 in that the proposal would result in the loss of allocated employment land where only Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 are permitted and outright retail activities are not permitted to ensure an adequate supply of employment land is retained and to support existing town centres. This would create an undesirable precedent for other uses outwith Classes 4, 5 and 6 on safeguarded employment land sites.
- 2 The proposal is contrary to policies E17 and E18 of the Scottish Borders Consolidated Structure Plan 2001 - 2018 and policy ED3 of the Scottish Borders Consolidated Local Plan Adopted 2011 in that the site is in an out-of-centre location that would affect the vitality and viability of the town centre and it has not been adequately demonstrated that sequentially this is the most appropriate site for a new food store in Jedburgh.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of the appeal should be addressed to The Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR. A copy of the notice of the appeal must, at the same time, be sent to the Legal Services Section, Scottish Borders Council, Council Headquarters, Newtown St. Boswells, Melrose TD6 0SA.

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

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

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

29 APRIL 2013

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 11/01121/PPP
OFFICER:	Julie Hayward
WARD:	Jedburgh and District
PROPOSAL:	Erection of retail foodstore with petrol filling station, associated parking and access road
SITE:	Former Oregon Timber Frame Ltd and Riverside Workshops Old Station Yard Edinburgh Road Jedburgh
APPLICANT:	James Brown
AGENT:	James Hewit

SITE DESCRIPTION

The site is situated on the northern edge of Jedburgh to the east of the A68. The site comprises of four industrial buildings. The building at the northern end of the site was occupied by Border Print and packaging and is currently vacant. The other buildings are occupied by various uses including Borderland Fabrics, Border Buildings Ltd and Aim Hire selling and hiring out lawnmowers. The overall site area is 0.99 hectares. To the north is an area of vacant overgrown land, to the east is a public footpath, trees, the Jed Water and the Jedburgh Camping and Caravan Park, to the south are the Border Meringues premises and the Riverside Workshops and on the western side of the A68 are the Edinburgh and Jedburgh Woollen Mills and a petrol filling station.

There are two vehicular accesses into the site from the A68. The site is enclosed by 2m timber fencing and 1m post and rail fencing.

PROPOSED DEVELOPMENT

The proposal is to erect a food store on the site. This would provide 2,322 square metres of gross floor area with a net sales area of 1,625 square metres. A petrol filling station would be erected at the northern end of the site with a kiosk/shop.

The access road into the site to the south would be re-aligned to allow HGVs to access the service yard. The store's car park would be accessed from a new access with visibility splays towards the northern end of the site and the existing access would be closed off. The car park would provide 162 parking spaces and a cycle rack.

As this is an application for Planning Permission in Principle no details of the design or materials of the proposed store have been submitted and the layout is indicative.

The proposed site plan shows that the bridge over the Jed Water currently serving the caravan park will be removed and a new bridge formed to the south, but these works are outwith the red line boundary of the site and so do not form part of this proposal.

The application requires to be determined by the Planning and Building Standards Committee as the Council has a financial interest in the land.

PLANNING HISTORY

06/01052/FUL: Change of use of former assembly shop to storage and depot. Oregon Timber Frame Ltd Station Yard Edinburgh Road Jedburgh. Approved 3rd July 2006.

10/01201/PPP: Erection of retail food store with associated parking and access infrastructure. Former Oregon Timber Frame Ltd Station Yard Edinburgh Road Jedburgh. Refused by the Planning and Building Standards Committee on 17th October 2011 for the following reasons:

- The proposal is contrary to policy E12 of the Scottish Borders Consolidated Structure Plan 2001 - 2018 and policy ED1 of the Scottish Borders Consolidated Local Plan Adopted 2011 in that the proposal would result in the loss of allocated employment land where only Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 are permitted and outright retail activities are not permitted to ensure an adequate supply of employment land is retained and to support existing town centres. This would create an undesirable precedent for other uses outwith Classes 4, 5 and 6 on safeguarded employment land sites.
- The proposal is contrary to policies E17 and E18 of the Scottish Borders Consolidated Structure Plan 2001 - 2018 and policy ED3 of the Scottish Borders Consolidated Local Plan Adopted 2011 in that the site is in an out-of-centre location that would affect the vitality and viability of the town centre and it has not been adequately demonstrated that sequentially this is the most appropriate site for a new food store in Jedburgh.

11/01455/PPP: Erection of retail food store with associated parking and access infrastructure on the same site as the application 10/01201/PPP. Refused by the Planning and Building Standards Committee on 13th February 2012 for the reasons set out above.

REPRESENTATION SUMMARY

Six representations have been received. These are available for Members to view on the Public Access System. The following planning issues have been raised:

- The owners of part of the site, Crabtree and Crabtree Ltd, do not support the application. The scheme is undeliverable, opportunist, ill-conceived and not supported by any of the required technical information. The submission is timed to disrupt the objective consideration of the original planning application (10/01201/PPP).

- The Co-operative Group has objected to the application and is concerned about the potential impact that an out-of-centre foodstore would have on the vitality of the town centre.
- The site is safeguarded as Employment Land (zEL33) under policy ED1 of the Scottish Borders Consolidated Local Plan Adopted 2011. This sets a presumption in favour of industrial and business uses (Classes 4, 5 and 6) on established industrial estates. Policy ED1 states that the development of allocated employment sites for anything other than Classes 4, 5 and 6 will be refused unless justified against appropriate criteria; shops and outright retail activities will not be allowed on any employment land unless that retail activity is ancillary (no more than 10% of total floor area) to some other acceptable activity. Policy ED1 is designed to preserve and support existing town and village centres. This is supported by Scottish Planning Policy and the Scottish Borders Consolidated Structure Plan 2001 – 2018.
- Local Plan policy lends no support to the proposed redevelopment of this employment site for retail use. The proposal is contrary to policy ED1.
- The site is some distance from the town centre boundary and surrounded to the east, west and south by industrial uses.
- The primary use in this location is employment use and the introduction of convenience retailing would alter the character and nature of the employment area, increase development pressure for alternative uses on business and industrial land and have a detrimental impact on surrounding employment uses diminishing the importance of the area for employment use and setting a precedent for uses other than employment.
- No information has been submitted to justify this loss of employment land or the potential impact on the surrounding industrial premises.
- The site is on the northern edge of Jedburgh some distance from the main residential areas and town centre and so would not be attractive to walk-in custom from local residential areas and the site is physically separated from the town centre by the Jed Water. The proposal is unsustainable in terms of its location.
- The out-of-centre location is not convenient for the main residential population of the town and not sequentially preferable.
- The application is deficient in terms of the information required by the Planning Authority to fully consider the application and so the application should be refused on the grounds of insufficient information.
- Planning permission was refused on 17th October 2011 for a foodstore development on this site. This application is for a similar retail development on the same site and the same policies and material considerations apply.
- The Supporting Statement submitted with this application attempts to justify the loss of employment land by promoting an alternative site at Wildcatgate, allocated for housing in the Local Plan. A planning application to change the use this site for employment land was refused on 15th July 2011 as the proposal was contrary to Local Plan policy.

- The site at Wildcatgate is undeveloped land and so not immediately available employment land; this is not a direct replacement of employment land. The proposal would therefore result in the loss of available employment premises to the detriment of effective employment land supply in the town.
- The Retail Statement does not provide any figures on available expenditure, clawback of leakage trade diversion or proposed turnover of the food store. There is no evidence to justify the proposal or the assumption within the Retail Assessment that the food store would not have a detrimental impact on the vitality or viability of the town centre.
- The location of the site is unlikely to promote linked trips to the town centre and the proposal would compete directly with the town centre. There would be a high dependence on the private car and the proposal would divert trade from the town centre to an out-of-centre location to the detriment of local retailers and businesses located in the town centre. The proposal would be detrimental to the vitality and viability of Jedburgh town centre.
- The Jedburgh Traders Association object to the application. Jedburgh already has two supermarkets, one at each end of High Street. Building another supermarket would damage the town centre and tourists do not like to see empty shops. The Borders has enough supermarkets to satisfy the population. Real jobs would not be created for people in Jedburgh; companies in Jedburgh struggle to recruit at times from the local labour pool and a large number of the working population comes from outside the town and so a lot of people employed in the supermarket would spend their salary outside Jedburgh. Profits of these large organisations go to shareholders outwith the Borders whereas local shops and workers spend in the community and help the community grow. The supermarket would be sited at one of the main entrances into the town.
- The proposed petrol filling station would be opposite the town's long-standing filling station.
- The proposal is contrary to policies E12, E17 and E18 of the Structure Plan and policies within the Local Plan and there are no material considerations to override these policy reasons for refusal.
- The proposal does not comply with the requirements of the sequential test and alternative more acceptable sites are available.
- The proposal would prejudice the availability and marketability of employment land within the town needed for economic recovery.
- Scottish Energy Networks has no objection to the proposal but advises that high and low voltage underground cables may or may not be situated with the direct line of the new construction. The applicant should contact them to request accurate and up-to-date cable records.

APPLICANTS' SUPPORTING INFORMATION

The following information has been submitted by the agent and is available for Members to view in full on the Public Access System:

Supporting Statement:

- A retail unit of 2,322 square metres would be more comparable with supermarkets located in other centres and would meet the deficiency in food shopping in Jedburgh.
- A significant level of the proposed store's trade will be from clawback lost to larger stores in other towns.
- The applicant is in detailed discussions with Tesco and Asda and this will offer genuine consumer choice.
- A foot survey of vacant shops was undertaken on 26th October 2011 and the results differed to those submitted under application 10/01201/PPP and also to the Council's Retail Survey undertaken in 2010.
- Alistair Burrell Associates have prepared commentary on the traffic impact but proposes to refer to documents submitted under application 10/01201/PPP, which is understood to have been largely accepted by the Council.
- Policy I18 of the Structure Plan and G2 of the Local Plan refer to developments proposed on contaminated sites. It has been accepted that no action is required in this respect.
- The immediate area around the site is characterised by a variety of commercial uses, including retail and tourism uses. The site is well related to these visitor attractions and would add to the attraction of this part of town, benefitting the local economy. The proposal represents an employment generating use potentially creating a greater number of jobs than the previous use and regenerating a redundant, vacant site.

Transport Assessment:

- The proposals considered in application 10/01201/PPP are similar to this application other than in this case the existing entrance to the caravan park is to be closed, the unsafe bridge with the height restriction will be removed and a new bridge will be built over the Jed Water at the end of the existing entrance to Border Meringues at the south end of the site.
- The entrance to the car park and petrol filling station will be formed from the A68 towards the north end of the site.
- Transport Scotland has no objection to the proposals provided the junction at the site access from the A68 is upgraded to their specification. The Roads Planning Service has raised a number of concerns regarding access through the site and the layout of the service area. These requirements can be met by planning conditions if this application is approved. Further design details will be submitted if required.

Employment Land Statement:

- This application does not challenge the long term need to maintain employment land in Jedburgh nor does it propose any direct loss of employment land.
- The applicant proposes to offer 0.23 hectares of unallocated compensatory land contained within the settlement boundary at Bankend to the west of the Shell petrol filling station which is currently not in use, is accessible and relates well to adjacent land uses.
- In accordance with policy ED1 the proposal for food retail offers significant benefits to the surrounding area and community that outweigh the need to retain the site in employment use.
- The land at Wildcatgate (AJEDB005) has been allocated for residential use but is unlikely to be developed for that use in the Local Plan period due to an abundance of more appropriate housing land elsewhere in the town, where take-ups are all but non-existent. An application for the change of use of land to the south east of Head Keeper's Cottage Wildcatgate was refused as it could not relate to a simultaneous application for employment land displacement. It is proposed that this application be resurrected and the original concerns met and this new application should be read in conjunction with the current food store application.
- There is sufficient employment land for the plan period with sufficient sites available, brownfield sites at Bankend and Edinburgh Road as well as zoned and allocated employment land. In the absence of residential demand for the site at Wildcatgate during the Local Plan period there is a reasonable justification for providing compensatory employment land, which is considered key to economic recovery.
- The site at Wildcatgate is zoned for residential use and there is an approved planning brief. It can be demonstrated that employment use with careful consideration to scale, mass and height of buildings would not have an adverse impact on the adjacent category B Listed Building, Head Keepers Cottage.
- The formation of an access at the Wildcatgate site would be required for residential development or employment land use and requires to be sensitively designed. It is not intended to develop the whole site and careful consideration will be given to the existing and adjacent woodlands.

Retail Assessment:

- The site comprises of the former Oregon Timber factory, which is disused, Border Print and Packaging and a vacant workshop premises.
- The food store would have a gross internal floor area of 2,320 square metres and a net sales area of 1,625 square metres. A petrol filling station with 8 bays and a shop/kiosk with a gross internal floor area of 130 square metres is also proposed.

- A single road junction would serve the store from the A68 and there would be direct pedestrian access from the store entrance to public transport facilities on the A68.
- The store would be located in the southern part of the site providing an opportunity for a well designed frontage onto the A68 identifying the site as a clear entry point into the town.
- The store will be of sufficient size to provide a wide range of facilities and services but the main function would be to cater for main food shopping.
- The primary catchment area for the proposed store is the town of Jedburgh along an extended corridor along the A68. The catchment area to the north includes Lanton, Ancrum, Maxton, St Boswells and Newtown St Boswells. The catchment area to the south extends to Rochester, Otterburn and West Woodburn.
- The main food store in Jedburgh is a Co-op supermarket on High Street, a smaller Co-op in Canongate and a Key Store convenience food store in Lothian Road. There are also local independent convenience goods shops such as bakers, butchers and newsagents throughout the town but mainly in High Street.
- Stores outwith Jedburgh include Tesco (6500 square metres) and Asda (6500 square metres) in Galashiels, Morrison's (3867 square metres) and Sainsbury's (2320 square metres) in Hawick, Sainsbury's (4320 square metres) in Kelso and the Co-op (700 square metres) in St Boswells.
- A foot survey of vacant shops undertaken on 26th October 2011 revealed there were 8 vacant properties in High Street and Canongate. This application will seek to rejuvenate the town centre by reducing leakage and retaining trade within Jedburgh. A plan showing the location of the vacant shops is included with the submission.
- The store would represent a new national operator in Jedburgh.
- It is estimated that the primary catchment area would have a population of 22,800 in 2009. Additional trade is expected from pass-by trips and tourists.
- Qualitative need is concerned with consumer choice in terms of ensuring a suitable range of sites and choices that meet the needs of the local community. Given the lack of choice to residents there is a strong qualitative need for a new food store in Jedburgh. There is a deficiency in convenience goods stores and main shopping provision within the catchment area which is evident by the leakage of trade from the catchment area to larger stores in Galashiels, Hawick and Kelso. The Co-op is used for top-up shopping.
- The proposed store is similar in size to the Sainsbury's in Hawick and would be large enough to compete with the food stores in Galashiels, Hawick and Kelso and be able to claw back trade lost from the town and catchment areas to other centres.
- The proposed store will improve consumer choice and competition and meet the needs of residents for main food shopping.

- The store would be larger than existing shops in Jedburgh but smaller than the main food stores in Galashiels, Hawick and Kelso but would be of an appropriate scale for Jedburgh.
- The sequential approach should be used when selecting locations for all retail developments. Town centre, edge-of-centre and out-of-centre locations that are accessible to a choice of transport modes should be considered. There are two possible sites capable of accommodating a store of this size within the town centre. The first is at the junction of the Pleasance and Bridge Street and identified in the Local Plan for redevelopment (RJEDB001). This would accommodate the store but car parking provision would be less than required. The site is occupied by a number of buildings, including the fire station, which would need to be relocated. This site is unsuitable and unavailable for the proposed development. The second site is the Canongate car park. This is centrally located and large enough to accommodate the store and a small amount of car parking. It would be unacceptable and unrealistic to lose such a significant site and so is unsuitable.
- The sequential site assessment has proved there are no available suitable sites within the town centre or edge-of-town centre capable of accommodating the proposed development.
- There is evidence of high leakage of spending out of the Jedburgh catchment area to Galashiels, Hawick and Kelso. It is estimated that 75% of the proposed store's turnover would be trade clawed back from this leakage with a further 10% from visitor spending. The remaining 15% would be drawn from trade diversion in the catchment area (12% from the Co-op and 3% from other shops in the town centre). The main impact is on the Co-op, which is over-trading for a store of its size, and so the proposal would not adversely affect the existing store's long term viability.
- The overall trade diversion from the town centre would not have a significant negative impact on the vitality and viability of town centre shops. The proposal can be viewed as positive as it will keep trade within Jedburgh and increase trade to smaller retail outlets in High Street.
- The site is located adjacent to the A68 and so is accessible by car and is on a main bus route with bus stops close by. The site is accessible by foot and cycle with residential properties within 300m radius of the store.
- The proposal would reduce long distance shopping trips to Galashiels, Hawick and Kelso, reducing expenditure on fuel costs and would benefit public transport in the town.
- The application site is a partly disused industrial site with existing buildings in a poor condition, surplus to requirements as they have been unoccupied for a number of years.
- The proposal would regenerate an unattractive area, enhancing visual amenities at the entrance to Jedburgh and providing employment.

Flood Risk Assessment:

- Recommends that the finished floor level of the store is 68.65m OD, the general level of the car park is 67.5m OD and the road level at the filling station is 67.5m OD.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Structure Plan 2001-2018

Policy N2: International Sites
Policy E12: Employment Land Supply
Policy E17: Location of Retailing Developments
Policy E18: Out of Centre Retail Developments
Policy I1: Transportation and Development
Policy I7: Walking
Policy I11: Parking Provision in New Development
Policy I14: Surface Water
Policy I15: Flood Risk Areas
Policy I18: Contaminated land

Consolidated Scottish Borders Local Plan 2011

Policy G1: Quality Standards for New Development
Policy G2: Contaminated Land
Policy G4: Flooding
Policy NE1: International Nature Conservation Sites
Policy ED1: Protection of Employment Land
Policy ED3: Shopping Development
Policy H2: Protection of Residential Amenity
Policy Inf4: Parking Provisions and Standards
Policy Inf6: Sustainable Urban Drainage
Policy Inf11: Development that Generates Travel Demand

OTHER PLANNING CONSIDERATIONS:

Scottish Planning Policy February 2010

PAN 33: Development of Contaminated Land (Revised October 2000)
PAN 52: Planning and Small Towns
PAN 66: Best Practice in Handling Planning Applications Affecting Trunk Roads
PAN 69: Planning and Building Standards Advice on Flooding
PAN 75: Planning for Transport

Scottish Borders Council Retail Survey Winter 2012
Scottish Borders Council Retail Study September 2011
Scottish Borders Council Employment Land Audit December 2012

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Economic Development:

Initial Observations:

The application affects land where a 25 year lease exists with a right of access until 2025, and this is shown to be extinguished by this proposal. The applicant proposes a new bridge from the road at the Riverside Workshops, which would be a requirement of extinguishing the existing caravan site access, yet this is not shown in the application site and the land would not be within the control of the applicant. In addition, the footpath along the riverside is part of the Core Paths Plan and network and as such it has a certain protected status and no alternative route has been proposed and would be terminated by this proposal.

This alternative use for this site as a supermarket is contrary to policy as the site is protected for employment use (Classes 4, 5 & 6) and we would not want see the loss of any employment land, despite the availability of new green field sites at Oxnam Road and other vacant brownfield sites in the town, such as at Bankend South and Riverside Mills, Upper Bongate. The town will eventually benefit from having a range of sizes and types of sites and in different locations for business use, especially when the economy becomes stronger. In addition, Jedburgh town centre needs to retain its vitality and viability so the Council's Local Plan's policies ED3 and ED5 supports this aim and therefore we could not support a supermarket at this site.

There are issues regarding access especially in regard to the supermarket delivery entrance and what is now proposed to be the access to the caravan site, the football pitches and where extensive traffic is taken during the Jedforest sevens day. There is local conflict on the A68 when vehicles enter and access the petrol station, the Riverside workshops area and from Bankend South junctions. This would be exacerbated with the additional traffic mentioned above and would now also conflict with the numerous cars who park on this road whilst visiting the Border Meringues premises. In addition the caravan site access has acceleration and deceleration zones and a large bellmouth to accommodate access by users towing caravans and this has not been replaced in the suggested alternative access location. The access is shown from the edge of the deceleration zone, not the trunk road edge, therefore there is discrepancy in the layout. This zone will also encourage parking adjacent to the trunk road and should not be supported.

The application shows development hard up against the rear of a footpath adjacent to the trunk Road. The Council have undertaken substantial works to improve the attractiveness of the entrance to Jedburgh from the north for tourist visitors with substantial new trees and hedging. As such this proposal would be a huge intrusion into the landscape and should be suitably screened and landscaped, so the current layout is unacceptable in these terms.

There has in the past been concern in the local community at the existing retail premises in this area through tourists bypassing town centre shop premises and affecting their viability. It would be of concern that further erosion would take place should this be approved, as footfall would ultimately be less on the High street.

This application seems poorly thought through with, apparently, no consultation with the affected parties. The town benefits from tourist visitors and this proposal will be a

detraction in terms of its impact and especially in regard to the disturbance to the caravan site.

Re-consultation Following Submission of Supporting Information:

In terms of new information, I note that the applicant proposes the loss of the zoned employment land with an alternative site but this is only 0.23ha to replace the loss of the application site which is 0.99ha. This land also would require having the benefit of planning permission for employment use and would need to be tied back to this application to be in any way partly acceptable.

The applicant refers to revisiting the replacement of land with land at Wildcatgate under application 11/00821/PPP. This application was refused and, from Economic Development's point of view, our comments still apply. 'There is no case for new employment land in the town in the near future, with sufficient new sites available, existing brownfield sites at Bankend and Edinburgh Road, which are protected by policy, and there is further zoned and allocated employment land for the plan period. This site's topography is not ideal for employment use which as a flat site is preferable. The site is close to residential properties, which may be affected, and whilst the access position has not been identified it will be round a blind corner and visibility is not ideal for manoeuvring large vehicles. The site is at the extremes of servicing for foul drainage and may involve what could be a costly pumped system. The site should be served by a footpath and the applicant does not control this land, which will be remote from the existing footpath network. This section does not support this change of allocation or proposed new use.'

Generally there is nothing new in the additional information received that could affect our earlier views. There is no supporting information on this bridge proposal or whether it is actually achievable within the space available, therefore the application is predicated on this being possible but it has not been demonstrated to be achievable. This is especially important where the vehicles needing to use this bridge are cars with trailing caravans and need a higher standard of junction, similar to what currently exists for the current caravan site access.

Flood Protection Officer:

Initial Observations:

In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River & Coastal Flood Map (Scotland) known as the "second generation flood mapping" prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any year.

The Jedburgh Flood Study prepared by JBA in May 2006, for this Council, also shows the proposed development to be within the 1 in 200 year inundation outline for the Jed Water with predicted levels varying from 68.75m and 68.12m AOD over the proposed development. These levels do not include an allowance for climate change. A flood risk assessment is required.

Re-consultation Following Submission of Flood Risk Assessment:

I would expect that the finished floor level of the development to the 1 in 200 year flood level of 68.75mOD

As the new building footprint is only slightly reduced from the footprint of the existing buildings, I would therefore request that the remaining land within in the application boundary is kept to the existing ground levels to ensure that flood storage is not reduced and flood risk is not increased elsewhere.

Local Plan Section:

The proposed development is located within site zEL33 an Employment Land Safeguarding (ED1) included in the adopted Scottish Borders Local Plan. Policy ED1 has been revised during the process of the Local Plan Amendment in order to avoid the dilution of employment land supply in the Scottish Borders with a view to strengthening the Council's position in this respect. This revised policy reflects the latest Council position and is now the most up to date material planning policy consideration against which this application must be judged.

Policy ED1 states that there is a presumption in favour of the retention of industrial and business use on strategic and other employment sites. Established industrial estates will be retained for industrial development within Classes 4, 5 and 6. Other uses will be refused unless:

(a) the loss of employment land does not prejudice the existing and predicted long term requirements for industrial and business land in the locality, and

(b) the alternative land use is considered to offer significant benefits to the surrounding area and community that outweigh the need to retain the site in employment use, and

(c) there is a constraint on the site whereby there is no reasonable prospect of it becoming marketable for employment development in the future, or

(d) the predominant land uses have changed owing to previous exceptions to policy such that a more mixed use land use pattern is now considered acceptable by the Council.

In all employment land site categories development must:

- respect the character and amenity of the surrounding area, and be landscaped accordingly, and
- be compatible with neighbouring employment uses.

Specifically, the policy states that shops and outright retail activities will not be allowed on any employment land, the only retailing permissible will be that which is considered to be ancillary to some other acceptable activity (e.g. manufacture; wholesale). For the purposes of this policy, ancillary is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area.

In respect of criterion (a), whilst it is accepted that there has been limited demand for employment land in Jedburgh over recent years, the long term needs (20 years+) of the settlement must be considered. The loss of employment sites to alternative uses must be avoided as once they are lost they cannot be replaced.

In respect of criterion (b) it is not considered that the proposed development would result in significant community benefits which would outweigh the need to retain the site in employment use.

In respect of criterion (c), the site has operated in employment use until relatively recently and there are no known constraints on the site which would mean that there is reasonable prospect of it becoming marketable for employment in the future. No evidence has been provided to the contrary in the supporting documentation.

In respect of criterion (d), the predominant land use within the vicinity remains employment and it is important to retain this.

Policy ED1 clearly states that retail activity will not be permissible on employment land unless it is ancillary to some other acceptable activity. This is not the case in this instance. Therefore the proposals do not meet the requirements of Policy ED1 and should be refused.

The application must also be considered against Structure Plan policies E17 (Location of Retailing Developments) and Policy 18 (Out of Centre Retail Development). These policies aim to guide new shopping development to town centres and thereby help protect and enhance the vitality and viability of these centres, as defined in the Local Plan. A “sequential test” ensures that the first preference for retail development is given to town centre sites, followed by edge-of-centre sites and only as a last resort, out-of-centre sites. However, in this particular case, because the application is in relation to a site specifically protected from retail development, the outcome of the sequential test is only relevant in so far as it might identify other alternative sites for retail development. The potential of any town centre sites for retail development must be fully assessed before any edge-of-centre or out-of-centre sites are considered.

Roads Planning Service:

Initial Observations:

In terms of sustainable transport, this location is far from ideal. While, in its favour, it is on a main bus route, it is extreme edge of town, so that it is not within easy walking distance for the majority of residents in Jedburgh; this would be likely to do little to discourage the use of cars.

It is likely however that a right hand turning lane will be required on the A68. This may involve land on the opposite side of the A68 from the development which is outwith the application site and outwith the applicant's control.

Not forgoing the above, I would make the following comments regarding the proposal.

1. A Transport Assessment will be required for the proposal.
2. There is conflict between the indicated turning area for service vehicles and the store building. An articulated vehicle will not be able to access the service yard, turn as indicated and then leave the yard.
3. The location of the filling station access in relation to the site access is likely to cause vehicles to back up. This could impede on the free movement of traffic on the A68.
4. The internal layout around the vicinity of the filling station access is unacceptable. The number of accesses in close proximity is likely to lead to congestion within the site with traffic backing up and being unable to move freely.

5. The internal layout of the filling station appears to be restrictive. More detailed drawings are required showing that vehicles can enter and leave the site and use the apparatus safely.
6. There are no provisions indicated for bus travellers. This may involve the provision of bus lay-bys.
7. There are no proposals indicated as to how the applicant proposes to deal with surface water, including the provision of SUDS.
8. The new access details do not appear to accurately tie-in with the existing road layout in that the radii appear to tie-in with the deceleration lane as opposed to the carriageway edge.
9. There are no details relating to the relocation of the bridge and access track to the caravan site.
10. There should be a minimum of 10 disabled parking spaces, a minimum of 10 parent and child spaces, a minimum of 6 cycle racks provided within an enclosed/covered location and 109 general parking spaces provided, including the parent and child spaces but excluding the disabled spaces.
11. There is a lack of trolley bays indicated within the car parking area.

Re-consultation Following Submission of Supporting Information:

The revisions to the layout do not make any significant changes to the overall proposal and as such, my previous comments still apply to the revised drawing. More detail will be required to ensure the raising of the store and surrounding land does not have an adverse effect on the existing road and footpath network. If the application is approved, these details would have to be submitted for the Council's approval during the formal consideration of any subsequent application.

Environmental Health:

The application appears to be proposing the redevelopment of land which was previously used as a railway siding. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority. Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between 2300hrs and 0700 hrs and NR 30 at all other times, when measured within the nearest noise sensitive dwelling. The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445. No deliveries or associated activities should take place between 22:00 hrs and 07:00 hrs.

The applicants should be required to submit a quantitative assessment of the impact of the proposed development on local air quality. The assessment should address emissions from fuelling activities, vehicles using the site and any other potential pollution sources.

Access Officer:

According to our records there is a Core Path on and adjacent to the planning application site along the Jed Water Riverside. This Core Path 107 is a riverside path adjacent to the site bounded at present with trees on the riverside and a fence-line on the side adjacent to the site. It currently then follows an existing pavement to cross the area of the proposed development site and joins the roadside path. The route Core Path 107 also forms part of a promoted countryside access route – Lanton Moor and Timpendean Tower –route 4 in the Paths around Jedburgh booklet. This Core Path should be maintained open and free from obstruction in perpetuity, both during and after development.

As this proposed development is likely to generate traffic it is requested that the routes for pedestrian use are dedicated to non-vehicular traffic. Pedestrian routes should be made up to a safe condition and one such route from the town should allow access for pushchairs and less able people. The separation of pedestrian and vehicle movement would be useful in and near such a busy site.

There is an opportunity to create a route around the proposed site by continuing the riverside path. Dog-walkers, countryside path users, cyclists and horse riders could then have a route separated completely from the development and also with a more rural feel, compared to if the route were to continue only on the route currently used which would be through the proposed development.

The development has implications for the ability of the public to exercise rights of access along Core Path 107. In particular the development does not define a route for countryside path users on Core Path 107. A separate defined route away from traffic and parking area should be created following the riverside along the edge of the proposed development. The existing line of the Core Path should also be defined through the development with footpaths.

It is essential that these rights are not obstructed by the development and that the public shall continue to enjoy access to the Core Path without risk from machinery, ground disturbance or any other aspect of development works.

Statutory Consultees

SEPA:

Initial Observations:

We note that you have requested further information from the applicant for this application including a flood risk assessment (FRA). Therefore, in light of the limited information available at this time we would prefer to be re-consulted when this further information is available. If an FRA is being undertaken for this development then we recommend that it should include any proposed flood risk mitigation and consider any impacts that these measures may have on the risk of flooding elsewhere.

Re-consultation Following Submission of Flood Risk Assessment:

We have reviewed the Flood Risk Assessment (FRA) undertaken by Alastair Burrell Associates. The assessment of flood levels at this site was based on a Flood Study undertaken by JBA Consulting for Scottish Borders Council in May 2006. The results of this study indicate that the entire site lies within the 0.5% AEP (1:200) floodplain.

The proposed commercial development replaces existing buildings of a similar area and therefore it is likely to have a minimal effect on floodplain storage and conveyance. Based on this, the proposal represents largely a commercial risk to the applicant and is unlikely to materially increase flood risk elsewhere. It is also noted that the proposed development is not an increase in sensitivity of use.

The FRA proposes a finished floor level of 68.65m for the store which would be suitable provided this could be achieved without landraising. All outside areas of the development including car parking and service yard should also remain at existing ground levels to ensure that the risk of flooding is not increased elsewhere.

Mitigation measures such as land raising would need to be linked to the provision of like for like compensatory storage in accordance with Scottish Planning Policy. However, it is unlikely to be feasible at this location as the entire site boundary is within the functional flood plain.

Therefore, based on this information, we object to this application unless a planning condition is imposed to ensure that there will be no alterations to existing ground levels within the site boundary to ensure that the risk of flooding is not increased elsewhere.

We object to this application unless a planning condition is imposed requiring two levels of sustainable drainage (SUDS) surface water treatment to ensure adequate protection of the water environment from surface water run-off.

The planning application details that the proposed development would be utilising the public sewer for foul drainage, and therefore we have no further comment to make on this issue.

Jedburgh Community Council:

No objections in principle but there are reservations regarding the petrol filling station and the removal of the existing bridge.

Transport Scotland:

Initial Observations:

As term consultant to Transport Scotland, JMP has undertaken a review of the Transport Assessment (October 2011) prepared by Alastair Burrell Associates and would confirm that the level of detail provided in the aforementioned document is considered wholly inadequate to allow Transport Scotland to respond to Scottish Borders Council on this planning application.

We note that the Transport Assessment (TA) refers to a previous planning application (Ref: 10/01201/PPP) for a foodstore on this site. Given that the proposed foodstore with a gross floor area (GFA) of 2,322m² is larger than the previous proposal (i.e. 1,300m² GFA), we would expect the TA to include the same level of detail.

It is noted that access arrangements would appear to differ. The previous application proposed access from the southernmost existing access to the site from the A68 Edinburgh Road while this application would appear to propose service access from the southernmost junction and customer access via the replacement and subsequent closure of the northernmost existing access to the site from the A68. It is therefore

not considered to be acceptable to simply state that “According to the council notes Transport Scotland has no objection to the proposals provided the junction at the site access from the A68 is upgraded to their specification”.

Further Observations:

The Director advises that planning permission be refused. There is insufficient information to determine this application. The applicant has failed to provide a detailed Transport Assessment as requested by Transport Scotland in November 2011. However, should the aforementioned information be made available at a future date, Transport Scotland will be prepared to re-consider this planning application.

Other Consultees

None

KEY PLANNING ISSUES:

- Whether or not the proposed use accords with Development Plan policies on the protection of employment land and retailing development in an out-of-centre location, in particular, whether the retail capacity exists to accommodate the proposal without an overall detrimental impact on Jedburgh town centre;
- Whether the proposals would have an unacceptable impact on neighbouring residential amenity;
- Whether the proposals would have an unacceptable impact on visual amenities;
- Whether satisfactory access, parking, servicing and related matters can be achieved;
- Whether the development can be safeguarded from flood risk without creating unmanageable problems elsewhere;
- Consideration must also be given to the mitigation of any site contamination.

ASSESSMENT OF APPLICATION:

Planning permission for the erection of a retail food store with associated parking and access infrastructure on this site has been refused twice in the past by the Planning and Building Standards Committee (applications 10/01201/PPP on 17th October 2011 and 11/01455/PPP on 13th February 2012, which were for the same proposal) for the following reasons:

- The proposal is contrary to policy E12 of the Scottish Borders Consolidated Structure Plan 2001 - 2018 and policy ED1 of the Scottish Borders Consolidated Local Plan Adopted 2011 in that the proposal would result in the loss of allocated employment land where only Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 are permitted and outright retail activities are not permitted to ensure an adequate supply of employment land is retained and to support existing town centres. This would

create an undesirable precedent for other uses outwith Classes 4, 5 and 6 on safeguarded employment land sites.

- The proposal is contrary to policies E17 and E18 of the Scottish Borders Consolidated Structure Plan 2001 - 2018 and policy ED3 of the Scottish Borders Consolidated Local Plan Adopted 2011 in that the site is in an out-of-centre location that would affect the vitality and viability of the town centre and it has not been adequately demonstrated that sequentially this is the most appropriate site for a new food store in Jedburgh.

These refusals are a material planning consideration. However, this application is for a larger site (0.99 hectares compared to 0.60 hectares), is for a larger store (2,322 gross square metres compared to 1,300 gross square metres) and includes a petrol filling station. This application therefore has to be assessed on its own merits against the relevant national, Structure Plan and Local Plan policies.

Planning Policy

Employment Land

Scottish Planning Policy published by the Scottish Government states that Planning Authorities should ensure that there is a range and choice of marketable sites and locations for businesses allocated in development plans to meet anticipated requirements in terms of variety of size and quality. Marketable land should meet business requirements, be serviced or serviceable within 5 years, be accessible by walking, cycling and public transport and have a secure planning status.

Policy E12 of the Scottish Borders Consolidated Structure Plan 2001 - 2018 states that the Council will seek to secure the provision of a range of marketable sites, of the right size and quality to meet the requirements of business and industry. Local Plans will identify appropriate sites to meet those requirements, taking particular account of the relationship of the site to the development hub and the principal public transport corridors and opportunities for brownfield development.

The site is allocated within the Scottish Borders Consolidated Local Plan Adopted 2011 as safeguarded employment land, part of a 2.3 hectare site (zEL33) on Edinburgh Road Jedburgh. Policy ED1 is the most up to date policy in respect of this current application and states that there is a presumption in favour of the retention of industrial and business use on employment sites. Established industrial estates and other industrial locations will be retained for industrial development within Classes 4, 5 and 6. Other uses will be refused unless certain criteria are met. Shops and outright retail activities will not be allowed on any employment land. The only retailing permissible will be that which is considered to be ancillary to some other acceptable activity; ancillary is taken as being linked directly to the existing use of the unit and comprising of no more than 10% of the total floor area.

However, the proposal has to be robustly tested against the whole policy, as ED1 states that other uses will be refused unless certain criteria are met:

1. the loss of employment land does not prejudice the existing and predicted long term requirements for industrial and business land in the locality, and
2. the alternative land use is considered to offer significant benefits to the surrounding area and community that outweigh the need to retain the site in employment use, and

3. there is a constraint on the site whereby there is no reasonable prospect of it becoming marketable for employment development in the future, or

4. the predominant land uses have changed owing to previous exceptions to policy such that a more mixed use land use pattern is now considered acceptable by the Council.

In respect of criterion 1, whilst it is accepted that there has been limited demand for employment land in Jedburgh over recent years, the long term needs (20 years plus) of the settlement must be considered and it is considered that the loss of employment sites to alternative uses must be avoided as once they are lost they cannot be replaced.

Whilst on the face of it, it would appear that there is an adequate range and supply of employment land and premises which are available immediately and in the long term it is contended that there is in a limited supply of immediately available employment land within Jedburgh. The Council's Employment Land Audit December 2012 identifies 8.6 hectares of established employment land in Jedburgh; these are sites allocated in the Local Plan, undeveloped or under construction. Of this, only 6.6 hectares is available immediately due to relatively significant constraints with 1.0 hectares available within the next 1 to 5 years and approximately 1.0 hectares of employment land supply in Jedburgh which is not expected to be available within the next 5 years.

The aim of Policy ED1 is to ensure that adequate supplies of employment land are retained for business and industrial use and are not diluted by a proliferation of other uses. The policy recognises the financial difficulty in bringing forward new employment land. The capital expenditure cost to the Council of providing employment land is exceptionally high. For example, a 2.7 acre employment site at Oxnam Road in Jedburgh was extended, whereby services and an industrial estate road were installed for new employment sites. This was provided at a cost of approximately £470,000 to the Council with an additional £60,000 for land costs, totalling £530,000. This equates to approximately £200,000 per acre. The maximum achieved through site sales would be approximately £60,000 per acre, one third of the total site preparation costs. This highlights the need for the Planning Authority to robustly protect employment land, as the costs in providing additional land is prohibitive.

It is accepted that take-up rates have been low in Jedburgh; only 0.2 hectares of employment land has been taken up in the town between April 2011 and March 2012 with a steady decrease in the take-up rate of established employment land since 2008. However, this must be considered in the context of the slowdown in economic conditions and does not justify the loss of the protection of these sites. There must be sufficient supply of employment land to accommodate an upturn in economic growth and to protect future employment opportunities. In addition, there is limited flat land within Jedburgh to allocate as new or replacement employment sites due to the town's topography if the existing ones are lost to alternative uses.

It is considered vital that these sites are safeguarded for employment uses and not diluted by a proliferation of other uses. This application would not only use a considerable proportion of the employment land allocation but would also dissect it. There is a further risk that it would set a precedent for allowing other non-employment uses on employment land sites that would weaken this policy and result in the gradual loss of employment land over time.

The Employment Statement submitted with this application advises that the applicant proposes to offer 0.23 hectares of unallocated compensatory land for employment contained within the settlement boundary at Bankend to the west of the Shell petrol filling station, which is currently not in use and a site at Wildcatgate Jedburgh.

Planning permission (reference: 11/00821/PPP) was refused for the change of use of an 0.85 hectare site from agricultural land to form employment land on a site to the south east of Head keepers Cottage Wildcatgate Jedburgh on 15th July 2011 for the following reasons:

- The proposed development would be contrary to Policy H3 (Land Use Allocations) of the Consolidated Scottish Borders Local Plan (2011) in that site is allocated in the development plan for an alternate land use, and no suitable justification for a departure from the development plan has been provided.
- The proposed development would be contrary to Policy BE1 (Listed Buildings) of the Consolidated Scottish Borders Local Plan (2011) in that impacts of the proposed development upon the setting, character and integrity of the adjacent B Listed Head Keepers Cottage have not been suitably demonstrated.
- The proposed change of use would be contrary to Policy NE4 (Trees Woodlands and Hedgerows) of the Consolidated Scottish Borders Local Plan (2011) and adopted Supplementary Planning Guidance on Trees & Development and Landscape & Development, in that it has not been demonstrated that employment development within the site, including formation of an access and groundworks can be achieved without causing detrimental impacts upon the existing woodland resources within and adjacent to the application site.

This site is allocated in the Scottish Borders Consolidated Local Plan Adopted 2011 (AJEDB005) for housing under policy H3 and any future proposals to use this land as compensatory employment land would be contrary to policy H3 and is unlikely to be supported by this Department for the reasons given above. The Economic Development Section of the Council advises that there is no case for new employment land in the town in the near future with sufficient sites available, which are protected by policy and there is further zoned and allocated employment land for the Local Plan period. This site's topography is not ideal for employment use, as flat land is preferable. The site is close to residential properties, which may be affected, and visibility is not ideal for manoeuvring large vehicles. The site is at the extremes of servicing for foul drainage and may involve what could be a costly pumped system. Aside from these significant issues, the application site is likely to be more attractive as an employment site on account of its direct access onto the A68 and high visibility at the northern entrance to the town. In order to ensure the competitiveness of the town as an employment location, it is therefore important that the most attractive employment sites are retained and are available for delivery when the economy picks up.

The Council has an obligation to allocate sufficient land for housing development to meet long term land supply requirements over the Structure Plan period and beyond, which is achieved through the Local Plan process. Although the allocated housing site at Wildcatgate may not be developed within this Local Plan period it would be

required for housing development in the long term as development land in Jedburgh is severely restricted by the topography and road network and so it is important to retain this allocation and not change it to employment. Any change in the allocation of this land should be through the Local Plan process.

Although requested, no details of the site at Bankend have been submitted for consideration; however, the site is only 0.23 hectares in size compared to the 0.99 hectares that would be lost if the proposed food store was approved on the Edinburgh Road site.

In respect of criterion 2, it is accepted that the proposal would generate new employment opportunities for Jedburgh and potentially improve the visual amenities of the area by redeveloping a currently vacant site. However the proposal is contrary to policy ED1 which prohibits retailing on employment sites and it is considered that the proposed development would not result in significant community benefits which would outweigh the need to retain the site in employment use.

In respect of criterion 3, the site has a history of employment use. At the moment the majority of the units are occupied by different businesses including Border Buildings Ltd who manufacture timber buildings, Aim Hire who sell, hire and repair lawnmowers, Borderland Fabrics a quilting workshop and Footeprint a printing business. Only the former Border Print and Packaging building on the northern edge of the site is vacant and advertised as being to let. There are no known constraints on the site, which means that there is a reasonable prospect of this building coming back into employment use in the future. No details of the marketing of this building have been included in the Employment Statement.

The existing buildings on the site are in a good state of repair, the site is serviced and has good access links to the A68 and the vacant building could be used for employment uses without considerable expense. This is a valuable, primary and high profile employment site, being located at the northern entrance into Jedburgh. The loss of this employment land would be compounded by the loss of existing buildings, which have an important value as the capital cost to replace such buildings would be high. The site is immediately available for employment use, unlike other allocated sites in Jedburgh. Businesses need to have access to a range of sizes, quality and locations of buildings, depending on the type of business searching for available premises.

The proposal for a food store on this site would result in the demolition of the existing buildings which would mean the existing businesses that operate within the site would have to find alternative premises, potentially outwith the town or surrounding area and potentially resulting in the loss of existing jobs.

In respect of criterion 4, the predominant land use within the surrounding area remains employment, with the exception of the woollen mills and petrol station and these premises are not located within sites protected by policy ED1. In view of the overall policy, it is important to retain this area of employment land. The proposal would result in the loss of employment land, which should be avoided despite the availability of new green field sites at Oxnam Road and other vacant brownfield sites in the town, such as at Bankend South, Riverside Mills and Upper Bongate. The town will benefit over time from having a range of sizes and types of sites and in different locations for business use, especially when the economy becomes stronger.

It is therefore considered that the proposal is contrary to policy ED1 of the Local Plan. The view that the proposal is contrary to policy E12 of the Structure Plan is also

maintained. This policy seeks to secure the provision of a range of marketable sites of the right size and quality to meet the requirements of business and industry via Local Plan allocations. The loss of allocated employment land to retailing would undermine the aim of this policy.

Retail Issues

Scottish Planning Policy states that town centres should be the focus for a mix of uses including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses. Retail and leisure uses are fundamental to the concentration of other activities located in town centres and the planning system has a significant role in supporting successful town centres through its influence on the type, siting and design of development. Vitality is a measure of how lively and busy a town centre is. Viability is a measure of capacity to attract ongoing investment for maintenance, improvement and adaptation to changing needs. Together these measures give an indication of the health of a town centre.

Scottish Planning Policy states that the sequential approach should be used when selecting locations for all retail uses unless the development plan identifies an exception. The sequential approach requires that locations are considered in the following order: town centre, edge-of-town centre and out-of-centre locations that are or can be made easily accessible by a choice of transport modes. Where development proposals in edge-of-town centre or out-of-centre locations are not consistent with the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing centres is acceptable. Out-of-centre locations should only be considered when all town centre and edge-of-town centre options have been assessed and discounted as unsuitable or unavailable, development of the scale proposed is appropriate and there will be no significant adverse effect on the vitality and viability of existing centres. All retail developments should be accessible by walking, cycling and public transport.

Policy E17 of the Scottish Borders Consolidated Structure Plan 2001 - 2018 states that in assessing applications for retailing development the Council will seek to support and enhance the role of town centres. Town centre locations will be preferred to edge-of-centre locations, which, in turn, will be preferred to out-of-centre locations. An out-of-centre location will only be considered favourably if there is no suitable site available in a town centre or edge-of-centre location. Policy E18 states that out-of-centre retail developments will be assessed against a number of criteria, including the impact of the development on the vitality and viability of the town centre, the availability of suitable town centre or edge-of-centre sites, the ability of the proposal to meet deficiencies in shopping provision which cannot be met in town centre or edge-of-centre locations, the accessibility of the site and whether the site is vacant, derelict or surplus to requirements. Policy ED3 of the Scottish Borders Consolidated Local Plan Adopted 2011 replicates these policies.

Catchment Area

The Retail Assessment submitted with the application defines the primary catchment area for the proposed food store. This includes Jedburgh and extends to the north along the A68 and includes Lanton, Ancrum, Maxton, St Boswells and Newtown St Boswells and extends to the south along the A68 as far as Rochester, Otterburn and West Woodburn. No information has been provided to demonstrate how this catchment area was defined and no map of the catchment area has been submitted,

though requested. In the absence of this information it is considered that the catchment area appears unrealistic and too large. In such cases this would lead to an over-estimate of available expenditure. The proposed catchment area extends north to include Newtown St Boswells and south into Northumberland. There are reservations as to whether a retail unit of this size (2,322 square metres) would be in direct competition with the existing larger stores located in other centres, namely Galashiels, Hawick and Kelso. It is unlikely that the population located in the north of the proposed catchment area in St Boswells and Newtown St Boswells would choose to shop in Jedburgh as a result of this development, in comparison to travelling to larger stores in Galashiels, Kelso and Hawick. The Retail Assessment also fails to take into account the competing catchment areas, for example Kelso; Jedburgh was included in the catchment areas to justify other relatively recent supermarket proposals in Kelso and Hawick.

The information provided in the Retail Assessment is based on assumptions rather than direct evidence as there is no named end user and any inaccuracies in the catchment boundary have the potential to result in a reduction in the overall convenience expenditure figure for the catchment area. This would have the potential to impact upon the figures for trade draw, trade diversion and turnover of existing stores.

Existing Shopping Provision

The applicant's Retail Assessment includes a review of existing shopping provision. This states that the Co-op supermarket is the main food store and there is a smaller Co-op in Canongate and other smaller independent convenience goods shops. Outwith Jedburgh there is a Co-op in St Boswells, Asda and Tesco in Galashiels, Morrison's and Sainsbury's in Hawick and Sainsbury's in Kelso.

The Retail Assessment indicates that there were 8 vacant shops in High Street and Canongate in October 2011. The Council's Retail Survey undertaken in winter 2012 shows that there were 94 retail units in Jedburgh of which 10 were vacant (an 11% vacancy rate). The risk of the proposal causing increased vacancy beyond these levels is significant, which in turn, has implications for the viability and vitality of the town centre more generally.

Quantative and Qualitative Need

The Retail Assessment has not provided a detailed assessment of quantative or qualitative need for the proposed store and no information or data has been submitted to back up the assumptions within the Retail Statement.

In terms of quantative need, the Retail Statement estimates that the population of the primary catchment area would be 22,800 in 2009 but no data is provided on retail expenditure in the catchment area, estimated total turnover on convenience goods in the catchment, the retention level of convenience goods expenditure currently and with the proposed store operating. An accurate assessment on the quantative need for this store is therefore not possible.

The Retail Statement states that qualitative need is concerned with consumer choice in terms of ensuring a suitable range of sites and choices that meet the needs of the local community. It states that given the lack of choice to residents there is a strong qualitative need for a new food store in Jedburgh and there is a deficiency in convenience goods stores and main shopping provision within the catchment area which is evident by the leakage of trade from the catchment area to larger stores in

Galashiels, Hawick and Kelso. The Co-op is used for top-up shopping rather than as a main food outlet.

The assertions made in the Retail Assessment that the proposal will meet quantitative deficiencies in shopping provision within the Jedburgh area and would be sufficiently large enough to compete with the existing and proposed stores located within competing centres of Galashiels, Hawick and Kelso are open to question. The proposed store is 2,322 square metres with 1,625 square metres of net sales area in comparison to the larger existing stores such as Sainsbury in Hawick (3,437 square metres) and in Kelso (4,500 square metres). It is highly questionable whether the proposed store would be comparable to those in the above centres and would compete across the entire catchment area with the larger stores located in other centres.

Similarly, the Retail Assessment statement that 75% of the store's turnover would be from trade clawed back from leakage and it would meet the deficiency in food shopping within Jedburgh seems, at best, doubtful. Given the size of the proposed store in comparison to existing competing stores within other centres, it remains questionable the extent to which the proposed store would provide direct competition to these larger stores. The proposed store would be smaller than the food stores in Galashiels, Hawick and Kelso and it is considered that the development would not represent a comparable offer to those in other centres and the predicted 75% of its trade from clawback is considered to be overly high and unlikely to be achieved. No data or evidence is provided to demonstrate how this percentage has been arrived at. The proposed store would in fact be more comparable with the existing Co-op stores within Jedburgh, competing directly with them.

The Retail Assessment states that the Co-op store in Jedburgh is over-trading for a store of this size, however, no figures are provided of this turnover or of the average turnover of a store of a comparable size. The store located within High Street Jedburgh is a relatively large store and therefore it is not unrealistic that the sales figures are higher than the average.

Overall, it is questionable as to whether the proposed store would be comparable, given its size, with supermarkets located within other centres or whether it would be more comparable with, and therefore likely to be in direct competition to, the existing Co-op stores within Jedburgh.

As no end user has been specified, the Retail Assessment is based upon assumptions without any direct evidence. There are continued assertions in respect of catchment area and trade draw with no evidence base. Small changes to the assumptions in relation to predicted share of trade draw has the potential to significantly impact upon the trade diversion and ultimately the impact upon the total turnover of existing stores. The development has the potential to impact upon the trade diversion and turnover of the existing stores (including the Co-op on the High Street, Jedburgh), given that the trade draw will have to be accounted for elsewhere.

Sequential Site Assessment

Policy E17 of the Scottish Borders Consolidated Structure Plan 2001 - 2018 states that town centre locations will be preferred to edge-of-centre locations, which, in turn, will be preferred to out-of-centre locations for retail developments. An out-of-centre location will only be considered favourably if there is no suitable site available in a town centre or edge-of-centre location.

The Retail Statement advises that there are two possible sites capable of accommodating a store of this size within the town centre. The first is at the junction of the Pleasance and Bridge Street and identified in the Local Plan for redevelopment (RJEDB001). This would accommodate the store but car parking provision would be less than required. The site is occupied by a number of buildings, including the fire station, which would need to be relocated. This site is unsuitable and unavailable for the proposed development. The second site is the Canongate car park. This is centrally located and large enough to accommodate the store and a small amount of car parking. It would be unacceptable and unrealistic to lose such a significant site and so is unsuitable. The Statement concludes that the sequential site assessment has proved there are no available suitable sites within the town centre or edge-of-town centre capable of accommodating the proposed development.

It is considered that the information submitted to date for this application does not constitute a full sequential test of the settlement. It is accepted that the Canongate car park is not large enough to accommodate a store of the size proposed. However, the Anna (site RJEDB001) is a 0.4 hectare site allocated for redevelopment in the Scottish Borders Consolidated Local Plan Adopted 2011. The Local Plan states that commercial and retail uses would be viewed more favourably than residential development. This site is within the town centre, as defined in the Local Plan, allowing for linked trips to the High Street. Although there may be flooding issues associated with this site, it is in a town centre location, the preferred location for retail developments. This site would be sequentially preferable and requires further consideration. In line with the Scottish Planning Policy, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing centres is acceptable, and not for the Planning Authority to propose alternatives.

In this particular case, because the proposal is on a site specifically protected from retail development by policy ED1, the outcome of the sequential test is only relevant in so far as it might identify other alternative sites for retail development. The potential of any town centre sites for retail development must be fully assessed before any edge-of-centre or out-of-centre sites are considered.

Impact on Jedburgh Town Centre

The Council's Retail Survey 2012 highlights the need to protect town centres from inappropriate out-of-centre retail developments. Although the applicant's Retail Statement claims that 75% of the proposed store's trade would be from clawback and 10% from visitor spending, the remaining 15% would be drawn from trade diversion in the catchment area, calculated as 12% from the Co-op and 3% from other shops in Jedburgh town centre (though no figures or evidence have been submitted to justify these claims). This would obviously have significant implications for the smaller retailers in Jedburgh and their ability to survive, particularly if the level of predicted clawback is not achieved.

The main impact of this proposal would clearly be on the Co-op as a store of the size proposed would compete mainly with the existing supermarket in Jedburgh rather than the larger stores in Hawick, Kelso and Galashiels. However, this would have implications for High Street shops in Jedburgh. The location of the Co-op store within the town centre allows for linked trips to other shops and services within the town centre which would not be possible in respect of the proposed food store due to its edge-of-town location. Shoppers are more likely to do their shopping in one trip to the proposed supermarket rather than visit the store and then go on to shop in High Street. The location of the proposed store would not encourage linked shopping trips

and so the proposal would not complement the town centre, being so divorced from it.

The application is speculative. It is acknowledged that if Tesco or Asda operate the store, referred to in the Supporting Statement as potential end users, the proposal would result in a greater impact upon the total turnover of existing shops within Jedburgh and the catchment area.

The Jedburgh Traders Association has expressed grave reservations about the impact the proposal would have on the town centre. Their concern is a valid one as it is considered that the proposal would have a detrimental effect on the vitality and viability of the town centre, contrary to policy E17 of the Scottish Borders Consolidated Local Plan Adopted 2011, which seeks to support and enhance the role of the town centre. The impact of the proposal on the vitality and viability of the town centre has not been fully assessed in the Retail Statement.

The Council's Retail Survey Winter 2012 indicates that the vacancy rate for Jedburgh is 11% with the vacancy rate being fairly constant between 2006 and 2012, with the highest in 2009 and 2010 at 13% and the lowest in 2010 and 2011 at 10%. This highlights the need to protect and support the town centre. Since December 2007 a town centre health checklist has been completed for each settlement in conjunction with the Retail Survey to assess the vitality and viability of Border settlements. Due to the current economic downturn vacancy rates will continue to be monitored to highlight areas where associated problems are occurring. It is acknowledged that the impact of the closure of small independent retailers will have a significant impact on many of the smaller settlements.

The Council's Retail Study September 2011 states that in Jedburgh the amount of convenience floorspace appears broadly in balance with the amount of turnover being attracted into the town centre. The high level of vacant units suggests that some conversion of vacant retail floorspace to other uses could be beneficial. A significant amount of convenience spending is exported to Galashiels, despite the travel distance. It concludes that although it would be desirable to reduce leakage from Jedburgh there is not enough spare spending to support a new convenience store in the town.

Design, Landscape and Visual Impacts

Policy G1 of the Local Plan requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

As this is an application for Planning Permission in Principle no details of the design or materials of the proposed development have been submitted and the proposed layout is purely indicative.

The applicant's Supporting Statement states that the application site is a partly disused industrial site with existing buildings in a poor condition, surplus to requirements as they have been unoccupied for a number of years and the proposal would provide regeneration of an unattractive area, enhancing visual amenities at the entrance to Jedburgh. No details of the materials or fenestration are proposed as this would be dependant on the end user but there is an opportunity to introduce materials that are sympathetic to the surroundings and improve energy efficiency.

It is accepted that a food store of the size proposed can be accommodated within the site. The detailed layout, design and materials of the proposal would be submitted at the approval of matters specified in conditions stage and this would ensure that the proposal does not harm the visual amenities of the area. However, there is a vacant building on the site that could be used immediately for employment uses and this would result in a tidying up of the site, whilst the other buildings are occupied by a range of small businesses. The existing unsightly state of the site is not sufficient justification for the erection of a retail store on this site contrary to development plan policies.

The application shows development hard up against the rear of the footpath adjacent to the A68. It should be noted that the Council has undertaken substantial works to improve the attractiveness of the entrance to Jedburgh from the north with substantial new trees and hedging. The proposal would remove these landscaped areas and so a detailed landscape scheme would be required to be submitted with any detailed application for this proposal demonstrating how the site can be suitably screened and landscaped, which may, in turn, have consequences for the extent of parking provision being proposed.

Access and Parking

Policy I1 Structure Plan requires new development to be guided to locations in accordance with the Development Strategy and associated with the strategic public transport network that are well served by a variety of means of transport. Policy I7 states that the Council will support initiatives that facilitate journeys to be made on foot. Policy Inf11 of the Local Plan states that the Council is committed to guiding development to locations which are accessible to existing or proposed bus corridors and train stations and which maximise the opportunities for walking and cycling. Policy I11 of the Structure Plan and policy Inf4 of the Local Plan state that development proposals should provide for car and cycle parking in accordance with the Council's adopted standards.

The Transport Assessment and Supporting Statement submitted with this application rely on the Transport Assessment submitted in respect of the previous application for a food store on this site (application 10/01201/PPP). This was for a smaller site and store with a different access onto the A68 trunk road. No assessment of the current application has been carried out or submitted.

Transport Scotland has advised that the level of detail provided in the Transport Assessment is wholly inadequate to allow them to comment and so they have objected to the application as there is insufficient information to determine the application.

It is considered that in terms of sustainable transport, this location is far from ideal. The site is adjacent to the A68 and so is very accessible by the private car. It is also close to a main bus route through Jedburgh. However the site is situated on the extreme northern edge of the town and is not within easy walking distance for the majority of residents in Jedburgh, especially with heavy shopping. It is some distance from the main residential areas within the town and a store in this location is unlikely to encourage cycling or walking to the site. It is considered that the main mode of transport to this development would be by the private car.

The Roads Planning Service has raised a number of concerns regarding the need for a Transport Assessment, access to the site, site layout, pedestrian access through

the site and the layout of the service area, surface water drainage, the removal of the existing bridge and the erection of a replacement bridge.

No detailed Transport Assessment has been submitted and the proposal for the replacement bridge is outwith the site boundary so does not form part of this application. However, it accepted that the majority of these requirements can be met by planning conditions, should the application be approved, and further details submitted at the approval of matters specified in conditions stage. The proposed replacement bridge and blocking up of the existing access to the caravan park is a concern and requires further consideration. There are no indications of how this will be achieved or whether this is intended to be carried out as part of the development.

However, the topography of the land on the opposite side of the river from the existing public road is such that a suitable access may not be achievable, or will require excessive engineering works, which would be undesirable. As this is outwith the application site and land owned by the applicant this aspect of the proposal may not be practical or achievable. There are also right of access issues, which are private legal matters rather than planning considerations. There is no suggestion that the arrangements have been discussed with the operator of the caravan park or the Council as owner.

Flooding

Structure Plan policy I15 and Local Plan policy G4 refer to developments where there is an identified flood risk. They state that developments will not be permitted if it would be at significant risk of flooding or would materially increase the risk of flooding elsewhere.

The Indicative River & Coastal Flood Map (Scotland) known as the “second generation flood mapping” prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any year. The Jedburgh Flood Study prepared by JBA in May 2006, for this Council, also shows the proposed development to be within the 1 in 200 year inundation outline for the Jed Water with predicted levels varying from 68.75m and 68.12m AOD over the proposed development.

A Flood Risk Assessment has been submitted by the applicant. SEPA advises that the proposed commercial development replaces existing buildings of a similar area and therefore it is likely to have a minimal effect on floodplain storage and conveyance. Based on this, the proposal represents largely a commercial risk to the applicant and is unlikely to materially increase flood risk elsewhere. It is also noted that the proposed development is not an increase in sensitivity of use. The Flood Risk Assessment proposes a finished floor level of 68.65m for the store which would be suitable provided this could be achieved without land raising. All outside areas of the development including car parking and the service yard should also remain at existing ground levels to ensure that the risk of flooding is not increased elsewhere. Any mitigation measures such as land raising would need to be linked to the provision of like-for-like compensatory storage in accordance with Scottish Planning Policy. However, it is unlikely to be feasible at this location as the entire site boundary is within the functional flood plain.

Based on this information SEPA object to this application unless a planning condition is imposed to ensure that there will be no alterations to existing ground levels within the site boundary.

Infrastructure

Policy I14 of the Structure Plan states that developers will be encouraged, where appropriate, to incorporate Sustainable Urban Drainage Systems (SUDS) as part of the proposal. Policy Inf6 of the Local Plan states that surface water management for new development on greenfield and brownfield sites must comply with current best practice on SUDS; development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding and pollution.

The development would be served by a SUDS scheme below the car park, though no details have been submitted. Water supply would be from the Scottish Water mains supply and foul drainage would be to the public sewer.

SEPA object to this application unless a planning condition is imposed requiring two levels of sustainable drainage (SUDS) surface water treatment. SEPA has no objections to the foul water drainage proposals.

Contaminated Land

Policy I18 of the Structure Plan and policy G2 of the Local Plan refer to developments proposed on contaminated sites and the need for site investigations to identify any risks to public health, safety or the environment and remedial proposals.

Environmental Health advises that proposal is for the redevelopment of land which was formerly railway land (sidings). This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. Environmental Health recommend that if planning permission is granted for this development a condition requiring that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority. Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

Impact on Amenity

Policy H2 of the Local Plan states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The nearest residential properties are the semi-detached houses (1 - 4 Edinburgh Road) to the south west of the site on the opposite side of the A68. These are approximately 60m from the site boundary separated by the A68 and the Border Meringues premises. It is considered that the impact of the development on the residential amenities of occupiers of these premises would be no worse than the use of the site for industrial purposes.

The camping and caravan park is to the east of the site. It is considered that the proposal would have no greater effect on the amenities of visitors to the camping and caravan park than the industrial use of the application site.

The requirements of Environmental Health regarding air quality, noise levels and delivery times could be controlled by planning conditions.

CONCLUSION

The site is allocated within the Scottish Borders Consolidated Local Plan Adopted 2011 as employment land and policy ED1 applies which states that uses other than Class 4, 5 and 6 (business, industrial and storage and distribution) will be refused and mainstream retail uses will not be allowed. The erection of a retail food store would therefore be contrary to this policy as it would result in the loss of employment land and would set an undesirable precedent for other uses outwith Classes 4, 5 and 6 on safeguarded employment land sites.

The Retail Assessment does not include sufficient information and data to fully assess the proposal. It is considered that the proposed store would not be large enough to compete with larger stores outwith the catchment area and claw back significant levels of leakage of expenditure lost to other centres. It would be more comparable with the existing Co-op store in Jedburgh. As a result it is considered that the proposed store would have a significant detrimental impact on the vitality and viability of Jedburgh town centre as trade would be diverted from the Co-op and town centre shops to the new store; this impact would be worsened if the end user was a major supermarket operator. The location of the proposed store does not encourage linked shopping trips to the shops and services in the town centre due to its edge-of-town location and access to the store would be predominantly by private car. The site is too distant from the main residential areas to encourage walking or cycling.

The Retail Assessment does not constitute a full sequential test of the settlement and other sequentially preferable sites may be preferable and require further consideration. The potential of other town centre and edge-of-centre sites has not been fully assessed.

An adequate Transport Assessment has not been submitted with the application to fully assess the proposal resulting in an objection from Transport Scotland.

Planning Permission in Principle was refused by the Planning and Building Standards Committee for the erection of a food store on this site in October 2011 and February 2012. National and Council policies and material considerations have not changed since those previous refusals to warrant a different recommendation in this case. It is considered that the proposal fails to comply with policies E12, E17 and E18 of the Scottish Borders Consolidated Structure Plan 2001 - 2018 and policies ED1 and ED3 of the Scottish Borders Consolidated Local Plan Adopted 2011 and it is recommended that the application be refused.

RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES:

I recommend that the application is refused for the following reason:

1. The proposal is contrary to policy E12 of the Scottish Borders Consolidated Structure Plan 2001 - 2018 and policy ED1 of the Scottish Borders Consolidated Local Plan Adopted 2011 in that the proposal would result in the loss of allocated employment land where only Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 are permitted and outright retail activities are not permitted to ensure an adequate supply of employment land is retained and to support existing town centres. This would create an undesirable precedent for other uses outwith Classes 4, 5 and 6 on safeguarded employment land sites.

2. The proposal is contrary to policies E17 and E18 of the Scottish Borders Consolidated Structure Plan 2001 - 2018 and policy ED3 of the Scottish Borders Consolidated Local Plan Adopted 2011 in that the site is in an out-of-centre location that would affect the vitality and viability of the town centre and it has not been adequately demonstrated that sequentially this is the most appropriate site for a new food store in Jedburgh.

DRAWING NUMBERS

1913/01 Rev A Site Plan as Proposed
 1913/02 Location Plan as existing

Approved by

Name	Designation	Signature
Brian Frater	Head of Planning and Regulatory Services	

The original version of this report has been signed by the Head of Planning and Regulatory Services and the signed copy has been retained by the Council.

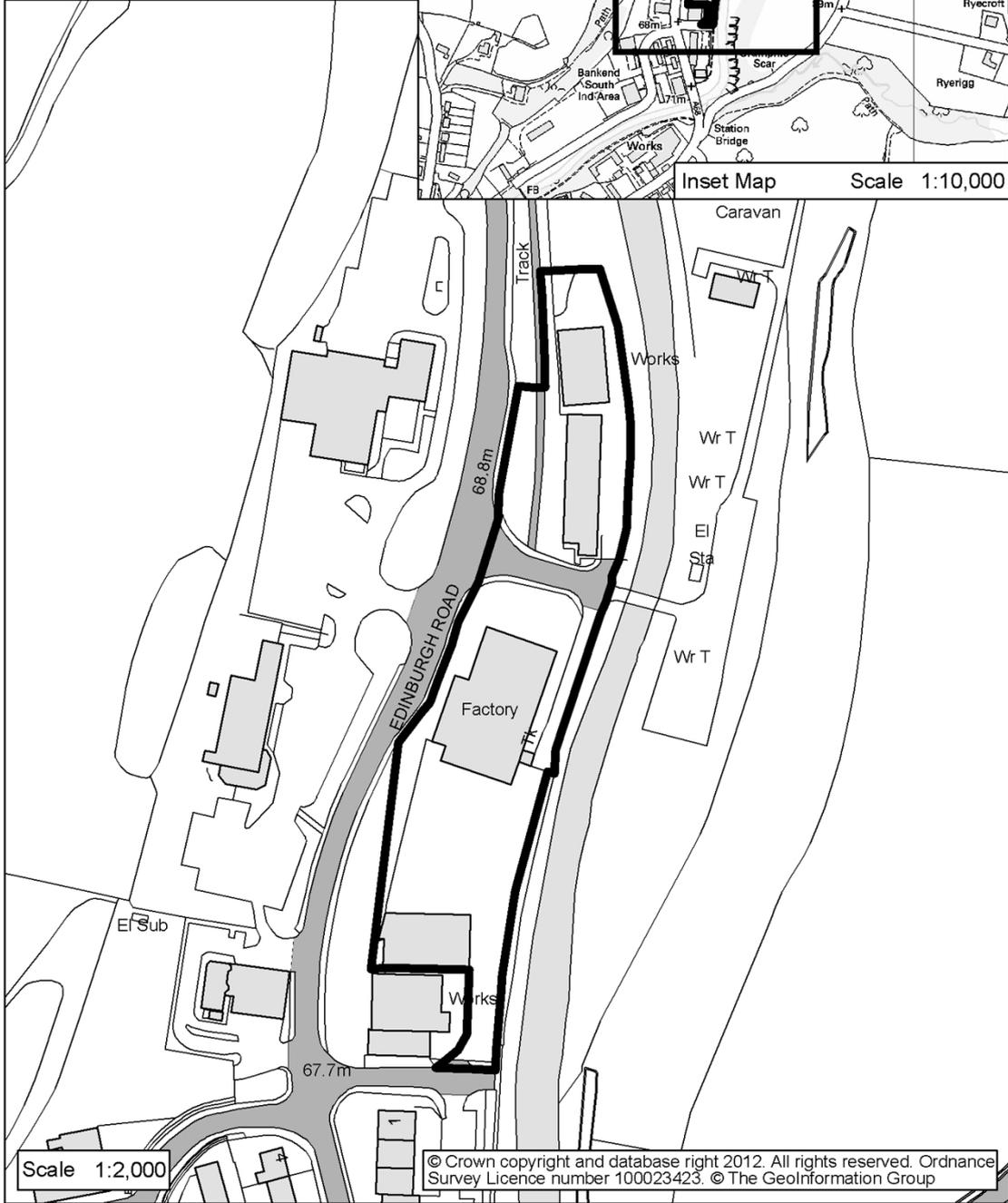
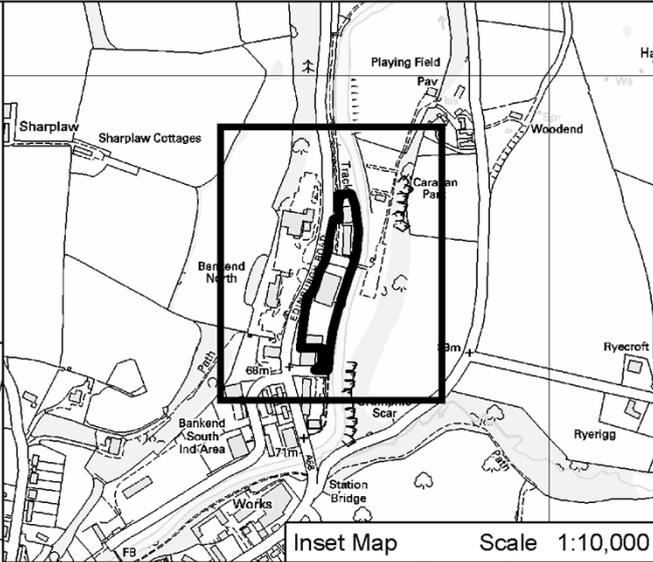
Author(s)

Name	Designation
Julie Hayward	Principal Planning Officer

11/01121/PPP



Former Oregon Timber Frame Ltd
And Riverside Workshops
Old Station Yard
Edinburgh Road
Jedburgh
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TD8 6EE



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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference: 13/01048/FUL

To: Mr Mark Fisher per Ferguson Planning Tower Room Tweed Horizons Centre Newtown
St Boswells Scottish Borders TD6 0SG

With reference to your application validated on **10th September 2013** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Change of use from Class 4 - 6 (industry/storage) to Class 1 (retail) and alterations to entrance door

at : Land And Building North Of Riverside Works Edinburgh Road Jedburgh Scottish Borders

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

subject to the conditions on the attached schedule imposed by the Council for the reasons stated

Dated 3rd February 2014
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Signed



.....
Head of Planning and Regulatory Services

Visit <http://eplanning.scotborders.gov.uk/online-applications/> to view Planning Information Online

APPLICATION REFERENCE : 13/01048/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved
	Floor Plans	Approved

REASON FOR DECISION

The proposed change of use to a retail unit is considered to be acceptable. The site lies within a safeguarded employment site and is contrary to Policy ED1. However, it is considered that there are mitigating factors that outweigh the loss of the unit to retail use, in that the applicant has demonstrated a sequential test confirming no other suitable sites are available, the proposal will create jobs and will not result in any negative impact upon the vitality and viability of the town centre. Due to the current economic climate, it is considered that there is sufficient land supply with Jedburgh to meet long term demands based on recent take up figures and that the use of this building for a time-limited period will not prejudice the long term suitability and availability of the site for employment use. It is not considered that the proposal will harm the visual amenities or the amenities of neighbouring land and properties. Subject to planning conditions, the proposal is considered acceptable and complies with Policy G1, G4, H3, ED3, H2 and Inf4 of the Consolidated Local Plan 2011.

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The change of use granted by this planning permission shall endure for a period of three years from the date of this notice. At the end of this period, or if the use hereby permitted ceases before the expiry of the period, the use of the premises shall revert to its current lawful use under Classes 4-6 of the Use Class (Scotland) Order 1997 unless a planning application to retain the permitted use has been submitted to and approved by the Planning Authority.
Reason: To ensure that the proposed use of building does not compromise the long term availability of available employment land in Jedburgh.
- 3 The goods to be sold from the premises shall be restricted to camping, caravan and associated outdoor accessories. No convenience goods (including food or drink) of any kind shall be sold from the premises.
Reason: To ensure that the goods are related to Borders Leisure and no other goods are sold which may impact upon the vitality and viability of the town centre.
- 4 The path indicated Core Path 107 must be maintained open and free from obstruction in the course of development and in perpetuity and shall not form part of the curtilage of the property. No stiles, gates, steps or barriers to access may be erected that would deter the potential future use.
Reason: To protect access rights during and after development.

FOR THE INFORMATION OF THE APPLICANT

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of the appeal should be addressed to The Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR. A copy of the notice of the appeal must, at the same time, be sent to the Legal Services Section, Scottish Borders Council, Council Headquarters, Newtown St. Boswells, Melrose TD6 0SA.



*Planning and
Regulatory Services*

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

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

3 FEBRUARY 2014

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 13/01048/FUL
OFFICER:	Deborah Chalmers
WARD:	Jedburgh and District
PROPOSAL:	Change of Use from Class 4-6 (industry/storage) to Class 1 (retail) and alterations to entrance door
SITE:	Land and Building North of Riverside Works, Edinburgh Road, Jedburgh
APPLICANT:	Mark Fisher
AGENT:	Ferguson Planning

The application requires to be determined by the Planning and Building Standards Committee because the proposal is contrary to Policy ED1 and the recommendation is for approval. Under the adopted Scheme of Delegation, a Committee decision is required on applications where a favourable recommendation is made, for a proposal significantly contrary to the Development Plan.

SITE DESCRIPTION

The site is located within an area allocated for 'Safeguarded Employment Land: zEL33' in Jedburgh, as contained within the Consolidated Local Plan 2011. The application site is situated on the northern edge of Jedburgh and to the east of the A68. The site is the northernmost building within allocation 'zEL33', which is currently vacant and last occupied by Border Print and Packaging a number of years ago. The previous use fell within Use Classes 4-6. The overall application site is 0.083ha while the building itself is 293 square metres, with a hard standing area for parking and turning to the north. An overgrown area of land lies beyond the car park, to the east there is a public footpath, trees, Jed Water and Jedburgh Camping and Caravan Park, to the south are other buildings currently in use and on the western side is the A68 with Edinburgh and Jedburgh Woollen Mills beyond. The building includes a pitched roof, door on the north elevation and roller door on the east elevation. Access into the site is to the south beyond a row of buildings within the employment site.

PROPOSED DEVELOPMENT

The proposal is to change the use of the building from Class 4-6 to Class 1 for retail use and alterations to the entrance door. Borders Leisure is a Jedburgh based company and the owners currently have an on-line business and participate in road shows, they currently run the business from their house in Jedburgh. Borders Leisure specialise in caravan and outdoor accessories and have built up an enterprise from attending country/tourism shows. The proposal seeks to sub-divide the existing unit to include a display area for caravan awnings and related camping products which would take up approximately 50% (147 square metres) of the internal space. A further 30% (88 square metres) of the space would be used as a dedicated retail

area for items such as caravan furniture, outdoor equipment, with the remaining 20% (59 square metres) being dedicated to storage/internet sales.

The applicant intends that significant time and investment would go into enhancing the external areas around the boundary of the site and an area cleared for customer and employee car parking. Operationally, the applicant indicates that the estimated total sales will be 60% visiting the unit and 40% internet based.

The alterations to the entrance door include removing the existing fly faced door and widening the opening. A new aluminium glazed door to be fitted measuring 1.8 metres in width on the north elevation. No other changes are proposed to the external appearance of the building or the existing access/parking/turning area. No details of signage have been submitted with the application.

PLANNING HISTORY

The planning history on the site relates to separate proposals and do not directly relate to the current application.

10/01201/PPP: Erection of retail foodstore with associated parking and access infrastructure; Former Oregon Timber Frame Ltd, Station Yard, Jedburgh. (Refused October 2011)

11/01455/PPP: Erection of retail foodstore with associated parking and access infrastructure; Former Oregon Timber Frame Ltd, Station Yard, Jedburgh. (Refused February 2012)

11/01121/PPP: Erection of retail food store with petrol filling station, associated parking and access road; Former Oregon Timber Frame Ltd and Riverside Workshops, Old Station Yard, Edinburgh Road (Refused April 2013)

05/00237/OUT: Demolition of existing buildings and erection of residential care home, Border Print and Packaging Ltd, Edinburgh Road, Jedburgh (Refused April 2005)

REPRESENTATION SUMMARY

No representations have been received.

APPLICANTS' SUPPORTING INFORMATION

The following information has been submitted by the agent and is available for Members to view in full on the Public Access System.

The first supporting statement was received in September, a further letter was received on the 12th November and further sequential test information was submitted via e-mail on the 5th December. The agent highlights the following within the supporting statement.

The site has been redundant for some time and has achieved no sound interest from Class 4-6 businesses over that time, despite it being widely advertised by local agents. To enable the business to have a physical presence it seeks to invest and take occupancy of a warehouse unit in Jedburgh. When taking into account the proximity of the nearby caravan sites at Lilliardsedge Holiday Park and Jedwater

Caravan Park, it provides the logical reasoning for the location. Those seeking a full range of outdoor leisure products currently have to travel to Galashiels and Berwick.

Borders Leisure seek to take occupancy of the existing building and upgrade it internally in line with their business needs. Borders Leisure is a bulky goods retailer meaning that a large building with relevant access and circulation space is a prerequisite. It would be no different to a number of other businesses in or around the area. The statement highlighted the policy context and examined whether there are any other possible town centre/edge of centre sites.

The second supporting statement highlighted the following points:

The agent states that what is somewhat disappointing is the lack of recognition of the creation of up to 6 new jobs within Jedburgh and the significant economic boost the proposal would bring to the town. The Planning Minister places significant weight and support to development that creates new employment and supports a sustainable economic recovery and thus should be clearly acknowledged when determining local planning applications of this nature. There is more adequate land supply within Jedburgh (e.g. Oxnam Road/Bankhead Industrial Estate) to meet the future demand for the next 20 years (based on the historically uptake) so again flexibility when a new business wishes to locate within a town of Jedburgh should be supported.

The applicant sees the retail sales area as being ancillary to the function of the building and in no way a threat to the Jedburgh town centre. In fact, introducing a business that currently does not exist, will attract new trade into the town which could have knock on benefits for the town centre via linked trips and retention of lost expenditure.

The function of the building is not such that it expects to see a significant intensification to that which has gone before and thus access and parking is considered sufficient.

They do not consider the previous supermarket applications on this site to be of significant relevance to this application. Firstly, each application should be determined on its individual merits and this proposal has no real or significant relationship to what has gone before.

There is a major difference between a supermarket proposal which will predominantly sell convenience food items and a proposal which is to be used for storage/distribution, the display of comparison/bulky goods products and which will have a retail sales area of 88 square metres. Previous applications should not be allowed to cloud opinion on the current proposal which is clearly not a supermarket. To provide comfort on this point the applicant would be willing to be conditioned on the products that could be sold within the unit.

This proposal is not a strategic employment site nor does it prejudice the long term supply of employment land. It has been marketed and continues to lie dormant to no benefit to the local community or economy.

When demand has been proven not to exist and where there is ample further employment land supply we believe it wrong to prohibit or restrict proposals that ultimately will bring inward investment and create employment.

The sequential test analysis found there to be two small vacant units along the High Street. However, the units are not large enough or suitable for the applicants needs.

The last statement on the 5th December addresses the most recent response from the Forward Planning section in respect of the sequential test.

The agent provided reasons as to why the re-development sites (RJEDB001 and RJEDB002) are not suitable as part of the sequential test. Lastly, the agent reiterates that the proposal;

- will not prejudice the long term employment land supply within the area;
- will have significant benefits to the community not least in the form of local employment;
- falls within an area of mixed use and uses that fall beyond just Classes 4-6;
- seeks to regenerate and bring back into use an existing building;
- will respect the character and local amenity in which it is set.

They therefore continue to be of the clear position that there are no sequentially preferable sites available or suitable in Jedburgh for the proposed development and that the subject site provides the most logical position for Borders Leisure being adjacent to the existing Caravan Park.

Flood Risk Assessment

The Flood Risk Assessment details were submitted on the 4th December 2013. The full report is available for Members to view on the Public Access System.

DEVELOPMENT PLAN POLICIES:

Strategic Development Plan 2013:

Policy 2: Supply and Location of Employment Land
Policy 3: Town Centres and Retail
Policy 15: Water and Flooding

Scottish Borders Consolidated Local Plan 2011:

Policy G1: Quality Standards for New Development
Policy G4: Flooding
Policy H3: Land Use Allocations
Policy ED1: Protection of Employment Land
Policy ED3: Shopping Development
Policy H2: Protection of Residential Amenity
Policy Inf4: Parking Provisions and Standards

OTHER PLANNING CONSIDERATIONS:

Scottish Borders Council Retail Study 2012
Scottish Borders Council Retail Bi-Annual Survey (Summer 2013)
Scottish Borders Council Annual Employment Land Audit 2012

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service:

Advised that the proposed parking level is in excess of what they would normally require for this size of property, hence they have no objections to the proposal. As the road serving the site is a trunk road, the comments of Transport Scotland must be sought.

Forward Planning:

Initial Consultation (25th October 2013)

The proposed development is located within 'zEL33' which is allocated for Employment Land Safeguarding (ED1) within the Consolidated Local Plan 2011. There have previously been three planning applications within the same allocated employment site which are of relevance to this proposal and raised similar issues. These applications are: 10/01201/PPP, 11/01121/PPP & 11/01455/PPP. These are outlined within the planning history section.

The above applications were refused on the grounds that they were contrary to Policy ED1 and ED3 of the Consolidated Local Plan 2011. It re-iterated that policy ED1 seeks to avoid the dilution of employment land supply in the Scottish Borders with a view to strengthening the Council's position in this respect. The policy states that there is a presumption in favour of the retention of industrial and business use on strategic and other employment sites, including new land use proposals for employment land. In respect of established or proposed industrial estates, as identified on the Proposals Maps, and other industrial locations, these will be retained for industrial development primarily as set out in Classes 4, 5 and 6.

Whilst it is accepted that there has been limited demand for employment land in Jedburgh over recent years, the long term needs (20 years +) of the settlement must be considered. The site is high profile and highly accessible and attractive to employment. The loss of employment sites to alternative uses must be avoided; as once the sites are lost they cannot be replaced.

It is not considered that the proposed development would result in significant community benefits which would outweigh the need to retain the site in employment use. The proposal has no benefits for existing local businesses and detrimental effects on the town centre will have negative effects on services for the local community. There are no known constraints on the site which would mean that there is reasonable prospect of it becoming marketable for employment in the future. No evidence has been provided to the contrary in the supporting documentation. The predominant land use within the vicinity remains employment and in view of the overall policy, it is important to retain this. Policy ED1 clearly states that retail activity will not be permissible on employment land unless it is ancillary to some other acceptable activity, this is not the case in this instance.

Policy ED3 seeks to guide new shopping development to town centres and help protect and enhance the vitality and viability of those centres. Policy ED3 requires a sequential test to ensure that the first preference for retail development is given to town centre sites followed by edge of centre sites and only as a last resort, out of centre sites. An out of centre site can only be supported when there is no suitable

site available in a town centre or an edge of centre location. However, in this particular case, because the application is in relation to a site specifically protected from retail development, the outcome of the sequential test is only relevant in so far as it might identify other alternative sites for retail development. The potential of any town centre sites for retail development must be fully assessed before any edge of centre or out of centre sites are considered.

It is noted that the Planning Statement submitted with the application makes reference to Policy ED3 and the proposals impact upon the town centre. It is noted that the statement says the core products from the proposal are not available within the town centre with only two shops potentially having a marginal similarity in the type of specialised goods. Therefore, the proposal may have a limited impact on existing outlets within the town centre. It states that a significant proportion of the turnover is not available within Jedburgh. It is acknowledged that the proposal would not have the same significant adverse impact on the town centre as the previous three retail proposals. However, the Statement does not constitute a full sequential test of the settlement and other sequentially preferable sites may be suitable and require further consideration. The potential of other town centre and edge of centre sites must be fully assessed before any out of centre sites are approved.

In summary it is considered that the proposal remains contrary to well established Local Plan policies ED1 and ED3 and should be refused.

Re-consultation (3rd December 2013)

It is acknowledged that the scale and operations of this proposal and previous supermarket proposals differ but the principle of them being fundamentally retail facilities remains the issue in terms of Policy ED1, which prevents retail development on allocated employment land, other than 10% floor space ancillary use. It is still contended that the protection of employment land under Policy ED1 remains important and the loss of this land to retail purposes will set an undesirable precedent for other uses such as retail which would result in the further loss of the supply of allocated employment land.

It is noted that the agent states they visited Jedburgh and undertook a survey of the town centre. In terms of the sequential test, have they looked at redevelopment opportunity RJEDB001 which is within the town centre and RJEDB002 which is just outwith the town centre as examples.

Economic Development:

Initial consultation (16th September 2013)

Economic Development raise concerns as this planned change of use, is in contravention of Policy ED1. Concerns are raised regarding the increased activity that would occur with the large floorspace. Concerns were also raised in respect of servicing, turning head and overspill onto the access road.

Despite the comments above, the Officer is conscious of the need for diversification and this use seems suitable due to its location next to an existing caravan site. Should, therefore, a decision be made to agree to this use against policy, it is recommended that proper consideration of vehicle access and turning, acceptable parking provision and vehicle priority exiting the site, be agreed in advance. This may require that additional parking is provided and that the applicants' site boundary be

extended to include more space which is available at the site to be included. This, however, may require a fresh application.

Re-consultation (27th November 2013)

Economic Development appreciate the benefit of creating additional jobs and bringing vacant premises back into use. The flexibility in applying the ED1 policy rests with Development Management and Members. We could support this proposal, subject to strong conditions in the consent to restrict only an element of retail on this specific property, and to only caravan accessories; to avoid a general retail change of use taking place. This should restrict authorised increase in retail sales by any future occupier. We consider that this does not set a precedent and that our support against the normal policy is specific to this site and this operation, adjacent to an existing caravan site.

Despite the roads response, the section still has concerns about access, turning and parking within the area highlighted on the planning application site. There is additional land outwith the boundary and would seek assurance this is available to use as overspill and that the adjacent landowner, has given consent to use of the private access road through this land to what is ultimately a landlocked site.

Flood Protection Officer:

Initial response (15th October 2013)

The site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any year. The Jedburgh Flood Study prepared by JBA Consulting in May 2006, for this Council, also shows the proposed development area to be within both the 1 in 100 and 1 in 200 year inundation outlines for the Jed Water. This study is based on actual cross sections of the watercourse and is anticipated to be more accurate than the indicative mapping although no warranty is given.

On the basis of the above a Flood Risk Assessment is requested to accurately determine the flood risk to the site. The applicant should be aware that undertaking the FRA may demonstrate that this site is not suitable for development.

Re-Consultation (14th January 2014)

Confirms that they have no objections to the proposed development as the Flood Evacuation Plan and Warning System outlined within the FRA are appropriate for the site and highlights the importance of these in relation to the management and site safety in times of flooding.

Right of Way Officer:

According to records held there is a Core Path on and adjacent to the planning application site. The route Core Path 107 also forms part of a promoted countryside access route – Lanton Moor and Timpendean Tower – Route 4 in the Paths around Jedburgh booklet. It is also a link path from Jedburgh to New Mill footbridge and linking to Dere Street.

Pedestrian Access to retail outlet

As this proposed development, if given planning permission, is likely to generate traffic and parking locations, it is requested that the routes for pedestrian use are

dedicated to non-vehicular traffic. Non vehicular access to the retail unit will be required for walkers and cyclists for example from the caravan park and paths and pavements from the town centre and nearby retail outlets. Pedestrian routes should be made up to a safe condition and one such route should allow access for pushchairs and less able people and therefore SBC Roads should be consulted. The development has implications for the ability of the public to exercise rights of access along the Core Path 107. It is essential that these rights are not obstructed by the development and that the public shall continue to enjoy access to the Core Path without risk from any aspect of this change of use.

Riverside Path

A separate defined route away from traffic and parking area should be created. This should be located on the riverside edge of the land included in this application. This route would provide access along the edge of the vehicle access area between the access across the car parking area of the adjoining property and to the main door of the proposed retail outlet. It is reasonable to expect that there will be a need for vehicle and pedestrian access to the adjacent property.

Recommends planning conditions would be attached to any planning consent;

- The path indicated Core Path 107 must be maintained open and free from obstruction in the course of development and in perpetuity and shall not form part of the curtilage of the property.
- A pedestrian route along the entire riverside edge of the property is incorporated into the parking design on the riverside edge of the property.
- No additional stiles, gates, steps or barriers to access may be erected that could deter potential future use.

Environmental Health Officer:

The above application appears to involve the change of use of a property within an area which is already developed. There appears to be a possible historic use of the land as a sawmill and railway land (sidings) within the vicinity of this application. This land use is potentially contaminative and may have resulted in land contamination which could affect the welfare of users, the value of the property, and the liabilities the owner/ occupier may have.

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

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

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

Statutory Consultees:

Transport Scotland: No objections.

Community Council: Support the proposed development being in close proximity to the caravan park and would be of benefit and an asset in that area.

SEPA: No response to date.

KEY PLANNING ISSUES:

The key planning issues are whether the proposed development complies with the Development Plan policies and planning guidance relating to the change of use and whether the material considerations posed by the development outweigh the loss of the unit for “employment” purposes. The key questions for the assessment of the proposal are whether the development:

- Complies with the Development Plan policies on the protection of employment land and retailing development in an out of centre location;
- Would result in any adverse impact upon the vitality and viability of the Jedburgh town centre;
- Would have an unacceptable impact on the neighbouring residential amenity or visual amenities of the wider area;
- Includes satisfactory access, parking and servicing;
- Can be safeguarded from flood risk without creating unmanageable problems elsewhere.

Employment Land Policy

The proposed development must be assessed against Policy 2 of the Strategic Development Plan and Policy ED1, as contained within the Consolidated Local Plan.

Scottish Planning Policy states that Planning Authorities should ensure that there is a range and choice of marketable sites and locations for businesses allocated in development plans to meet anticipated requirements in terms of variety of size and quality. Marketable land should meet business requirements, be serviced or serviceable within 5 years, be accessible by walking, cycling and public transport and have a secure planning status.

Policy 2: Supply and Location of Employment Land, as contained within the Strategic Development Plan states that the SDP supports the development of a range of marketable sites of the size and quality to meet the requirements of business and industry within the SESplan area. Local Development Plans will support the delivery of the quantity of the established strategic employment land supply. LDP's should also ensure that this provides a range and choice of marketable sites to meet anticipated requirements.

Policy ED1: Protection of Employment Land, as contained within the Consolidated Local Plan 2011, states that there is a presumption in favour of the retention of industrial and business use on strategic and other employment sites, including new land proposals for employment use. Established industrial estates and other industrial locations will be retained for industrial development primarily as set out in Classes 4,5 and 6. Other uses will be refused unless;

- the loss of employment land does no prejudice the existing and predicted long term requirements for industrial and business land in the locality, and

- the alternative land use is considered to offer significant benefits to the surrounding area and community that outweigh the need to retain the site in employment use, and
- there is a constraint on the site whereby there is no reasonable prospect of it becoming marketable for employment development in the future, or
- the predominant land uses have changed owing to previous exceptions to policy such that a more mixed use land use pattern is now considered acceptable by the Council.

In all employment land site categories development must;

- respect the character and amenity of the surrounding area, and be landscaped accordingly, and
- be compatible with neighbouring employment uses.

Shops and outright retail activities will not be allowed on any employment land category, the only retailing permissible will be that which is considered to be ancillary to some other acceptable activity (e.g) manufacturing or wholesale. For the purposes of this policy, ancillary is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area.

Policy H3: Land Use Allocations, as contained within the Consolidated Local Plan 2011 states that any other use allocated sites will be refused unless the developer can demonstrate that;

- it is ancillary to the proposed use and in the case of proposed housing, it still enables the site to be developed in accordance with the indicative capacity;
- there is a constraint on the site and no reasonable prospect of its becoming available for the development of the proposed use within the Local Plan period;
- the alternative use offers significant community benefits that are considered to outweigh the need to maintain the original proposed use; and
- the proposal is otherwise acceptable under the criteria for infill development.

Site Choice

The applicant asserts that there are no suitable town centre or edge of centre locations for such a business (and the robustness of this assertion is assessed below). The applicant is therefore proposing to use a building located within the Safeguarded Employment Site, currently used for Classes 4-6. As stated above, Policy ED1 resists any outright retail development within safeguarded employment sites, which would result in the loss of the employment land supply.

Fundamentally, the issue is that the proposed change of use is contrary to Policy ED1, as contained within the Consolidated Local Plan 2011. Therefore, the Planning Service must assess whether the benefits from the development, outweigh the loss of the employment unit to a retail use.

Consultation Responses

The Local Plans section state that the site is highly accessible and attractive and that the proposed use would not result in significant community benefits which would outweigh the need to retain the site in employment use. Furthermore, that the proposal has no benefit for existing local businesses and detrimental effects on the town centre. There are no known constraints on the site which would prevent this building becoming marketable in the future. The Economic Development Officer

states that the proposal is contrary to Policy ED1, however, could support the proposal subject to strong conditions, restricting the use to only one element of retail within this property, to caravan accessories. They consider that this does not set a precedent and that their support is specific to this site and the operations and use proposed, adjacent to the caravan site.

In strict policy terms, the proposal is contrary to development plan policy in that it results in the loss of allocated and readily available employment land. However, it is an accepted principle that applications should not be refused solely on the grounds that it fails to meet policy criteria unless they also give rise to an identifiable and demonstrable harm. As such, it is also necessary to consider whether there are any material considerations that may determine that the proposal would be acceptable. It is also relevant that, because there are no retail allocations within the development plan, even where a retail justification is established, any such proposal runs the risk of being contrary to one policy or another. In such circumstances, it is correct and proper to balance the effects of the development against each policy, to attach appropriate weight to each and, thereafter, to assess whether the overall impacts and effects of the proposal are acceptable or unacceptable in more general planning terms.

Employment Land Supply

The Scottish Borders (Employment Land Audit 2012) surveys undeveloped employment sites, therefore, this site is not included within the established land supply. The most up to date survey is 2012, which indicates there are 4 sites within Jedburgh which are established land supply, this account for 8.61ha, over 5ha of which is available immediately. The employment land take up rate in Jedburgh has been slow in recent years, with no land taken up between 2008 and 2011 and only 0.2ha taken up in 2012. This does not account for vacant buildings within employment sites. Therefore, it should be noted that the change of use would not impact upon the current established employment land supply within Jedburgh.

Nevertheless, the building exists and is available for use; weight should therefore be attached to the loss of a building that could be occupied immediately and this was a factor in the determination of recent applications. That, in turn, needs to be balanced against the fact that the building has been vacant for a period of years, despite significant periods of marketing. If this were to continue, the building may continue to deteriorate, becoming a less attractive proposition for future investors.

Supermarket Applications (History)

Members will be familiar with the recent applications for supermarket developments on this and adjoining sites which were recently refused on the grounds of loss of employment land and impact upon the town centre, for which neither reason could be mitigated. It is considered that this proposal raises different issues to the previous supermarket applications. The previous planning applications for the supermarkets covered a larger site, including a significant proportion of the allocated safeguarded site, in comparison to the current proposal for 293 square metres. The supermarket would have resulted in the permanent loss of a large section of the safeguarded allocation zEL33. Furthermore, the supermarket would have resulted in a negative impact upon the vitality and viability of the town centre, particularly owing to the fact that the development would have been predominantly engaged in convenience (food) retail sales that are presently met by existing providers in the town centre. Moreover, it was not considered that any benefits of the supermarket outweighed the permanent loss of the employment allocation.

Other material factors

The current application must be assessed on its own merits and balance whether the benefits of the proposal outweigh the loss of the unit for employment use. As discussed above, there remains 8.61ha of undeveloped employment land within Jedburgh and this does not account for the vacant employment building as well. Given the recent slow take up of employment land, it is considered that there is sufficient land supply for the long term requirements of Jedburgh, based on recent figures. It should be noted that the proposal would create 6 jobs and potentially attract visitors to the town from other settlements/local camp sites. This in turn, could have a positive impact for the vitality and viability of the town centre, because the specialist nature of the proposed sales is such that it may draw customers from a wide area, who would then make linked trips to retailers and other attractions in the town. These are not arguments that applied to the proposals for supermarkets.

Sequential Test

The proposed development is for the change of use from Class 4-6 to Class 1, within an allocated employment site, which is an out of centre site. The proposed development must be assessed firstly against Policy 3: Town Centres and Retail, as contained within the Strategic Development Plan and Policy ED3: Shopping Development, as contained within the Consolidated Local Plan 2011.

Scottish Planning Policy states that town centres should be the focus for a mix of uses including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses. SPP states that the sequential approach should be used when selecting locations for all retail uses unless the development plan identifies an exception. The sequential approach requires that locations are considered in the following order; town centre, edge of town centre and out of centre locations that are or can be made easily accessible. Where development proposals in edge or out of town centres are not consistent with the development plans, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing centres is acceptable. Out of centre locations should only be considered when all town centre and edge of town centre options have been assessed and discounted as unsuitable or unavailable, development of the scale proposed is appropriate and there will be no significant adverse effect on the vitality and viability of existing centres. All retail developments should be accessible by walking, cycling and public transport.

Policy 3:Town Centres and Retail, as contained within the Strategic Development Plan states that LDPs will;

- a) identify town centres and commercial centres clearly defining their roles;
- b) support and promote the network of centres and identify measures necessary to protect these centres including setting out the criteria to be addressed when assessing development proposals, and
- c) promote a sequential approach to the selection of locations for retail and commercial leisure proposals. Any exceptions identified through LDP's should be fully justified.

Policy ED3: Shopping Development, as contained within the Consolidated Local Plan 2011, states that the aim of the policy is to guide new shopping development to town and village centre, thereby help protect and enhance the vitality and viability of these centres, particularly the defined centres in the larger settlements. A 'sequential test'

ensures that the first preference for retail development is given to town centre sites, followed by edge of centre sites and only as a last resort out of centre sites.

The Council will have regard to the following considerations in assessing any application for out of centre retail development;

- the individual or cumulative impact of the proposed development on the vitality and viability of the existing town centre;
- the viability of a suitable town centre or edge of centre site;
- the ability of the proposal to meet deficiencies in shopping provision which cannot be met in town centre or edge of centre locations;
- the impact of the proposal on travel patterns and car usage;
- the accessibility of the site by a choice of means of transport;
- the location of the proposal. Sites will be located within existing settlements and, within them, preference will be given to applications on vacant or derelict sites, or on sites deemed to be surplus to requirements.

Town Centre sites

As per SPP and the Development Plan, the agent has undertaken a sequential test exploring the opportunities available within the town centre and edge of centre sites. Firstly the agent reviewed any vacant premises within the Jedburgh town centre and any sites on the edge of the town, which may be suitable for such a business. The agent identified two vacant units within the town centre, both of which were unsuitable and not large enough to accommodate such a business of this scale. Borders Leisure sells a number of bulky goods, including camping furniture, amongst other smaller items, therefore it would be unable to run efficiently from a small scale premises. The business also has an on-line retail element, therefore 20% of the space would be dedicated to storage and distribution. The display area would make up 50% of the unit, with the remaining 30% being dedicated to retail space. The agent concluded that there are no suitable vacant units within the town centre to meet his clients needs in respect of size and a lack of sites available in edge of town sites.

Redevelopment sites

There are a lack of available sites within the town centre boundary within Jedburgh, with only one site allocated for re-development 'RJEDB001: The Anna', measuring 0.4ha. The Consolidated Local Plan 2011 requires a full flood risk assessment for any development on this site and retail or commercial uses will be viewed more favourably than residential on the site. The applicant offered the following comments in respect of the site;

- The site would involve the purchase of varying pieces of land and this is not viable as not all parts are available for purchase;
- The cost of doing so would be significant and beyond the means of the applicant;
- There are significant unknowns in relation to flooding and mitigation works which again makes which development financially unfeasible;
- There are significant operational constraints in the operation of any development on this site with the neighbouring Fire Station.

Further to a consultation response from the Local Plans section, it was suggested that the proposed re-development site 'RJEDB002: Riverside Mill', measuring 0.2ha, as identified within the proposed Local Development Plan 2013 should be examined. The proposed Local Development Plan 2013 requires a full flood risk assessment to

inform development of the site, suitable access to the site would be determined by the proposed use and would require discussion with the Council's Roads Planning team. The agent offered the following comments on the site:

This site does not fall within the current adopted Local Plan and therefore not a formally adopted re-development site. The agent acknowledges that it is within the proposed plan, however, it falls outwith the town centre boundary. The agent does not consider this site to be edge of centre but out of centre, on the basis of the distance to the town centre and barriers between it and the main shopping street, not least the Jed Water. The agent has stated that case law demonstrates that there is no requirement to test differing out of centre sites. Beyond this, the agent believes that:

- The site falling within multiple ownership is being pursued as a housing development and thus not available;
- The costs of demolishing, remediating the site, addressing any possible flood mitigation and constructing the proposed development would make it financially unfeasible for the applicant;
- Accessibility and servicing of the site would be via narrow and residential streets which give rise to operational and amenity concerns.

It is acknowledged that due to the scale and nature of the business that there are no suitable alternative sites within the town centre which would be suitable for the applicants needs. Furthermore, there is a lack of edge of centre sites within Jedburgh. The two re-development sites have been disregarded by the agent for the reasons above and this is acknowledged. It must be stated that there are no mixed use allocations within Jedburgh to which the applicant could be directed, with only employment allocations on the edge of the town. As such, the applicant has demonstrated a sequential test which examined the town centre, edge of centre and re-development opportunities within Jedburgh.

It is not considered that the proposed development would impact upon the vitality and viability of the town centre. The agent has stated that the core products are not currently available within the town centre, with only two shops identified that may be remotely similar in some good types. Therefore, the business would provide a service which cannot currently be found within Jedburgh. As such, it is not considered that the proposal would result in a negative impact upon the vitality and viability of Jedburgh's town centre. As the proposal would not involve selling convenience goods, it is not considered that a Retail Impact Assessment is required in this instance and that the proposal would not have a negative impact upon the expenditure within the Jedburgh town centre. It is not considered that the business would have any direct competition within the town centre and would likely attract customers from other towns who travel for certain products, including those staying at local camp sites.

The relationship with the adjoining caravan park is also a factor that adds weight to the suitability of the site in terms of site selection.

The site is accessible to members of the public by a variety of means of transport and is sited adjacent to the main road and Core Path. Overall, it is considered that the applicant has looked at other sites within the town, in compliance with Policy ED3 and there are no alternative suitable sites for their needs.

Discussion

Taking the above into consideration, it is considered that there are material factors that outweigh the loss of the unit for employment purposes, at least in the short term. It should be noted that this has taken account of the sequential test, the fact the unit has been marketed for a number of years, current employment sites within Jedburgh, job creation and ultimately the potential for this proposal to draw visitors into the town and contribute to the vitality and viability of Jedburgh.

This application has been assessed on its own merits and specifically relates to using the building for camping accessories by Borders Leisure. This does not set a precedent for similar future proposals. It is not considered that there are any other suitable sites within Jedburgh to accommodate the scale and requirement of the business, given the bulky nature of the goods. There is also some logic to the choice of site given its relationship with the nearby caravan park. Furthermore, taking into consideration the current economic climate, recent slow employment land take up, proposed job creation and the fact that the proposed use would not result in any negative impact upon the town centre, there are arguments in favour of the proposed change of use. If the proposed use is considered acceptable, the re-use of the existing building (even if only on a temporary basis) also becomes a factor, as to leave the building to remain empty is to no-one's advantage. To allow it to be occupied may, in time, make it more attractive for use by other, more conforming businesses, when the economy picks up.

To ensure that the unit is used by Borders Leisure for the purposes stated, the following conditions will be attached to any planning consent;

- Restricting the consent solely to Borders Leisure. This will ensure that should the company cease trading the building reverts back to Use Class 4-6, thus the employment use is not being lost in perpetuity. Any other future Class 1 use would require to be assessed as part of a planning application;
- Restricting the goods to be sold to camping accessories, this ensures that no convenience goods are sold which could have a negative impact upon the vitality and viability of the town centre;
- A time restriction to three years to strike a balance that will allow the business to establish but to allow re-assessment of the position in the future should demands for employment land increase.

Amenity

Policy H2: Protection of Residential Amenity, as contained within the Consolidated Local Plan 2011, states that development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. The site is located within an employment site and there are no residential properties within close proximity of the application site. Furthermore, it is not considered that the proposal would give rise to any impacts upon the visual amenities of the wider area or surrounding land or properties, in compliance with Policy H2.

Parking and turning area

Policy Inf4: Parking Provisions and Standards, as contained within the Consolidated Local Plan 2011, ensures that development proposals incorporate adequate provision for car and cycle parking in accordance with the Council's adopted standards. Although the Economic Development Officer raised concerns regarding the proposed parking and turning area, the Roads Planning Officer did not raise any

concerns. He is satisfied that the existing parking and turning area are sufficient to meet the requirements of the proposal, in compliance with Policy Inf4.

Flooding

Policy 15: Water and Flooding, as contained within the Strategic Development Plan, states that the Local Development Plans will avoid any new development in areas at medium to high flood risk and safeguard areas which will help contribute to reducing overall flood risk. Policy G4: Flooding, as contained within the Consolidated Local Plan 2001, intends to discourage development from taking place in areas which are, or may become subject to flood risk.

Further to a request from the Flood Risk Officer, a Flood Risk Assessment was submitted. The Officer has stated that they have no objections to the proposal, as the Flood Evacuation Plan and Warning System outlined within the FRA are appropriate for the site. An informative will be attached to planning consent to remind the applicant the importance of these measures.

Contaminated Land

Policy G2, as contained within the Consolidated Local Plan 2011, aims to allow development on contaminated or potentially contaminated sites but in a manner that ensures that the re-use and restoration of such sites is made possible without any risk to public health and safety or to the environment. The Environmental Health Officer has advised that the land is not identified as contaminated. However, an informative note will be attached to planning consent to make the applicant aware that there appears to be a possible historic use of the land as a sawmill and railway land.

Rights of Way

The Right of Way Officer has advised raised concerns that the development will have negative implications for the ability of the public to exercise rights of access along Core Path 107. However, given that the proposal is merely concerned with the change of use of the building, it is not considered that the proposal would impact upon the Core Path 107. A condition will be attached to planning consent stating that Core Path 107 must be maintained open and free from obstruction in the course of development and in perpetuity and shall not form part of the curtilage of the property. No additional stiles, gate steps or barriers to access may be erected that could deter the potential future use.

The Officer has requested that a separate defined route away from traffic and parking area should be created along the riverside edge of the land. This would provide access along the edge of the vehicle access area between the access across the car parking area of the adjoining property and to the main door of the proposed retail outlet. The Planning Service take on board the comments of the Officer. However, this application is merely concerned with the change of use to the property and the Roads Planning Service have no raised no concerns regarding the access to the site. It is considered that the public have access to the site from the pavement and in this case the public will be able to gain access to the retail unit and there it is not considered that the proposal requires the formation of a separate path stretching along the riverside.

CONCLUSION

The proposed change of use to a retail unit is considered to be acceptable. The site lies within a safeguarded employment site and is contrary to Policy ED1. However, it is considered that there are mitigating factors that outweigh the loss of the unit to retail use, in that the applicant has demonstrated a sequential test confirming no other suitable sites are available, the proposal will create jobs and will not result in any negative impact upon the vitality and viability of the town centre. Due to the current economic climate, it is considered that there is sufficient land supply with Jedburgh to meet long term demands based on recent take up figures and that the use of this building for a time-limited period will not prejudice the long term suitability and availability of the site for employment use. It is not considered that the proposal will harm the visual amenities or the amenities of neighbouring land and properties. Subject to planning conditions, the proposal is considered acceptable and complies with Policy G1, G4, H3, ED3, H2 and Inf4 of the Consolidated Local Plan 2011.

RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES:

I recommend the application is approved subject to the following conditions and approval of the Scottish Ministers.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. This permission shall exist for the benefit of Borders Leisure only and for no other business.

Reason: This permission is granted exceptionally and only in view of the circumstances and nature of the business.

3. Consent is granted for a limited period of three years from the date of this consent and the approved use shall cease before the expiry of the period unless a planning application to retain the permitted use has been submitted to and approved by the Planning Authority. In the event that no such planning application has been so approved, the use of the premises shall revert to its current lawful use under Classes 4-6 of the Use Class (Scotland) Order 1997.

Reason: To ensure that the proposed use of building does not compromise the long term availability of available employment land in Jedburgh.

4. The goods to be sold from the premises shall be restricted to camping, caravan and associated outdoor accessories. No convenience goods (including food or drink) of any kind shall be sold from the premises.

Reason: To ensure that the goods are related to Borders Leisure and no other goods are sold which may impact upon the vitality and viability of the town centre.

5. The path indicated Core Path 107 must be maintained open and free from obstruction in the course of development and in perpetuity and shall not form part of the curtilage of the property. No stiles, gates, steps or barriers to access may be erected that would deter the potential future use.

Reason: To protect access rights during and after development.

Informatives

1. Be advised that any signage in the future may require Advertisement Consent depending upon the proposed details.
 2. A copy of the consultation response from Environmental Health regarding the potential contamination of the site is attached for the information of the applicant.
 3. The measures contained in the Flood Warning and Evacuation Procedures submitted with this application to be implemented as part of the development. A copy of the consultation response from the Flood Protection Officer is attached for the information of the applicant.
- Reason: To safeguard persons and properties from flooding.

DRAWING NUMBERS

Location Plan
General – 300813/01 (August 2013)

Approved by

Name	Designation	Signature
Brian Frater	Head of Planning and Regulatory Services	

The original version of this report has been signed by the Head of Planning and Regulatory Services and the signed copy has been retained by the Council.

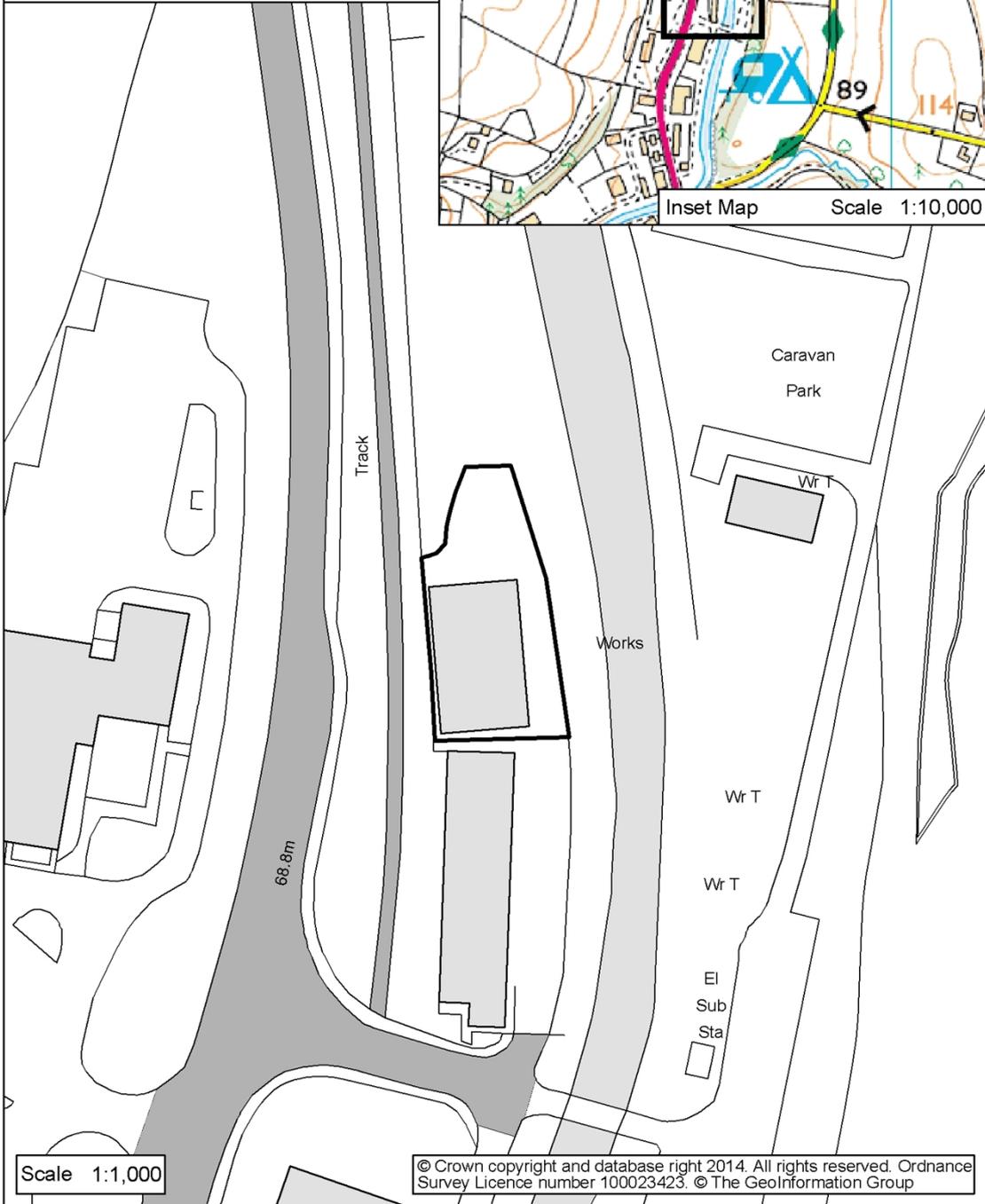
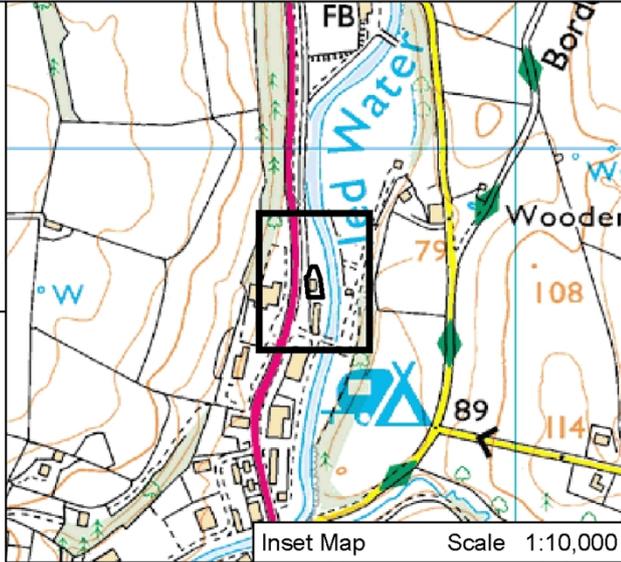
Author(s)

Name	Designation
Deborah Chalmers	Planning Officer

13/01048/FUL



Land And Building
North Of Riverside Works
Edinburgh Road
Jedburgh
Scottish Borders



Scale 1:1,000

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Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

**The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Scottish Borders Council Environment and Infrastructure Newtown St Boswells Melrose TD6 0SA	Council Reference:-	20/00283/FUL
	TS TRBO Reference:-	SE/25/2020

Application made by Mr James Hewit per Ferguson Planning, 54 Island Street Galashiels Scottish Borders TD1 1NU and received by Transport Scotland on 11 March 2020 for planning permission for change of use of land to form motor vehicle display, and form sales office from industrial unit (renewal of previous consent 16/01363/ful) located at Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road, Jedburgh Scottish Borders affecting the A68 Trunk Road.

Director, Roads Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Area Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-	Area Manager (A68) 0141 272 7100 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Operating Company:-	SOUTH EAST
Address:-	6a Dryden Road, Bilston Glen Industrial Estate, Loanhead, Edinburgh, EH20 9LZ
Telephone Number:-	0800 0420188
e-mail address:-	OCCR.SESCOTLAND@amey.co.uk

Transport Scotland Response Date:- 24-Mar-2020

Transport Scotland Contact:- Shaun Phillips

Transport Scotland Contact Details:-

Roads - Development Management

Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Telephone Number:

e-mail: development_management@transport.gov.scot

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

From:Shaun.Phillips@transport.gov.scot
Sent:17 Apr 2020 14:23:22 +0100
To:DCConsultees
Cc:Calvert, Euan
Subject:Planning Application - 20/00283/FUL - Transport Scotland Re-consultation Response

Thank you for re-consulting Transport Scotland on the above planning application. Having reviewed the submitted drawings, I would advise that our consultation response of 24 March 2020 remains unchanged.

Regards

a

Shaun Phillips
Roads Directorate
T: 0141 272 7388
M:07775546782

Transport Scotland
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF

For agency and travel information visit our [website](#)

Please see our [privacy policy](#) to find out why we collect personal information and how we use it

Transport Scotland, the national transport agency
Còmhdhail Alba, buidheann nàiseanta na còmhdhail

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PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 10th March 2020

Contact: Euan Calvert ☎ 01835 826513

Ref: 20/00283/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 31st March 2020, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 31st March 2020, it will be assumed that you have no observations and a decision may be taken on the application.

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

Name of Applicant: Mr James Hewit

Agent: Ferguson Planning

Nature of Proposal: Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)

Site: Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road Jedburgh Scottish Borders TD8 6EA

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:		Contact e-mail/number:	
	Economic Development Section 18 March 2020			
Date of reply			Consultee reference:	
Planning Application Reference	20/00283/FUL		Case Officer: Euan Calvert	
Applicant	Mr James Hewit			
Agent	Ferguson Planning			
Proposed Development	Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)			
Site Location	Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road Jedburgh Scottish Borders TD8 6EA			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description				
Key Issues (Bullet points)	•			
Assessment	<p>This application is for renewal of an existing permission which had a number of conditions applied to it. One of these is landscaping which has still not been carried out which we feel is necessary at this prominent location at the entrance to the town. A screen hedge was always going to be necessary and therefore we cannot support a renewal of this application until these matters have been dealt with. In addition, the applicant again has flaunted the planning act by undertaking an extension adjacent to this site which was constructed without planning permission. The application in our opinion cannot be considered until details of the proposal are submitted along with the application.</p> <p>The application boundary line is also flawed in that we replied to the previous original application illustrating the actual ownership boundary and this has not been corrected.</p> <p>Finally we cannot support this application as the applicant is allowing access through this site onto land belonging to the Council which is used to access the site being used for car washing. A new access was formed and hedging and a fence belonging to the council removed without permission. This has still not been agreed with the Council so vehicular access should be restricted until this matter has been resolved.</p>			
Recommendation	<input checked="" type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required

Recommended Conditions	
Recommended Informatives	

PLANNING RE-CONSULTATION - Incorporating revisions to previous consultation

To: Economic Development Section

From: Development Management

Date: 8th April 2020

Contact: Euan Calvert ☎ 01835 826513

Application Ref: 20/00283/FUL

PLANNING RECONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 22nd April 2020. If no reply is received by 22nd April 2020, it will be assumed that you have no observations and a decision may be taken on the application.

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

Name of Applicant: Mr James Hewit

Agent: Ferguson Planning

Nature of Proposal: Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)

Site: Unit 1B And Incorporating Land To West Of Riverside Works
Edinburgh Road Jedburgh Scottish Borders TD8 6EA

Outline Consent :

**RE-CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:		Contact e-mail/number:	
	Economic Development Section			
Date of reply	28/04/20	Consultee reference:		
Planning Application Reference	20/00283/FUL	Case Officer: Euan Calvert		
Applicant	Mr James Hewit			
Agent	Ferguson Planning			
Proposed Development	Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)			
Site Location	Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road Jedburgh Scottish Borders TD8 6EA			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description				
Key Issues (Bullet points)	<ul style="list-style-type: none"> • 			
Assessment	Economic Development do not object but recommend that the Change of Use is temporary as previous items like hedging have not been undertaken.			
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions				

Recommended Informatives	
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PLANNING CONSULTATION

To: EVH - Contaminated Land Officer

From: Development Management

Date: 20th March 2020

Contact: Euan Calvert ☎ 01835 826513

Ref: 20/00283/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 10th April 2020, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 10th April 2020, it will be assumed that you have no observations and a decision may be taken on the application.

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

Name of Applicant: Mr James Hewit

Agent: Ferguson Planning

Nature of Proposal: Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)

Site: Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road Jedburgh Scottish Borders TD8 6EA

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:		Contact e-mail/number:	
	EVH - Contaminated Land Officer Gareth Stewart			
Date of reply	6 th April 2020		Consultee reference: 20/00732/PLANCO	
Planning Application Reference	20/00283/FUL		Case Officer: Euan Calvert	
Applicant	Mr James Hewit			
Agent	Ferguson Planning			
Proposed Development	Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)			
Site Location	Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road Jedburgh Scottish Borders TD8 6EA			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description	The above application proposes the change of use of property within an area which is already developed. There appears to be a possible historic use of the land as a slaughterhouse and railway land within the vicinity of this application.			
Key Issues (Bullet points)				
Assessment	The requirement for a full site assessment and potential remediation may not be practical or proportionate given the nature of the application and it is recommended that the applicant is advised of potential land contamination issues by way of an Informative Note.			
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions				

Recommended Informatives	<p>The former use of the site is potentially contaminative and may have resulted in land contamination.</p> <p>The land is not currently identified as contaminated land and the Council is not aware of any information which indicates the level of risk the potential contamination presents.</p> <p>The historic use of the site is recorded within a Council database. This database is used to prioritise land for inspection within the Council's Contaminated Land duties. Should the applicant wish to discuss these duties their enquiry should be directed to Environmental Health.</p>
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Consultation Reply



ENVIRONMENT AND INFRASTRUCTURE

To: HEAD OF PLANNING AND REGULATORY SERVICE

FAO: Euan Calvert **Your Ref:** 20/00283/FUL

From: HEAD OF ENGINEERING & INFRASTRUCTURE **Date:** 10th April 2020

Contact: Ian Chalmers **Ext:** 5035 **Our Ref:** B48/2857

Nature of Proposal: Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)

Site: Unit 1B and Incorporating Land to West of Riverside Works Edinburgh Road Jedburgh

In 2016, we were consulted on the previous application referenced 16/01363/FUL. There were no objections noted given the small scale nature of the works although it was noted that the site is at risk of flooding at the 1 in 200 year flood event within SEPA's Indicative Flood Mapping.

Our stance has not changed and as such, I have no objections on the grounds of flood risk.

As an overview, please note the following comments below;

"In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the "third generation flood mapping" prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

The Indicative River & Coastal Flood Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.

Due to copyright restrictions I cannot copy the map to you however, if the applicant wishes to inspect the maps they can contact me to arrange a suitable time to come in and view them.

Notwithstanding the above this is a small scale development that is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems and I would not oppose it on flooding grounds.

As access and egress to the development may also be affected by flood waters, should approval be given, I would recommend that, to receive flood warnings from SEPA for Jedburgh, the applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188. It would also be advisable for the applicant to develop an evacuation plan for the building during times of flood warning.

I would also recommend that the applicant adopts water resilient materials and construction methods as appropriate and the applicant should review the Online Planning Advice on Flood Risk.

Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009."

Ian Chalmers
Engineer – Flood and Coastal Management

PLANNING RE-CONSULTATION - Incorporating revisions to previous consultation

To: Forward Planning Section

From: Development Management

Date: 8th April 2020

Contact: Euan Calvert ☎ 01835 826513

Application Ref: 20/00283/FUL

PLANNING RECONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 22nd April 2020. If no reply is received by 22nd April 2020, it will be assumed that you have no observations and a decision may be taken on the application.

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

Name of Applicant: Mr James Hewit

Agent: Ferguson Planning

Nature of Proposal: Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)

Site: Unit 1B And Incorporating Land To West Of Riverside Works
Edinburgh Road Jedburgh Scottish Borders TD8 6EA

Outline Consent :

RE-CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION

Comments provided by	Officer Name and Post:	Contact e-mail/number:
	Sharon Renwick Assistant Planning Officer Forward Planning	localplan@scotborders.gov.uk
Date of reply	27/04/2020	Consultee reference:
Planning Application Reference	20/00283/FUL	Case Officer:
Applicant	Mr James Hewit	
Agent	Ferguson Planning	
Proposed Development	Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)	
Site Location	Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road Jedburgh Scottish Borders TD8 6EA	
<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>		
Background and Site description	The application is for a change of use from business and Industrial unit to motor vehicle display and sales office. The premises previously had a temporary planning consent (16/01363/FUL – which was a retrospective planning application). The site subject to this planning application is located along Edinburgh Road within the Jedburgh development boundary. The site is allocated within the Local Development Plan as a Business and Industrial Safeguarding site (zEL33).	
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Change of use to a sui generis car sales in a Business Safeguarded site (designated for use classes 4,5,6). Longer term impacts on approving this proposal to be considered • Applicant has previously been given retrospective planning permission on a temporary basis. • Condition 5 on Landscaping of 16/01363/FUL not implemented • It is understood there is no business currently operating from the site and therefore this proposal is for a use with no end user 	
Assessment	<p>The site is allocated within the adopted Local Development Plan 2016 as a business and industrial safeguarded site (zEL33) and is therefore protected by policy ED1 - Protection of Business and Industrial Land.</p> <p>Policy ED1 identifies the site as a District business and industrial safeguarded site. The policy states although District sites do not merit the same level of stringent protection as Strategic sites there remains a preference for classes 4, 5 and 6 uses. However, development other than Classes 4, 5 and 6 may be accepted on District business and industrial sites and will be considered against the following criteria:</p> <ol style="list-style-type: none"> a) The loss of business and industrial land does not prejudice the existing and predicted long term requirements for industrial and business land in the locality, and b) the alternative land use is considered to offer significant benefits to the surrounding area and community that outweigh the need to retain the site in business and industrial use, and c) there is a constraint on the site whereby there is no reasonable prospect of its becoming marketable for business and industrial development in the future, or d) the predominant land uses have changed owing to previous exceptions to 	

policy such that a more mixed use land use pattern is now considered acceptable by the Council.

In respect of criterion (a), whilst it is accepted that there has been limited demand for employment land in Jedburgh over recent years, the long term needs of the settlement must be considered.

In respect of criterion (b) it is not considered that the proposed development would result in any significant community benefit which would outweigh the need to retain the site for business / industrial use.

In respect of criterion (c), there are no known constraints on the site which would mean that there is reasonable prospect of it becoming marketable for business / industrial use in the future. No evidence has been provided to the contrary in the supporting documentation.

In respect of criterion (d), the predominant surrounding land uses remain predominantly class 4, 5 and 6 uses and in view of the overall policy, it is important to retain this.

Policy ED1 also states that outright retail activities will not be allowed on District sites. The loss of business and industrial sites to alternative uses must be avoided to prevent undesirable precedents.

When the initial application was submitted ref (16/01363/FUL) the comments above were stated and subsequently a meeting was held with the agent to discuss the proposal. Following the meeting an amended proposal was submitted. In respect of the amended proposal the Forward Planning team stated that `On the assumption that the proposed hedge is considered acceptable to the Council's Landscape Architect in terms of screening the site, and provided this permission is only granted on a temporary basis in order to monitor onsite activities and matters such as demand for other uses on industrial sites it is considered that this proposal could be supported`.

The retrospective application was subsequently approved with some conditions, one of which was that the consent issued was on a temporary basis for a period of 3 years. A landscape condition was also tied to the approval but has not been implemented by the applicant.

The current application has been submitted and the policy considerations stated above remain relevant. Consideration must be given as to whether there have been any major changes in policy or circumstances.

The use remains contrary to policy ED1 of the adopted LDP. If consent was to be granted, careful consideration must be given to the impacts resulting from the loss of business and industrial land for an indefinite period of time which would also set a major precedent.

The previous temporary consent has now lapsed (16/01363/FUL which was submitted retrospectively), the original tenant of the car sales showroom no longer operates from the premises and the unit is currently being advertised for rent. This is a significant material changes of circumstance since the application was submitted in 2016 as there is no end user. If consent was to be granted there is no end user business to benefit from this proposal and in essence the approval would have the sole purpose of changing the adopted LDP policy. The Development Management process is not the vehicle for doing this.

	Consequently, the Forward Planning team object to this application and see no reason to grant approval.			
Recommendation	<input checked="" type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions				
Recommended Informatives				

PLANNING RE-CONSULTATION - Incorporating revisions to previous consultation

To: Landscape Architect

From: Development Management

Date: 8th April 2020

Contact: Euan Calvert ☎ 01835 826513

Application Ref: 20/00283/FUL

PLANNING RECONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 22nd April 2020. If no reply is received by 22nd April 2020, it will be assumed that you have no observations and a decision may be taken on the application.

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

Name of Applicant: Mr James Hewit

Agent: Ferguson Planning

Nature of Proposal: Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)

Site: Unit 1B And Incorporating Land To West Of Riverside Works
Edinburgh Road Jedburgh Scottish Borders TD8 6EA

Outline Consent :

**RE-CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post: Landscape Architect Catherine Andrews	Contact e-mail/number: candrews@scotborders.gov.uk
Date of reply	28/04/2020	Consultee reference:
Planning Application Reference	20/00283/FUL	Case Officer: Euan Calvert
Applicant	Mr James Hewit	
Agent	Ferguson Planning	
Proposed Development	Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)	
Site Location	Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road Jedburgh Scottish Borders TD8 6EA	

The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.

Background and Site description	The site is amenity grass verge with trees at the northern entrance to Jedburgh on the A68 in front of light industrial units where hardworks construction has been carried out under the previous consent to create a hardstanding for the display of cars. This is a renewal of the previous consent with amendments which relate to the site boundary position and lack of clarity over what is existing and what is proposed.
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Amenity of the approach route to Jedburgh.
Assessment	<p>The submitted layout plan P449-SK-001 Rev.H appears to be almost identical to the plan P449-SK-001 Rev.G of the previous approved application 16/01363/FUL. (Approval granted in March 2017). However it does not represent the situation on the ground. In addition to gravel hardstanding and triprail, an asphalt track surface has been installed which is different to the hardcore surface proposed but an improvement in terms of durability. No attempt has been made to install the mandatory hedge, tree and shrub planting, a requirement of consent as per condition 5 (see below). A gravel strip has been installed along the line of the proposed hedge.</p> <p>Previous consent - Condition 5 of 16/01363/FUL</p> <p><i>'The landscaping plan, Block Plan Rev.G, as approved, shall be implemented within the first planting season from the date of this planning permission. These landscaping works will be maintained for a period of three years upon planting, during which time, all failed planting shall be replaced. The applicant shall notify the Planning Authority that the approved planting (as per the approved Landscape Plan) is available for inspection after this three year period, at which point, the approved landscaping scheme shall have been implemented and landscaping</i></p>

	<p><i>established in its entirety. Reason: to ensure effective assimilation of the development into its surroundings'.</i></p> <p>It is clear that this condition has not been fulfilled and as a result, the installation of the track, hardstanding and triprail has created a 'hard' appearance to the building frontage which erodes the visual amenity of the wide grass verges on the approaches to Jedburgh. In my opinion the beech hedge, tree and shrub planting is essential to mitigate this development and reinstate the visual amenity of this location. The works carried out to date do represent an improvement in terms of 'tidying-up' the frontage. However, in landscape terms I do not see the value in supporting this application when the previously approved mitigation proposals have not been installed and they remain the same in the current application. I suggest that the applicant is encouraged to complete the planting works as required of Condition 5 (see above) of 16/01363/FUL. I also agree with the recommendations of Jim Knight that if you are minded to approve this application and to ensure continuity of approach along the frontage any beech hedge installed should be established along the full length of the roadside boundary and maintained at a height of at least 1m.</p> <p>I object on the grounds that the landscape works within this application were part of the previously approved works not completed but also that the hedge proposed is insufficient in length to provide continuity to the building frontage and adequately mitigate the development and safeguard the amenity of the approach road to Jedburgh.</p>			
Recommendation	X Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions	<p>If you are minded to approve this application I recommend the following are included in the conditions in addition to those in the previous application</p> <ul style="list-style-type: none"> • A fully detailed updated drawing should be submitted to take account of what is existing and what is proposed. • A fully detailed planting schedule should be added to the drawing 			
Recommended Informatives				

PLANNING CONSULTATION

To: Access Officer

From: Development Management

Date: 10th March 2020

Contact: Euan Calvert ☎ 01835 826513

Ref: 20/00283/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 31st March 2020, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 31st March 2020, it will be assumed that you have no observations and a decision may be taken on the application.

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

Name of Applicant: Mr James Hewit

Agent: Ferguson Planning

Nature of Proposal: Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)

Site: Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road
Jedburgh Scottish Borders TD8 6EA



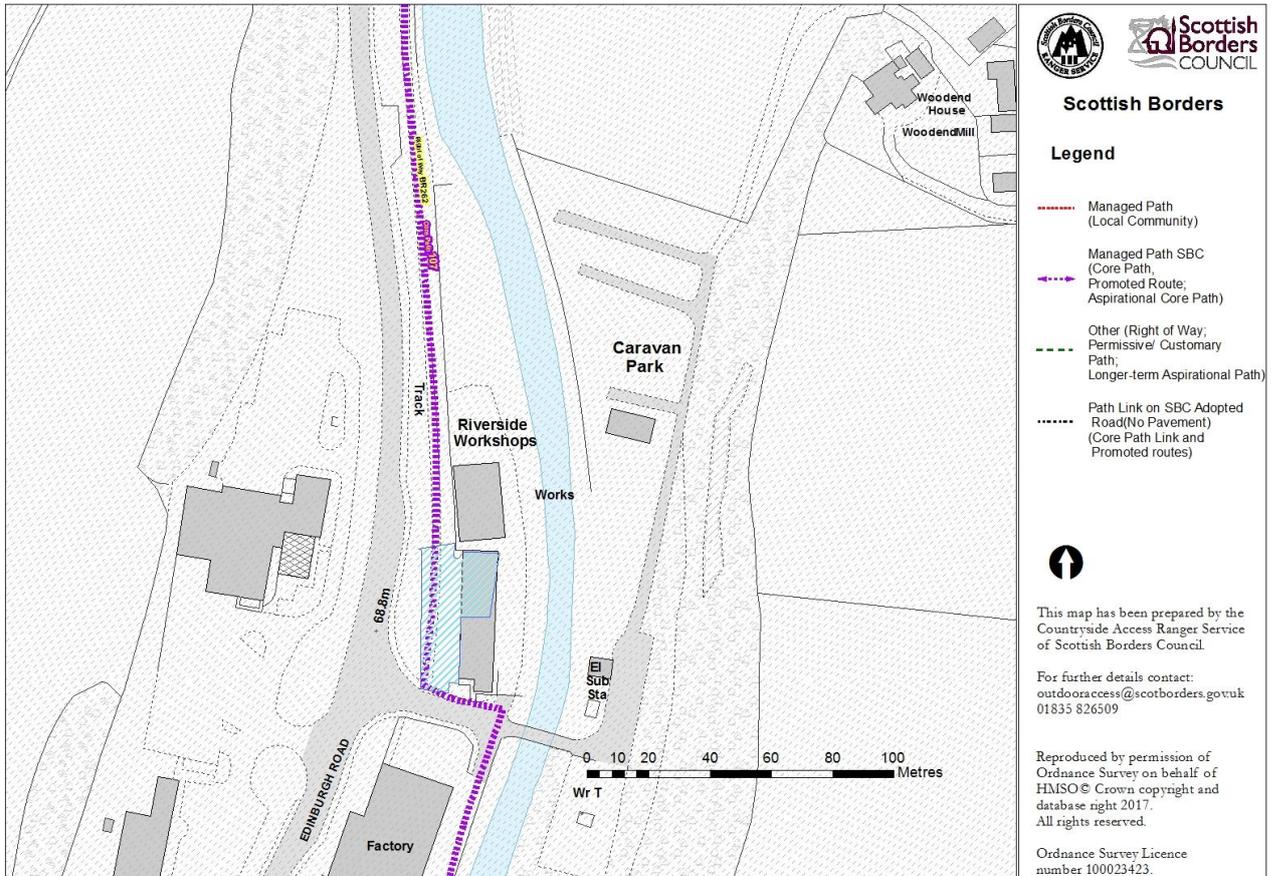
CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION

Comments provided by	Officer Name and Post:	Contact e-mail/number:
	Access Officer Susan Gray	outdooraccess@scotborders.gov.uk
Date of reply		Consultee reference:
Planning Application Reference	20/00283/FUL	Case Officer:
Applicant	Mr James Hewit	Euan Calvert
Agent	Ferguson Planning	
Proposed Development	Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)	
Site Location	Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road Jedburgh Scottish Borders TD8 6EA	
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>		
Background and Site description	Core Paths According to records held in the Regulatory Services there is a Core Path, on and adjacent to the planning application site	

along the Jed Water Riverside. (Shown on map as a purple line)
 This is Core Path 107 This is a riverside path adjacent to the site bounded at present with trees on the riverside and a fence-line on the side adjacent to the development. It currently then follows an existing pavement to cross the area of the proposed development site and joins the roadside path.

Key Issues

(Bullet points) Core path 107 is a strip of land 3 metres in width that is within the development land area. It is as a Core path, outwith the curtilage of the development area.



Assessment

Planning Condition

The development has implications for the ability of the public to exercise rights of access along Core Path 107.

It is essential that these rights are not obstructed by the development and that the public shall continue to enjoy access to the Core Path without risk from machinery, ground disturbance or any other aspect of development works.

Recommendation

<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
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<p>Recommended Conditions</p>	<p>To ensure compliance with relevant legislation the 3 metre corridor of the Core path to be completely outwith the areas used for display of cars and outwith the location of any building work.</p> <p>Reason: To protect public access rights during and after development. AR10 Rights of Way</p> <p>The path indicated Core Path 107 must be maintained open and free from obstruction in the course of development and in perpetuity and shall not form part of the curtilage of the property.</p> <p>No additional stiles, gates steps or barriers to access may be erected that could deter potential future use.</p> <p><u>Reason:</u> To protect general rights of responsible access along the 3 metre corridor of Core path 107</p>
<p>Recommended Informatives</p>	<p>Under the Land Reform Scotland Act 2003 section 23 there are duties on the landowner towards the right of way. The path indicated Core path 107 must be maintained open and free from obstruction in the course of development and in perpetuity and shall not form part of the curtilage of the property. There are duties of the local authority as planning authority to ensure that the Core path is safeguarded. .</p> <div data-bbox="552 967 1043 1337" data-label="Image"> </div> <div data-bbox="552 1415 1082 1809" data-label="Image"> </div> <p>Images of the Core path route</p>

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service	Contact e-mail/number:		
Officer Name and Post:	Keith Patterson Roads Planning Officer	kpatterson@scotborders.gov.uk 01835 826637		
Date of reply	8 th April 2020	Consultee reference:		
Planning Application Reference	20/00283/FUL	Case Officer: Euan Calvert		
Applicant	Mr James Hewit			
Agent	Ferguson Planning			
Proposed Development	Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)			
Site Location	Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road Jedburgh Scottish Borders TD8 6EA			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description				
Key Issues (Bullet points)				
Assessment	I have no objections to the renewal of this consent.			
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions				
Recommended Informatives				

**RE-CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service	Contact e-mail/number:		
Officer Name and Post:	Keith Patterson Roads Planning Officer	kpatterson@scotborders.gov.uk 01835 826637		
Date of reply	20 th April 2020	Consultee reference:		
Planning Application Reference	20/00283/FUL	Case Officer: Euan Calvert		
Applicant	Mr James Hewit			
Agent	Ferguson Planning			
Proposed Development	Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL)			
Site Location	Unit 1B And Incorporating Land To West Of Riverside Works Edinburgh Road Jedburgh Scottish Borders TD8 6EA			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description	This is a reconsultation based on new/amended drawings.			
Key Issues (Bullet points)				
Assessment	I have reviewed the submitted drawings, I would advise that our consultation response of 9 th April 2020 remains unchanged.			
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions				
Recommended Informatives				

AJS

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List of Policies

Local Review Reference: 20/00014/RREF

Planning Application Reference: 20/00283/FUL

Development Proposal: Change of use of land to form motor vehicle display and form sales office from industrial unit (renewal of previous consent 16/01363/FUL) and erection of new sales building (retrospective)

Location: Unit 1B and incorporating land to West of Riverside Works, Edinburgh Road, Jedburgh

Applicant: Mr James Hewit

Scottish Borders Local Development Plan 2016

POLICY PMD2: QUALITY STANDARDS

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

Sustainability

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

Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,

List of Policies

- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Accessibility

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

Greenspace, Open Space & Biodiversity

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

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

POLICY ED1: PROTECTION OF BUSINESS AND INDUSTRIAL LAND

The Council aims to maintain a supply of business and industrial land allocations in the Scottish Borders (see Table 1). There is a presumption in favour of the retention of industrial and business use on strategic and district sites, including new land use proposals for business and industrial land.

1. STRATEGIC SITES

The Council rigorously protects strategic business and industrial sites for employment uses.

a) Strategic High Amenity Sites

Development on Strategic High Amenity Sites will be predominantly for Class 4 use. Other complementary commercial activity e.g. offices, call centres and high technology uses may be acceptable if it enhances the quality of the business park as an employment location.

b) Strategic Business and Industrial Sites

Development for uses other than Classes 4, 5 and 6 on strategic business and industrial sites in the locations identified in Table 1 will generally be refused. Uses other than Class 4, 5 or 6 can be considered if clearly demonstrated as contributing to the efficient functioning of the allocated site.

2. DISTRICT SITES

Although District sites do not merit the same level of stringent protection as Strategic sites there remains a preference to retain these within employment uses.

List of Policies

However, development other than Classes 4, 5 and 6 may be accepted on district business and industrial sites identified in Table 1 in order to, where appropriate, allow a more mixed use area.

Proposals for development outwith Class 4, 5 and 6 will be considered against the following criteria:

- a) the loss of business and industrial land does not prejudice the existing and predicted long term requirements for industrial and business land in the locality, and
- b) the alternative land use is considered to offer significant benefits to the surrounding area and community that outweigh the need to retain the site in business and industrial use, and
- c) there is a constraint on the site whereby there is no reasonable prospect of its becoming marketable for business and industrial development in the future, or
- d) the predominant land uses have changed owing to previous exceptions to policy such that a more mixed use land use pattern is now considered acceptable by the Council.

3. LOCAL SITES

Although Local sites are allocated for business and industrial use, these are considered to have a lower priority and need for retention in the hierarchy of all business and industrial sites. Consequently alternative uses are likely to be supported.

Development other than Classes 4, 5 and 6 are likely to be supported on local business and industrial sites identified in Table 1. Retail may be acceptable on local sites where they are located within or adjacent to town centres.

POLICY HD3 : PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) the details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

POLICY EP1: INTERNATIONAL NATURE CONSERVATION SITES AND PROTECTED SPECIES

Development proposals which will have a likely significant effect on a designated or proposed Natura site, which includes all Ramsar sites, are only permissible where:

- a) an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or
- b) there are no alternative solutions, and
- c) there are imperative reasons of overriding public interest including those of a social or economic nature

List of Policies

Where a development proposal is sited where there is the likely presence of an EPS, the planning authority must be satisfied that:

- a) there is no satisfactory alternative, and
- b) the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment, and
- c) the development is not detrimental to the maintenance of the population of a EPS at a favourable conservation status in its natural range.

POLICY EP2: NATIONAL NATURE CONSERVATION AND PROTECTED SPECIES

Development proposals which are likely to have a significant adverse effect, either directly or indirectly, on a Site of Special Scientific Interest or habitat directly supporting a nationally important species will not be permitted unless:

- a) the development will not adversely affect the integrity of the site, and
- b) the development offers substantial benefits of national importance, including those of a social or economic nature, that clearly outweigh the national nature conservation value of the site.

The developer will be required to detail mitigation, either on or off site, of any damage that may be caused by development permissible under the exception criteria.

POLICY EP3: LOCAL BIODIVERSITY

Development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.

Any development that could impact on local biodiversity through impacts on habitats and species should:

- a) aim to avoid fragmentation or isolation of habitats; and
- b) be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability; and
- c) compensate to ensure no net loss of biodiversity through use of biodiversity offsets as appropriate; and
- d) aim to enhance the biodiversity value of the site, through use of an ecosystems approach, with the aim of creation or restoration of habitats and wildlife corridors and provision for their long-term management and maintenance.

POLICY EP13: TREES, WOODLANDS AND HEDGEROWS

The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.

Any development that may impact on the woodland resource should:

- a) aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability; and

List of Policies

- b) where there is an unavoidable loss of the woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders; and
- c) adhere to any planning agreement sought to enhance the woodland resource.

POLICY IS5: PROTECTION OF ACCESS ROUTES

Development that would have an adverse impact upon an access route available to the public will not be permitted unless a suitable diversion or appropriate alternative route, as agreed by the Council, can be provided by the developer.

POLICY IS7: PARKING PROVISION AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with approved standards.

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

POLICY IS8: FLOODING

At all times, avoidance will be the first principle of managing flood risk. In general terms, new development should therefore be located in areas free from significant flood risk.

Development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. The ability of functional flood plains to convey and store floodwater should be protected, and development should be located away from them.

Within certain defined risk categories, particularly where the risk is greater than 0.5% annual flooding probability or 1 in 200 year flood risk, some forms of development will generally not be acceptable. These include:

- a) development comprising essential civil infrastructure such as hospitals, fire stations, emergency depots etc., schools, care homes, ground-based electrical and telecommunications equipment unless subject to an appropriate long term flood risk management strategy;
- b) additional built development in undeveloped and sparsely developed areas.

Other forms of development will be subject to an assessment of the risk and mitigation measures.

Developers will be required to provide, including if necessary at planning permission in principle stage:

- a) a competent flood risk assessment, including all sources of flooding, and taking account of climate change; and
- b) a report of the measures that are proposed to mitigate the flood risk.

The information used to assess the acceptability of development will include:

List of Policies

- a) information and advice from consultation with the council's flood team and the Scottish Environment Protection Agency;
- b) flood risk maps provided by the Scottish Environment Protection Agency which indicate the extent of the flood plain;
- c) historical records and flood studies held by the council and other agencies, including past flood risk assessment reports carried out by consultants and associated comments from the Scottish Environment Protection Agency, also held by the council;
- (d) the Scottish Environment Protection Agency's Land Use Vulnerability Guidance.

POLICY IS13: CONTAMINATED LAND

Where development is proposed on land that is contaminated, suspected of contamination, or unstable the developer will be required to:

- a) carry out, in full consultation with, and to the satisfaction of Scottish Borders Council, appropriate phased site investigations and risk assessments; and
- b) where necessary, and to the satisfaction of Scottish Borders Council design, implement, and validate appropriate remedial or mitigation measures to render the site suitable for its proposed use.

OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Trees and Development 2008

Notice of Review



NOTICE OF REVIEW

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

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Agent (if any)

Name: Penny Burgess

Name

Address: 36 Tower Street

Address

Postcode: TD7 4LS

Postcode

Contact Telephone 1: [REDACTED]

Contact Telephone 1

Contact Telephone 2: [REDACTED]

Contact Telephone 2

E-mail*: [REDACTED]

E-mail*

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

Yes

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

Planning authority

Scottish Borders Council

Planning authority's application ref number

19/01579/FUL

Site address: 62 Shawburn Road, TD7 4HW

Description of proposed development

Change of use from residential to business

Date of application: 06/11/19

Date of decision (if any): 20/02/20

Notice of Review

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

Nature of application

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

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

Review procedure

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

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

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

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

Site inspection

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

No

1. Can the site be viewed entirely from public land?
2. Is it possible for the site to be accessed safely, and without barriers to entry?

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

The exterior can be viewed from outside with no problem, for the interior I would need to unlock the front door

Statement

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

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

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

Please see attached statement

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? Yes/No

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

I am raising matters that were not included in my written statement, but all the matters that I am raising now have been verbally discussed with the planning officer several times both in person and on the phone.

As I have explained in my statement, when I spoke to SBC about moving my business I was told that I just needed to let them know once the business had moved there, there was no mention of needing planning permission.

When I let the council know that the business had moved, I was then informed that I had to pay for planning permission.

I applied for planning permission with the assumption that having not been given any prior warning of the need for planning permission and that having shown the planning officer the site and informed him of the nature of the business and the circumstance and reasons for moving the business to my property that there would be no problem so the statement I gave at the time was brief and to the point.

The statement that I am now submitting explains the nature of the business and the need for planning permission in greater depth, as per the discussions with the planning officer.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. Note: there will be no opportunity to submit further documents to accompany this notice of review.

Written statement

My latest Tax Credits award - to show just how small the business is, how limited the scope for growth is and that I am bringing my daughter up on the Minimum wage. If the council sees fit they can check the company filings via the Companies House website to confirm that I am not supplementing my wage with huge dividends of any kind.

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

Checklist

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

Full completion of all parts of this form

Statement of your reasons for requiring a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

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

Signed: Penny Burgess

Date: 20/5/20

I have been running Penelope Textiles as a business since 2010 as I did not wish to raise my daughter on state benefits and could not find any employment that was flexible enough for me to work around my daughter, for whom I have sole responsibility, nor that allowed me to afford childcare. Being self employed and working from home allowed me to earn a wage whilst still meeting my parental responsibilities.

I sell vintage and antique textiles and also Haberdashery and needlework supplies. I have two online shops and am constantly hopeful that one day I will find enough time to set up my own website.

Initially the business was run from 62 Shawburn Road whilst both my daughter and myself lived there. The situation was not ideal, The business was conducted from the bathroom and the kitchen (both acting as my laundry area), from the living room, and my bedroom, which I used as stock rooms, with the hall way being used for storage and the garden as a photography studio. It was almost impossible to move in the flat and the situation was detrimental to both mine and my daughters quality of life as there was not really room for us to live there as well as run the business from there.

My Mother moved to Selkirk from France in 2012 and was able to provide relief with childcare and seeing how we were living she purchased the old butchers shop on the corner of Back Row in 2013 which I rented from her for the business at a discounted rate. There were several problems in renting a property for the business in the town centre; the lack of sufficient natural daylight which is essential for photographing my stock for putting into my online shop. I operate in a niche market, many people simply do not understand what it is that I do for a living and would have zero interest in the items that I sell, in the two years the business operated from the shop, the takings from passing trade amounted to around £130.00. There was however a constant interruption of people coming in to look or for a chat, which was very disruptive to my work, which is internet based. The shop required building works after the ceiling fell in and after the work was completed the layout of the shop had changed to such an extent that no area was left large enough for me to carry out essential tasks which impacted greatly on the running of the business so in 2015 I took the decision to rent studio space at Riverside Mills and my Mum sold the shop.

As I already pay rent for my online shops (which works out at 20% of my annual turnover) it is very difficult to pay a second rent on top of that, but for the next two years I did just about manage it. [REDACTED]

[REDACTED] By March the following year my daughter and I had moved out of the flat and into my Mum's house and I was grappling with the consequences of a possible Brexit no deal scenario for my business (Europe accounts for 30% of my market). I was quite exhausted by the events of the last 12 months and the bereavement. I was advised by my doctor to take 3 months work to get back on my feet.

During this three months I spoke to the council numerous times about the possibility of renting out the empty property at Shawburn Road as social housing, and what my responsibilities as a landlord would be. I got quotes for the new kitchen and bathroom that would be required and for the flat to be re decorated. The costs of the work required was far greater than I would recuperate and would have left me out of pocket, so I rang and spoke to the council about the possibility of moving the business to the flat and was told that I needed to let the council know that the property was being

used for business purposes once I had moved the business there, which is what I did on the day that the business moved there.

In order for me to move the business, it took one month to pack up my stock, a month of moving the stock and a month of unpacking as some of the textiles are very old and require special handling and storage and the flat is about half the size of the studio. The cost of moving the business including loss of trade and removal costs stands at about £8000, it is not a decision that I took lightly, hence my speaking to the council prior to moving the business. It is not something that I can afford to do again.

It has been suggested by Brett Taylor during our phone conversations that I move back into the flat with my daughter and continue to run the business from there, which is impossible given that there is no space for our beds or belongings. Brett has also suggested that I move the business into my current residence and run it from there, but I have 3 spare rooms, only one of them is a suitable size for my business and I can not make use of the bathroom or kitchen for laundry purposes as they are in constant use. The garage is used for storage, but would only give me a quarter of the space that I have at the flat.

With regards to the suggestion that I should rent a property in a designated area, I do not think that it has been taken into account that I already pay a very high portion of my turnover as 'rent' for my virtual selling space, to both eBay and Etsy (in the same way that 'self employed' delivery drivers pay 'rent' for their vans) that paying rent again on top of this is an almost feat impossible to meet, and sheer folly given that I own a property that can be used for this purpose.

It is unfair to refuse my application on a speculative basis that the business might grow, I have a modest business for a niche market, there are not enough hours in the day for the work that it would require to grow the business to any size that it might negatively impact an approval for change of use. I am a lone parent with sole responsibility for my daughter, there are only so many hours in the day and so much time and resources that I can devote to the business as I have other responsibilities to meet.

The number of deliveries that arrive at my business are less than deliveries that arrive at house (or at the flat when I lived there) both in terms of volume and frequency, this aspect is core to the nature of my business and will not change. In the two years that I rented at Riverside Mills, I did not have more than two customers arrive at the premises and this is unlikely to change as I am internet based and do not appreciate interruptions whilst I am at my work. I had more visitors at the flat when I lived there than I will ever have whilst operating my business from there.

Brett Taylor may have noticed when he visited the premises for inspection that next door to my flat is a childminding business that has been operating for the last 13 years. Every weekday morning there are cars that arrive for parents to drop their children off in the mornings, in the evening the same cars stop on the road for the parents to collect the children. The children play outdoors in the front garden on a daily basis and are as noisy as all children are. Although the business does not cause any actual disruption to the neighbourhood, it is tenfold more disruptive to the community than my business could ever be yet there has never been a complaint raised against them, nor any kind of enforcements. It would be unfair to refuse my application on any claim of possible disruption to the area on that basis.

At the time that the application was refused an article in the Border Telegraph noted that unemployment in the Scottish Borders was sitting at 10% (not including the job losses from Belmont Garage). I am trying very hard to support my daughter and show her that the mantra that 'Work

Pays' is true. If the change of use is refused, I stand to lose everything that I have invested in the business along with my sole income. The alternative for me would be applying for Universal Credit. I do not believe this would be in anyone's interest, not mine, my daughters not the Councils, who ultimately would be picking up the bill and possibly the financial and social repercussions.

With regards to the Covid19 situation, I earn the minimum wage and not only would I struggle to live on a furloughed wage, I would not be able to meet my ongoing unavoidable business costs. I am not able to claim any business grants as I do not have a rates exemption certificate as I have not been granted the planning permission for change of use that would provide me with the necessary certificate. I am in the group of people that should be shielding, a bout of pneumonia has left my lungs damaged. I can not afford to stop working without being able to claim a grant to help keep the business afloat.

I would be more than happy to have restrictions placed on the application being accepted, and have already suggested to Brett that this could be done. The restrictions that might be beneficial for the councils peace of mind could be;

- That the business not be allowed any more than one delivery (outwith Royal Mail's standard deliveries) per month, with no palletted goods permitted.
- That the business be forbidden from having passing trade or custom,- that any sales must take place in a virtual setting or specified circumstances (ie trade shows, exhibition halls etc)
- That the planning permission have a time limit place upon it that allows enough time for my daughter to complete her formal education and that allows me to be able to support her in this doing this.
- If there are any restrictions that the council might find beneficial for the appeal then I am open to suggestion.

All that I ask is that I continue to be able to run my business so that I can support my daughter and myself. I need to be able to use my flat for housing my business to be able to do this. Short of begging I do not know how to impress upon you just how awful the alternative can be, - I have fought long and hard to work my way out of the poverty that we endured in her early years and I do not relish returning to those days, any more that I could stand to see all my work and effort washed away.

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Miss Penny Burgess
Towerbrae
36 Tower Street
Tower Street
Selkirk
Scottish Borders

Please ask for: Brett Taylor
X6628
Our Ref: 19/01579/FUL
Your Ref:
E-Mail: Brett.Taylor@scotborders.gov.uk
Date: 21st February 2020

Dear Sir/Madam

PLANNING APPLICATION AT 62 Shawburn Road Selkirk Scottish Borders TD7 4HW

PROPOSED DEVELOPMENT: Change of use from residential flat to business use

APPLICANT: Miss Penny Burgess

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at <https://eplanning.scotborders.gov.uk/online-applications/>.

Your right of appeal is set out within the decision notice.

Yours faithfully

John Hayward

Planning & Development Standards Manager

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)

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

Application for Planning Permission

Reference : 19/01579/FUL

To : Miss Penny Burgess Towerbrae 36 Tower Street Tower Street Selkirk Scottish Borders

With reference to your application validated on **7th November 2019** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Change of use from residential flat to business use

At : 62 Shawburn Road Selkirk Scottish Borders TD7 4HW

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

**Dated 20th February 2020
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 19/01579/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

REASON FOR REFUSAL

- 1 The retrospective change of use of the residential flat (Sui Generis) would be contrary to Policy ED2 of the Local Development Plan 2016 in that the site is outwith an allocated employment land site and its location within a residential area is not justified. Further, there is the potential that the business may not co-exist suitably with adjoining residential properties contrary to Policy ED2 and Policy HD3, all to the potential detriment of the residential character of the surrounding area and amenity of neighbouring properties

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed to the Clerk of The Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells, TD6 0SA or sent by email to localreview@scotborders.gov.uk. The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

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

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SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 19/01579/FUL

APPLICANT : Miss Penny Burgess

AGENT :

DEVELOPMENT : Change of use from residential flat to business use

LOCATION: 62 Shawburn Road
Selkirk
Scottish Borders
TD7 4HW

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

No representations have been received.

Consultations:

Community Council: Has concerns about the loss of any existing housing stock in the central residential area of the town. Equally, the community council does not wish to deny any individual an opportunity to operate a small business in the town- although members suggested that vacant (commercial/business) premises are available in more appropriate locations. It is noted that the Government seems keen to promote home working although this assumes that a person would both live and conduct business from the same address where there is no risk of nuisance to neighbours or loss of local amenity. However, in this particular instance, the details submitted show that the applicant has a private address elsewhere and intends to use 62 Shawburn Road solely for business purposes. In conclusion, the community council agreed to remain neutral on this application.

Economic Development Section: No objections.

Roads Planning Officer: No objections.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

ED2 - Employment Uses Outwith Business and Industrial Land;
HD3 - Protection of residential amenity;

Recommendation by - Brett Taylor (Planning Officer) on 20th February 2020

Site description

This application relates to a ground floor flat located on the eastern side of Shawburn Road in Selkirk. The surrounding area is residential. The property is not listed or located within a conservation area.

Proposed Development

This application seeks retrospective consent for the change of use of the property from a residential flat (Sui Generis) to a Class 4 business use. The living room has been converted into an office, the two bedrooms are now stock rooms with the kitchen and bathroom forming part of the applicant's laundry facilities. No changes to on-street parking are proposed.

Planning history

No relevant planning history.

Principle

Having visited the site, I consider the current use of the property as a Class 4 (Business), and would therefore be assessed against Adopted Local Plan Policy ED2, which sets criteria for the location of Class 4 uses. Beyond Policy ED2, there is a need to establish whether or not the change of use is capable of complying with all other relevant planning policies, in this context, most notably Adopted Local Plan Policy HD3 - Protection of Residential Amenity.

Assessment

The site is an existing flatted residential property, but is not designated within the Adopted Local Plan for any other use.

The applicant has provided a supporting statement which advises that the business is called 'Penelope Textiles Limited' and is an Internet based business selling vintage and antique textiles and haberdashery. In the previous four years the business was based at Riverside Mills, however the applicant was required to identify new business premises. The applicant now operates the business from the property which is within her ownership. It is advised that this would allow her business to remain in Selkirk and would meet the business' requirements for a self-contained, quiet premises.

Land Use and Character

Given the application is being assessed against policy ED2 the applicant is required to provide justification for the need for the proposed location and to demonstrate an economic and/or employment benefit. There is also a need to consider whether the proposed use would be capable of coexisting satisfactorily with adjoining uses - see amenity impacts below.

Accordingly, it is appropriate only to assess the proposal in terms of whether or not the proposed use could be appropriately accommodated at the site identified in the application; this is the proposal that the Planning Authority is being asked to assess.

Given the location of the property within a residential area and following a site visit, it was established that the entire property had been converted into a business use with the owner living at another address within Selkirk. As such, I consider that the current use is not ancillary to the authorised use and that a change of use has occurred. The applicant has provided a supporting statement giving an economic justification for the continued use of the property as a business. However, I consider the information provided does not override the requirements of Policy ED2 as it does not justify the need for this location. The case is not a justifiable

reason for the property to cease being used as a flat residential dwelling. The economic benefits of the development, whilst material, will not be substantial. There is also potential to use allocated office and storage space elsewhere in the town and the applicant has not demonstrated why such space is not suitable or available. Putting aside potential conflict with neighbouring uses (considered below), the use has not demonstrated compliance with ED2 in terms of the location. Bearing in mind the growth of internet-based businesses, this type of proposal could be repeated many times over in the area and it is important that its location within a residential context is fully justified

Residential Amenity

Planning Policy HD3 requires that consideration be given to the scale, form and type of development in terms of its fit within a residential area; the impact of the proposed development upon the existing and surrounding properties; the generation of traffic and noise, and the level of visual impact. Policy ED2 also requires that business uses demonstrate they can co-exist satisfactorily with adjoining uses.

The applicant is not proposing to extend the property as the business use is accommodated within the existing property at 62 Shawburn Road. Accordingly, there would be no unacceptable visual impacts on neighbouring properties as a consequence of new-build development.

The applicant's supporting statement has stated that no machinery is operated within the property and that her working hours are usually 9-5 Monday to Friday. Accordingly, it is not considered that the operation of the proposed business would be liable to have any unacceptable noise impacts upon neighbouring properties. With regards to disturbance from increased traffic accessing the site, the numbers of vehicles likely to be involved is not in itself liable to be significant (the Roads Authority has no objections to the proposal). Further, the applicant has advised that a limited number of people currently visit the property and in terms of deliveries arriving, 2 small boxes arrive from France every couple of months and with between 3-6 further deliveries taking place. This is not a significant number. To date it appears that the current state of the business does not have a sufficient impact on neighbouring residential amenity.

However, this could potentially change if the business expands in the future and that would, of course, be welcome if the business were to be successful. Consideration must therefore be given to any potential impact on neighbouring residential amenity should this application be granted and the business becomes more successful. By the very nature of the business requiring deliveries and members of the public potentially visiting the property in potentially increasing numbers, I consider this could have a detrimental impact on neighbouring residential amenity as a result of external activity from persons and vehicles. Whilst a Class 4 use, by definition, should be capable of being carried out without detriment to neighbouring amenity by reason of noise, vibration, smell etc., it is the potential for increased external activity from commercial vehicles and non-residential visitors that could potentially undermine the amenity of neighbouring properties and general residential character of the area. It would be practically difficult for the Planning Authority to monitor and manage the use such that a suitable level of impact can be maintained. This use, quite simply, should be within an industrial area where it can operate without hindrance.

If approved here, conditions could be imposed to limit operating hours and deliveries (from vehicles in the applicant's control) to or from the premises. However, third party activity (from suppliers, clients/customers, deliveries outwith the applicant's control) cannot be enforced. Given the applicant has not demonstrated why this use should be sited here as a matter of principle (applying Policy ED2) it is not considered that a conditional consent is justifiable based on the submitted case. Also, a temporary consent (that would provide the applicant time to find more suitable premises) would only be justifiable if the applicant has a particularly temporary need that is overriding, or the permanent use would be acceptable after a monitoring period. This is not the case here. This matter was discussed with the applicant during a site meeting - it is understood the applicant seeks a permanent consent. The potential amenity implications from a successful business here should not, therefore, be managed by planning conditions - the business should be sited in a location more suited to a commercial business.

Access and Parking

As noted, the Roads Planning Officer has no concerns with respect to access and parking as regards road safety impacts.

Conclusion

It is considered the proposed change of use of the property from residential to Class 4 is contrary to Policies ED2 and HD3 as noted above and that material considerations do not outweigh these conflicts

REASON FOR DECISION :

The retrospective change of use of the residential flat (Sui Generis) would be contrary to Policy ED2 of the Local Development Plan 2016 in that the site is outwith an allocated employment land site and its location within a residential area is not justified. Further, there is the potential that the business may not co-exist suitably with adjoining residential properties contrary to Policy ED2 and Policy HD3, all to the potential detriment of the residential character of the surrounding area and amenity of neighbouring properties

Recommendation: Refused

- 1 The retrospective change of use of the residential flat (Sui Generis) would be contrary to Policy ED2 of the Local Development Plan 2016 in that the site is outwith an allocated employment land site and its location within a residential area is not justified. Further, there is the potential that the business may not co-exist suitably with adjoining residential properties contrary to Policy ED2 and Policy HD3, all to the potential detriment of the residential character of the surrounding area and amenity of neighbouring properties

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



Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825251/System Help 01835 826705 Email: corporatebusinesssystems@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100198735-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

To change the use of the building from residential to Business use as I am running my business from this address

Has the work already been started and/ or completed? *

No Yes - Started Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

01/10/2019

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

I was only made aware today that I should apply for change of use when visited by Greg Bunion to see about registering for business rates.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	Miss	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Towerbrae
First Name: *	Penny	Building Number:	36
Last Name: *	Burgess	Address 1 (Street): *	Tower Street
Company/Organisation	Miss	Address 2:	Tower Street
Telephone Number: *		Town/City: *	Selkirk
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	Td74LS
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:	Scottish Borders Council
Full postal address of the site (including postcode where available):	
Address 1:	62 SHAWBURN ROAD
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	SELKIRK
Post Code:	TD7 4HW

Please identify/describe the location of the site or sites

--

Northing	629414	Easting	347567
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Brett Taylor advised me where to find the relevant forms for the application having explained what I needed to do

Title:

Mr

Other title:

First Name:

Brett

Last Name:

Taylor

Correspondence Reference Number:

Date (dd/mm/yyyy):

05/11/2019

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Trees

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

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Miss Penny Burgess

On behalf of:

Date: 05/11/2019

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Miss Penny Burgess

Declaration Date: 05/11/2019

Payment Details

Online payment: XM0100003368
Payment date: 05/11/2019 16:54:00

Created: 05/11/2019 16:54

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I am looking to use my property at 62 Shawburn Road to run my internet business from. The business is called Penelope Textiles Limited and was previously registered at The Old Dye House, Riverside Mills, Selkirk, TD7 5EF.

The business is an internet based business, I sell Vintage and antique textiles and Sajou haberdashery and needlework supplies from France. My shop address on line is www.penelopetextiles.etsy.com

I am usually working from 9-5, my duties include the following;

- Buying goods at auction for restoration and sale
- Ordering Sajou haberdashery
- Laundering and mending of linens and garments
- Photographing stock
- Listing stock in my online store
- Packing orders and taking post up to the post office in Selkirk.

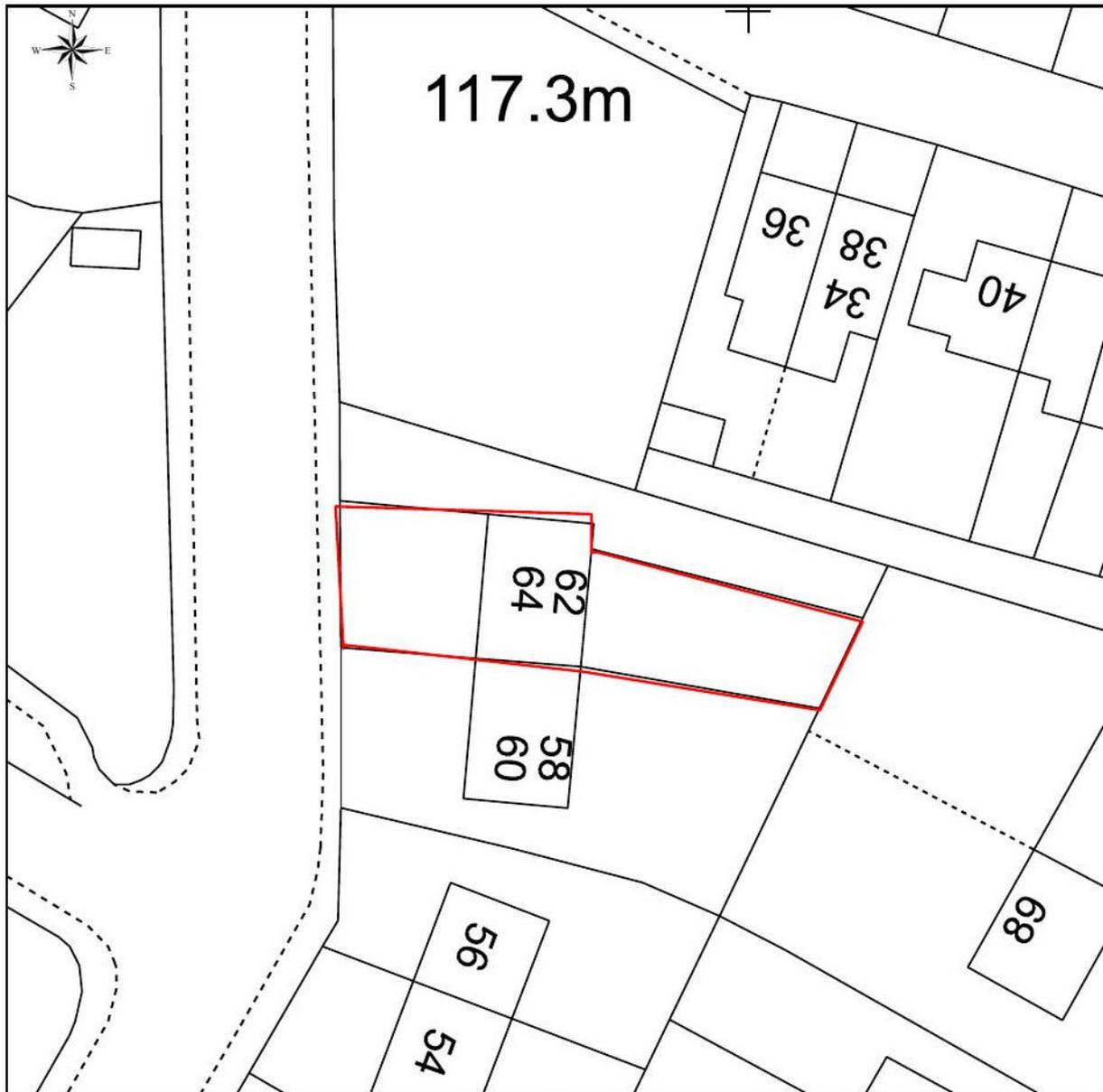
In the four years the business was based at riverside mills, I had one member of the public visit my business, and do not foresee that this ratio is likely to increase at 62 Shawburn Road, I am an internet based business.

On average in terms of deliveries arriving, 2 small boxes arrive from France every couple of months and 3-6 times a year my auction purchases are delivered. I actually receive more post and deliveries at my home address for personal use that I do at my business address.

I am using my property on Shawburn Road to house my business as the space and layout are entirely suitable, what was the living room is now my office, the two bedrooms are my stock rooms, the bathroom forms part of my laundry facilities (the bath is excellent for soaking stains) and the kitchen is also my main laundry area for the washing machine, linen roller press, ironing board and garment steamer.

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Site Plan/Block Plan of td7 4hw



This Plan includes the following Licensed Data: OS MasterMap, Black and White Site Plan/Block Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as lines is no evidence of a property boundary. © Crown copyright and database rights, 2019. Ordnance Survey 0100031673

Scale: 1:500, paper size: A4

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



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From: Ian KING

Sent: Thu, 14 Nov 2019 13:16:27 +0000

To: DCConsultees

Cc: Alistair PATTULLO; David Deacon; Kirsty Lovatt; Tom COMBE; Alisdair Lockhart; Jim STILLIE; Graham Easton; Sue BREMNER; Judith Thompson; George Irvine; Graham Easton; Edgar, Gordon (Councillor); Penman, Caroline (Councillor); Thornton-Nicol, Elaine (Councillor)
Subject: consultation - Planning Application 19/01579/FUL: 62 Shawburn Road, Selkirk - Change of use from residential flat to business use

The Royal Burgh of Selkirk and District Community Council discussed this application (and its implied issues) at length at its meeting of 11 November 2019 and our comments can be summarised as follows:

- In principle, the Community Council does not wish to see the loss of any existing housing stock in a central residential area of the town which might, as a consequence, disadvantage those in need of low level, easily accessed accommodation.
- Equally, the Community Council does not wish to deny any individual an opportunity to operate a small business in the town - although members suggest that vacant (commercial/business) premises are available in more appropriate locations.
- It is noted that the Government seems keen to promote home working – although this assumes that a person would both live and conduct business from the same address where there is no risk of nuisance to neighbours or loss of local amenity. However, in this particular instance, the details submitted show that the applicant has a private address elsewhere and intends to use 62 Shawburn Road solely for business purposes.

The Community Council agreed to remain neutral on this application. It is hoped however that were the Planning Committee to see fit to approve this application - the limitations of Class 4 would be strictly adhered to. The Community Council expressly wishes to avoid any change of use becoming inappropriate - especially within a well-established residential area.

Of course, the Community Council appreciates that the reality of actually monitoring and 'policing' of such uses could be very impractical for the planning authority!

Ian King

Signed: Ian King (Planning Spokesperson)
Royal Burgh of SELKIRK and DISTRICT COMMUNITY COUNCIL

PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 7th November 2019

Contact: Brett Taylor ☎ X6628

Ref: 19/01579/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 28th November 2019, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 28th November 2019, it will be assumed that you have no observations and a decision may be taken on the application.

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

Name of Applicant: Miss Penny Burgess

Agent: N/A

Nature of Proposal: Change of use from residential flat to business use

Site: 62 Shawburn Road Selkirk Scottish Borders TD7 4HW

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:		Contact e-mail/number:	
	Economic Development Section			
Date of reply	20/11/19	Consultee reference:		
Planning Application Reference	19/01579/FUL	Case Officer: Brett Taylor		
Applicant	Miss Penny Burgess			
Agent	N/A			
Proposed Development	Change of use from residential flat to business use			
Site Location	62 Shawburn Road Selkirk Scottish Borders TD7 4HW			
<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>				
Background and Site description				
Key Issues (Bullet points)	<ul style="list-style-type: none"> • 			
Assessment	<p>The supporting statement indicates that there is likely to be minimal impact of the business in a residential area.</p> <p>Economic Development therefore supports this application, and would propose that it is for Class 4 use only, and the development and impact of the business, as it grows, could be reviewed through the need to renew the permission. This would also give the business the opportunity to review if there are alternative appropriate options in purpose built business accommodation elsewhere.</p>			
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions				

Recommended Informatives	
-------------------------------------	--

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service	Contact e-mail/number:	
Officer Name and Post:	Liam Nicholson M.A Civil Engineering Trainee Tech	Liam.nicholson@scotborders.gov.uk 01835 825054	
Date of reply	20 th November 2019	Consultee reference:	
Planning Application Reference	19/01579/FUL	Case Officer: Brett Taylor	
Applicant	Miss Penny Burgess		
Agent	N/A		
Proposed Development	Change of use from residential flat to business use		
Site Location	62 Shawburn Road Selkirk Scottish Borders TD7 4HW		
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>			
Background and Site description			
Key Issues (Bullet points)			
Assessment	<p>Whilst a business in this location would be out of character for the surrounding area, I am aware that the type of business proposed at this site will not be generating any significant traffic movements.</p> <p>The proposed business does not have an adverse impact on parking in the area and will not have a detrimental impact to the surrounding road network.</p> <p>Therefore I shall have no objections to this application.</p>		
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions
			<input type="checkbox"/> Further information required
Recommended Conditions			
Recommended Informatives			

AJS

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List of Policies

Local Review Reference: 20/00015/RREF

Planning Application Reference: 19/01579/FUL

Development Proposal: Change of use from residential flat to business use

Location: 62 Shawburn Road, Selkirk

Applicant: Miss Penny Burgess

Scottish Borders Local Development Plan 2016

POLICY PMD5: INFILL DEVELOPMENT

Development on non-allocated, infill or windfall, sites, including the re-use of buildings within Development Boundaries as shown on proposal maps will be approved where the following criteria are satisfied:

- a) where relevant, it does not conflict with the established land use of the area; and
- b) it does not detract from the character and amenity of the surrounding area; and
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'; and
- d) it respects the scale, form, design, materials and density in context of its surroundings; and
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide design statements as appropriate.

POLICY ED2: EMPLOYMENT USES OUTWITH BUSINESS AND INDUSTRIAL AREAS

Within the defined Development Boundary there will be a general presumption against industrial or business uses outwith business and industrial land, mixed use or redevelopment sites (Policies ED1 and PMD3). Any proposal for such a use in such a location will be required to:

- a) justify the need for that location, and
- b) demonstrate significant economic and/or employment benefit, and
- c) demonstrate that it can co-exist satisfactorily with adjoining uses

POLICY HD3 : PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) the details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

List of Policies

POLICY IS7: PARKING PROVISION AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with approved standards.

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.



Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825251/System Help 01835 826705 Email: corporatebusinesssystems@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100261324-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Tim	Building Name:	Shiel House
Last Name: *	Ferguson	Building Number:	
Telephone Number: *	01896 668 744	Address 1 (Street): *	54 Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	UK
		Postcode: *	TD1 1HR
Email Address: *	tim@fergusonplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Shiel House"/>
First Name: *	<input type="text" value="A"/>	Building Number:	<input type="text" value="54"/>
Last Name: *	<input type="text" value="Mackenzie"/>	Address 1 (Street): *	<input type="text" value="Island Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Galashiels"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD1 1NU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="tim@fergusonplanning.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="654965"/>	Easting	<input type="text" value="315596"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of dwellinghouse

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refer to Appeal Statement

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

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Refer to Appeal Statement Appendix

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

19/01701/PPP

What date was the application submitted to the planning authority? *

03/12/2019

What date was the decision issued by the planning authority? *

02/03/2020

Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Ferguson Planning Tim Ferguson

Declaration Date: 28/05/2020

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APPEAL STATEMENT

REF: 19/01701/PPP

ERECTION OF DWELLINGHOUSE

**LAND NORTH EAST OF WEST MAINS FARMHOUSE,
CARLOPS, SCOTTISH BORDERS**

ON BEHALF OF: MR ALASDAIR MACKENZIE

MAY 2020



Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

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Page 319



CONTENTS

	EXECUTIVE SUMMARY
1.0	SITE HISTORY & APPELLANT CONTEXT
2.0	PROPOSAL SUMMARY
3.0	REASONING FOR REFUSAL
4.0	GROUNDINGS OF APPEAL
5.0	CONCLUSIONS



EXECUTIVE SUMMARY

This Statement is submitted on behalf of Mr Alasdair Mackenzie “the Appellant” against the decision of Scottish Borders Council to refuse Planning Permission in Principle for the erection of a dwellinghouse on land to the north-east of West Mains Farmhouse, Carlops on 2nd March 2020 (reference 19/01701/PPP). All Core Documents (CD) are referenced in Appendix 1.

The Appellant proposes to build a new dwelling on land within his family landholding and adjacent to his parent’s home a former farmhouse/steading. The existing use of the appeal site is brownfield having operated as c. 5 no. caravan/motorhome pitches which comprise distinct portions of made ground surrounded by grass which is kept mown. Utilities then again provided to each pitch. The site is currently in a form of rural business use at present and can in no way be classified as prime agricultural land or in open countryside per se.

The appeal site is visually and functionally contiguous with the existing West Mains Farm House and Steading and which is inter-visible with a number of existing residential properties located to the west of the A702. Again, visible from the subject site to the east of the A702 is Rutherford House and grouping of approximately 10 large residential units.

Reasons for Refusal

There were two reasons for the refusal of the Application.

Reason 1

The first reason cited contradiction with Policy HD2 on the basis that the appeal site “is unrelated to a building group” and would constitute “sporadic residential development” in the countryside.

The Appellant’s case is that the appeal site is well related to the existing West Mains Farm Building Group, including lying adjacent to the north-east of West Mains Farmhouse and used outbuildings. As a parcel, West Mains Farm sits visibly distinct from the surrounding countryside as it is enclosed by prominent landscape features. Both the north and south-west boundaries of the site are defined by established belts of mature trees. The site’s west boundary is defined by a spring which runs through a large gully or small valley. Finally, the south-east boundary is defined by a stream running from a small pond, which is surrounded by trees, down to a culvert which runs under the A702.



The building group is to be taken in the context of the historic farm and relationship with the neighbouring house that those additional dwellings that are clearly intervisible to the north, east and west as shown in Figure 1 of this statement.

No dwellings have been approved or constructed within the current LDP period, so there is existing capacity for expansion.

Reason 2

The second reason cited contradiction with Policy EP13 on the basis that “the applicant has failed to demonstrate that the development would not result in serious damage to trees” which were considered to have intrinsic landscape value.

It is considered unlikely that the proposed development will have a negative impact on the established tree belt given existing physical separation and built form can set off from the tree canopy easily. The application is in outline and the Appellant is more than happy to be conditioned to ensure that the built form has no impact on those trees considered to have any value.

As detailed design of the proposed development is deferred to the subsequent stage of the planning process, this provides the opportunity for advice obtained to inform the layout presented for detailed approval.

The Local Review Body, having considered the detail contained within the Planning Application package, together with the information set out herein, are respectfully requested to allow the Appeal and grant Planning Permission in Principle.



1.0 SITE HISTORY & APPELLANT CONTEXT

Site History

- 1.1 West Mains Farm has stood on the current site since 1814, in 1990 the owners of West Mains split the land into 3 parcels. 1st was the site of West Mains, 2nd Parcel ; Planning permission was applied for, by the then owners of West Mains and permission granted to build a second house which is now Windy Gowl Ref No 91/00113/FUL, making two house within the West Mains site, 3rd Parcel; was sold and the new owner applied for and received planning permission for a house on the basis they were going to breed rare animals (Sheep and Cows), known as Mossdale Farm Ref No 97/05071/REM, meaning two other house are directly linked from the Principle/Primary site of West Mains.
- 1.2 Although the houses may be slightly further apart than the standard in a town or village setting it can still be said that the 3 houses form a building group as they are historically linked to the original and primary site of West Mains. There is no distance set in the legislation stating how close the distance has to be between 3 houses / buildings to form a group
- 1.3 In 2000 the owners of Windy Gowl applied for and were granted permission for a house which is known as Schiehallion Ref No 00/01094/REM, in 2017 Windy Gowl applied for and received planning permission for change of use of a holiday home used as an office on site to a residential property Ref No 17/01437/FUL.
- 1.4 Again, each of these houses are approximately within 200m of each other and when taken into account with the other existing houses, West Mains, Windy Gowl and Mossdale Farm, it makes a grouping of 5 houses in a very localised area which have come from, and can be directly linked to, the principal or primary house West Mains Farm thus forming a building group of at least 5 houses.
- 1.5 Houses at Bogs Bank Road West Linton; only one existing house stood on this site, Westwater Cottage, with a derelict barn some 200m away owned by a separate individual permission was granted in 2014 to re develop the derelict barn Ref No 15/00674/FUL, making two houses then a third house was applied for in-between the existing house and the derelict barn in 2016 Ref No 16/00459/PPP with permission being granted, although there were only 2 buildings not enough for a building group as stated in the policy thus setting a form of precedence worthy of reference.
- 1.6 The diagram and pictures below provide some context and inter visibility between the residential dwellings in the area.

Figure 1: West Mains Residential Dwellings Cluster



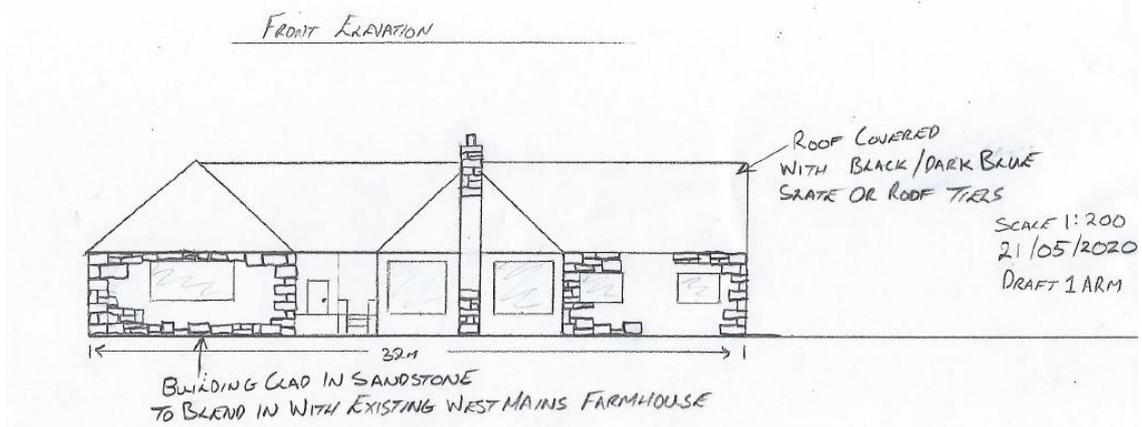
FERGUSON PLANNING





- 1.7 Coming back to the subject site. The site at West Mains is not prime agricultural land and was granted permission for commercial use as a Caravan Club Certificated Location for up to 5 touring caravans in 1998 and was used as such up until 5 years ago. The site in question has hard standing areas, mains water, electricity and waste facilities into a septic tank so the site is fully serviced and already has ample access from the A 702.
- 1.8 This would identify the site as a brownfield site as it was previously used commercially. All Planning Policies promote the use of brownfield in advance of greenfield regarding development. The Farmhouse and outbuildings are in active use thus making the subject site the next best location sequentially and which sits side by side with the former farmhouse.
- 1.9 The trees on the site are non-native species such as Pinus mugo, Picea abies, Pinus resinosa and Betula pendula. They have as much landscape value as that of any tree or shrub in any private garden. They are not ancient woodland and have limited arboricultural quality.
- 1.10 That being said, they do assist, as sought by general building group guidance, to contain the subject site within the wider landscape. Any tree root protection can easily be dealt with by way of an associated condition and come the submission of the detailed design and siting of the house. If any trees were needed to be removed or were damaged during construction, they can and would be easily replaced like for like.
- 1.11 The new 2019 Planning Act seeks a stronger focus on delivery of new housing and business in rural areas and support for self build projects. The SPP outlines that where appropriate, the construction of single houses out with settlements maybe supported provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies.
- 1.12 Sottish National Planning Framework again outlines that they will continue to work with the housing sector to identify innovative approaches to rural housing, including assisting rural enablers to support individual house building and, as in all of Scotland, to ensure a sufficient supply of new and affordable housing for both rent and ownership. This legislation can be seen to link well to what is trying to be achieved at the site at West Mains.
- 1.13 The local village of Carlops has no gap plots which could be used and is at capacity for sewage treatment making it unfeasible to build a house within the village even if a plot was available. Currently there is only one house for sale in the village which is priced at over £450,000 and not affordable to the Appellant as a first time buyer.
- 1.14 The Appellant seeks to design the dwelling to fit sympathetically into the landscape in a linier position similar to the existing West Mains Farm house and topography of the land, construction materials would be the same as that of West Mains Farm house, faced in sandstone with black / dark blue slate or appropriate roofing tiles.

- 1.15 A sketch plan has been appended of the type of house to aid the context. An extract replicated below.



- 1.16 Again, it would be the Appellant's intention to avail of renewable technologies such as solar and air source heat pumps.
- 1.17 In accordance with the guidance set out in New Housing in the Borders Countryside 2008 the site and proposed house would have no adverse effect on the viability of a farming unit, has satisfactory access and other road requirements, has satisfactory public or private water supply and drainage facilities, it will have no adverse effect on countryside amenity, no adverse impact on ancient monuments or archaeological sites, will be in an appropriate siting, design and use materials in accordance with the relevant Local Plan policies.
- 1.18 It is clear from the history of the wider farm lands and new homes nearby and taking due regard of the wider local, strategic and national planning policy guidance lends much support to the ethos of that proposed. If all of the relevant information, history and legislation was taken into account it is felt there is a very valid case for the development at West Mains to be approved.



Appellant's Personal Statement

- 1.19 I am a single 40 year old working man who is a lodger at West Mains, most houses which come up for sale in the local area are unaffordable to me and due to the current legislation in place, which makes it very difficult to obtain planning permission for a house, any land parcel which has come on the market in the local area in recent years with planning permission is very over inflated in price, this is a problem which has been created by the LDP and specifically Policy HD2.
- 1.20 This means I could afford to buy the land but not have the finances to build a house or vice versa. The only way I feel I will be able to obtain a forever home for myself is to proceed as I have in seeking Planning Permission for the site at West Mains.
- 1.21 Although West Mains Farm is not run as a commercial farm it still takes a lot of time and effort to maintain the land and look after the animals, a task which I have always shared with my parents.
- 1.22 As they are now both getting older, (they are both over seventy) it is getting harder for them to carry out these tasks which they have done for over 27 years and it is falling on me to take up the slack and do more. To be able to do this efficiently and sustainably I need to be extremely close to, or live on the farm.
- 1.23 Also, in light of the current events with the Covid 19 pandemic and my parents being in the vulnerable category of over seventies with underlying health issues I have had to move out of the house and into rented accommodation at Loanhead. As I am still working in a critical industry suppling bio mass fuel to a national grid power station I now have to do a day's work then when I finish I have to travel the 25 mile round trip to West Mains feed animals, cut grass and do maintenance as well as being the carer for my parents taking shopping in and getting prescriptions etc.
- 1.24 The current situation with Covid 19 crisis has underlined the benefits of my being able to build a house at West Mains site to be close to my parents to provide care for them in their future years and the farm in the most efficient and sustainable way possible.

2.0 PROPOSAL SUMMARY

- 2.1 This Statement in support of Local Review is submitted to Scottish Borders Council on behalf of the Appellant, Mr A Mackenzie, against the delegated decision to refuse to grant Planning Permission in Principle for the erection of a dwellinghouse on land to the north east of West Mains Farmhouse, Carlops.
- 2.2 The appeal site lies adjacent to the north-east boundary of the existing dwelling 'West Mains Farmhouse', which was the principle farmhouse associated with the wider area and includes lands, while no longer in the applicant's control, did relate and allow for new dwellings on the original farm holding. Four agricultural barns/sheds are actively used within the current landholding and are located in the hardstanding yard to the south-west of the existing farmhouse. There are therefore a number of large physical structures set within this landscape and to which the proposed plot would relate when viewed at distance from the public receptor (ie. A702).
- 2.3 The site comprises five existing caravan/motorhome pitches together with an area of adjacent grass which is mown for the benefit of caravan occupiers. The private tarmac concrete track which provides access to West Mains Farm runs adjacent to the south-east of the site. A hardstanding parking area is sited to the north-west of the appeal site, access to which is provided by a tarmac concrete track adjacent to the north of the site.





- 2.4 West Mains Farm is enclosed from the surrounding countryside by a distinct belt of trees which lies slightly beyond the north of the site. Similarly land topography changes beyond the west boundary of the appeal site falling away fairly steeply into a large gulley – small river valley through which a minor watercourse (marked as ‘spring’ on OS) runs. The gulley/valley runs along the full length of the Farm’s west boundary and land rises fairly steeply into the ridge/shoulder of a small hill beyond the spring. The south-west boundary of the Building Group is defined by a second tree belt similar to that which defines the north boundary. The south-east boundary is defined by a small copse of trees which surrounds a pond together with the stream which feeds and drains the pond and runs to a culvert under the A702.
- 2.5 It is proposed that private arrangements for water supply as well as for foul and surface water drainage will be made for the new house. The Appellant is content to secure servicing details via condition.
- 2.6 The remainder of this Statement considers the site context and relevant planning policy, before evaluating the accordance of the appeal proposal with the Local Development Plan and other material considerations.



3.0 REASONING FOR REFUSAL

3.1 Planning Application 19/01701/PPP was refused on 2nd March 2020. The Decision Notice cited two reasons for refusal, set out below:

“1. The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would amount to sporadic residential development in a countryside location unrelated to a building group and an overriding economic case for a dwellinghouse has not been substantiated.

2. The development would be contrary to Policy EP13 of the Local Development Plan 2016 and Trees and Development Guidance 2008 in that the applicant has failed to demonstrate that the development would not result in serious damage to trees which are of landscape value and there are no public benefits which would clearly outweigh their loss.”

3.2 Policy HD2 permits the expansion of existing Building Groups by an additional 2 dwellings or a 30% increase of the building group, whichever is the greater over the LDP period.

3.3 The Appellant’s submission is that the application was made in accordance with section (A) of the Policy in that the appeal proposal represents the enlargement of an existing Building Group in the countryside by a single dwelling. Therefore section (F) – “economic or operational need” – is not considered to be relevant.

3.4 The Supplementary Guidance ‘**New Housing in the Borders Countryside**’ includes the following criteria for any new housing in the countryside:

- No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
- Satisfactory access and other road requirements;
- Satisfactory public or private water supply and drainage facilities;
- No adverse effect on countryside amenity, landscape or nature conservation;
- No adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes;
- Appropriate siting, design and materials in accordance with relevant Local Plan policies.
- The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.



- 3.5 The section of the Guidance, which covers the expansion of existing Building Groups, states that all applications for new houses at existing Building Groups will be tested against an analysis of:
- a) the presence or, otherwise of a group; and
 - b) the suitability of that group to absorb new development.
- 3.6 The Guidance sets out that the existence of a Building Group “will be identifiable by a sense of place which will be contributed to by:
- natural boundaries such as water courses, trees or enclosing landform, or
 - man-made boundaries such as existing buildings, roads, plantations or means of enclosure.
- 3.7 When expanding an existing building group, the Guidance includes the following points:
- The scale and siting of new development should reflect and respect the character and amenity of the existing group;
 - New development should be limited to the area contained by that sense of place;
 - A new house should be located within a reasonable distance of the existing properties within the building group with spacing guided by that between the existing properties;
 - Ribbon development along public roads will not normally be permitted.

4.0 GROUNDS FOR APPEAL

- 4.1 The decision of the Planning Authority to refuse the Application is challenged on the basis of the Grounds of Appeal set out below. It is the submission of the Appellant that the proposal accords with the relevant adopted national and strategic planning policies and policy of the Local Development Plan and Supplementary Guidance.

GROUND 1: The proposed development represents the erection of a dwelling on a site which is well related to the existing West Mains Farm Land(s) Building Group and would contribute positively to the local sense of place and setting.

GROUND 2: The proposed development does not represent a serious risk of damage to the distinct tree belt which encloses West Mains Farm as the tree belt is outside the application site and an existing tarmac concrete track separates the trees from the site.

GROUND 1: THE PROPOSED DEVELOPMENT REPRESENTS THE ERECTION OF A DWELLING ON A SITE WHICH IS WELL RELATED TO THE EXISTING WEST MAINS FARM BUILDING GROUP AND WOULD CONTRIBUTE POSITIVELY TO THE LOCAL SENSE OF PLACE AND SETTING.

- 4.2 It is the Appellant's position that the appeal site lies within the setting and forms part of the West Mains Farm Building Group and that the proposed dwelling would be contained and enhance the defined sense of place at local level given the landscaping and brownfield nature of the site.
- 4.3 West Mains Farm sits visibly distinct from the surrounding countryside as it is enclosed by prominent landscape features. Both the north and south-west boundaries of the site are defined by established belts of mature trees. The site's west boundary is defined by a spring which runs through a large gully or small valley. Finally, the south-east boundary is defined by a stream running from a small pond which is surrounded by trees down to a culvert which runs under the A702.
- 4.4 The above is illustrated on Fig.2. below.

Figure 2: Landscape Containment



Fig 1: Aerial image of appeal site (in red) within West Mains Farm enclosed by natural boundaries outlined in orange; existing caravan pitches proposed for redevelopment can be seen in north-west corner of the area enclosed by distinct boundaries.

- 4.5 The plot is contained by existing landscaping with an inter-visible relationship with a group of houses on the historic West Mains Farm land as indicated in Figures 1 and 2. It is considered that the appeal site forms part of the West Mains Farm Building Group which is distinctly enclosed by existing natural boundaries while having synergy with the dwellings nearby. The appeal site also sits directly next to West Mains Farmhouse.
- 4.6 No dwellings have been approved or built in the Building Group since adoption of the current LDP. Therefore, the proposal is considered to accord with section (A) of Policy HD2 and the principle of development is considered to be acceptable in planning terms.



GROUND 2: THE PROPOSED DEVELOPMENT DOES NOT REPRESENT A SERIOUS RISK OF DAMAGE TO THE DISTINCT TREE BELT WHICH ENCLOSES WEST MAINS FARM AS THE TREE BELT IS OUTSIDE THE APPLICATION SITE AND AN EXISTING TARMAC CONCRETE TRACK SEPARATES THE TREES FROM THE SITE.

4.7 It is noted that Report of Handling 19/01701/PPP states:

“The trees which are present on the northern edge of the site are semi-mature pine trees which add to the amenity of the area, especially when the site is viewed from the south. No arboricultural assessment was submitted with the application. As the site is rather narrow, the construction of a house may have a negative impact on those trees and that would be detrimental to the appearance of the local area. The lack of information (required by our guidance and BS5837:12) means that the applicant has not demonstrated that the site is capable of being developed without having a negative impact on trees adjacent to the site which are considered to be high value in terms of amenity. While this may be capable of being addressed, there is no information to confirm it will be at this stage. The proposal would therefore be contrary to policy EP13.”

4.8 It is acknowledged that the refused application was submitted without an arboricultural assessment, which is regrettable. However, the Appellant is prepared to accept such an assessment being conditioned in the granting of Planning Permission in Principle. It would have required further related conditions appended even if the assessment was provided at this PPP application stage.

4.9 It is noted that the Planning Officer considers that “while this [development proceeding on-site while retaining existing trees in good health] may be capable of being addressed, there is no information to confirm it will be at this stage. The proposal would therefore be contrary to policy”.

4.10 The Appellant agrees that retaining existing trees on-site and nearby in good health is an important aspect of the development. Therefore, it is agreed that professional advice on tree retention from a suitably qualified person should be obtained and submitted to the Council before initiation of development. It does not prohibit the permitting of a PPP planning application however. It is the principle of the development that is under review not the associated design details at this stage. The intention is to retain all trees present.



- 4.11 A suitable worded condition will allow the Planning Authority to retain the ability to manage development on-site and ensure the health of mature trees. This reality is assisted by the fact that the full detailed design – including the scale of the proposed dwelling, appearance of elevations, and proposed layout of the development site – is to be agreed at the subsequent stage of the planning process.
- 4.12 Given that professional advice on tree retention can be included in the subsequent stage of the planning process and drawn on to inform the layout presented for detailed approval, it is considered likely that the proposed development can be carried out without causing “*the loss of or serious damage to*” the established tree belt to the north of the site in accordance with Policy EP13.

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5.0 CONCLUSIONS

- 5.1 The Appeal, supported by this Statement, requests that the Council overturns the decision to refuse Planning Permission in Principle for Application 19/01701/PPP and grant consent for the erection of a dwellinghouse on land to the north east of West Mains Farmhouse, Carlops.
- 5.2 The proposal is for the erection of a new dwelling on a site which is well related to and within the setting of the existing Building Group. The proposed dwelling lies adjacent to the north-east of West Mains Farmhouse and unmistakably within the existing enclosing natural boundaries of West Mains Farm. No new dwellings have been approved or built in the current LDP period and so existing capacity exists for expansion in line with adopted policy. Therefore, the proposed development is considered to accord with section (A) of Policy HD2.
- 5.3 The Appellant acknowledges that a detailed design will have to be submitted in the subsequent stage of the planning process in order to secure the consent. Importantly this will include professional advice on tree retention from a suitably qualified person which will inform the layout presented for detailed approval. It is considered that the proposed development will retain nearby trees in good health, in accordance with Policy EP13.
- 5.4 Vehicle access to the adopted highway is proposed via the existing paved access track. Consultation responses were received from the Roads Planning Officer and Transport Scotland and **no objection** was included within either response.
- 5.5 Should Planning Permission in Principle be granted, approval of the deferred details will be required at the next stage of the planning process. Therefore, the scale, layout, appearance of elevations, and landscaping can be controlled by the Planning Authority.
- 5.6 The Local Review Body is respectfully requested to allow the appeal for the erection of a dwellinghouse at West Mains Farm.



APPENDIX 1

Core Documents

The following drawings, documents, and plans have been submitted to support the appeal:

- Appeal Form;
- CD1 Appeal Statement;
- Application Form;
- CD2 (Application) Design Statement;
- CD3 9417 (2-)001 (A) Location Plan;
- CD4 Report of Handling 19/01701/PPP; and
- CD5 Decision Notice 19/01701/PPP.
- CD6 Appellant Indicative Elevation Sketch

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Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825251/System Help 01835 826705 Email: corporatebusinesssystems@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100210203-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

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

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed erection on a new house adjacent to the existing farm house on former caravan site.

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Camerons Ltd."/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Camerons Ltd"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text"/>	Building Number:	<input type="text" value="1"/>
Telephone Number: *	<input type="text" value="01896753077"/>	Address 1 (Street): *	<input type="text" value="Wilderhaugh"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Galashiels"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="TD1 1QJ"/>
Email Address: *	<input type="text" value="info@camerons.ltd.uk"/>		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="West Mains Farm"/>
First Name: *	<input type="text" value="Alasdair"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Mackenzie"/>	Address 1 (Street): *	<input type="text" value="West Mains Farm"/>
Company/Organisation	<input type="text" value="-"/>	Address 2:	<input type="text" value="Carlops"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="West Linton"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH46 7AS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

WEST MAINS

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

WEST LINTON

Post Code:

EH46 7AS

Please identify/describe the location of the site or sites

Northing

654925

Easting

315577

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1020.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

5 existing plots for mobile caravan accommodation.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

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

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

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

Water Supply and Drainage Arrangements

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

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-
Please include details of SUDS arrangements on your plans
Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

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

Yes
 No, using a private water supply
 No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

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

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

Trees

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

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Do you have any agricultural tenants? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate E

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

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

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

Or

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

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

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

Signed: Camerons Ltd .

On behalf of: -

Date: 29/11/2019

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: . Camerons Ltd .

Declaration Date: 29/11/2019

Payment Details

Cheque: 0, 00000000000

Created: 29/11/2019 12:13

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PLANNING PERMISSION IN PRINCIPLE

WEST MAINS FARM

CARLOPS

WEST LINTON

EH46 7AS

For Alasdair Mackenzie

Design Statement and Supporting Information

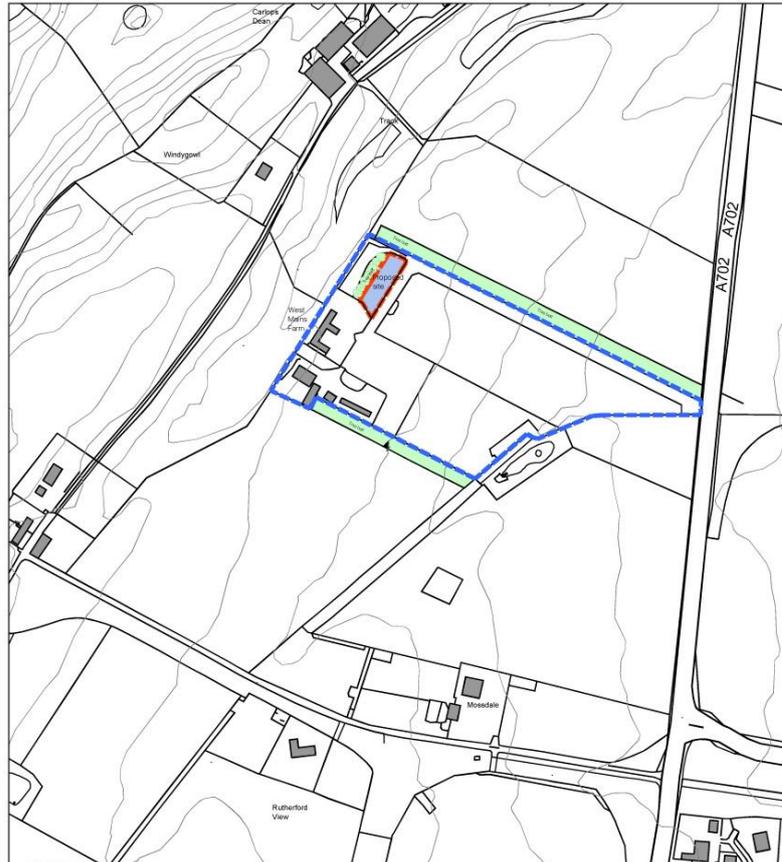
November 2019

Camerons
1 Wilderhaugh
Galashiels
Scottish Borders
TD1 1QJ
Tel 01896 753077
Fax 01896 756046

INTRODUCTION / SITE DESCRIPTION

The proposed site is located on the West Mains farm property adjacent to the existing farm house. West Mains farm is located midway between Carlops and West Linton off the A702.

The site is screened by an existing tree belt to the North west and north east and by the existing farm house to the south west.



Site Location Plan



Aerial Plan of Site.

SITE PHOTOGRAPHS



View north along proposed site.



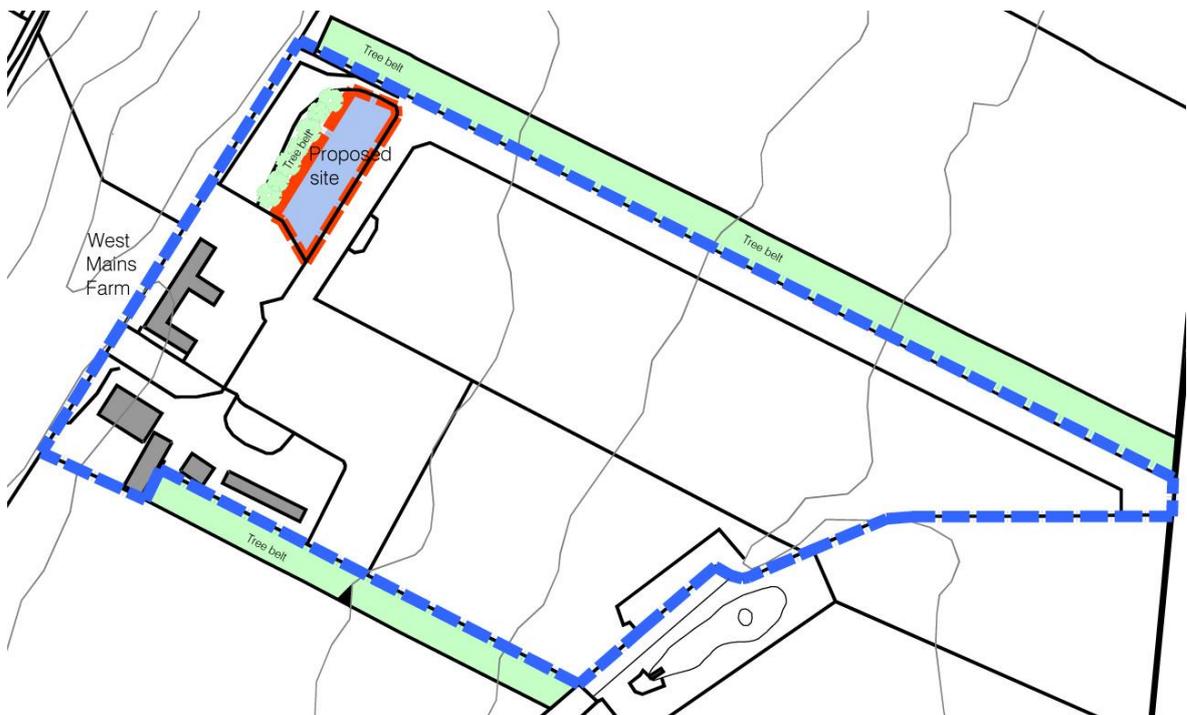
View of south boundary.



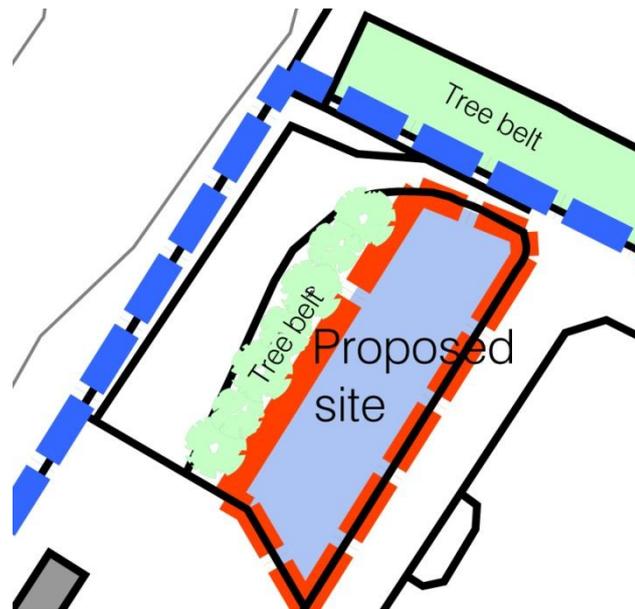
View south along proposed site.



View east from site.



Proposed Site Adjacent to Existing Farm Buildings.



Proposed Site with Tree Existing Tree belt to North and West.

PROPOSALS

The proposal is to build a new one and a half storey house on the former caravan site adjacent to the existing West Mains farm house and associated farm buildings. The new building will make use of the existing power and drainage connections, which use to facilitate up to five caravans.

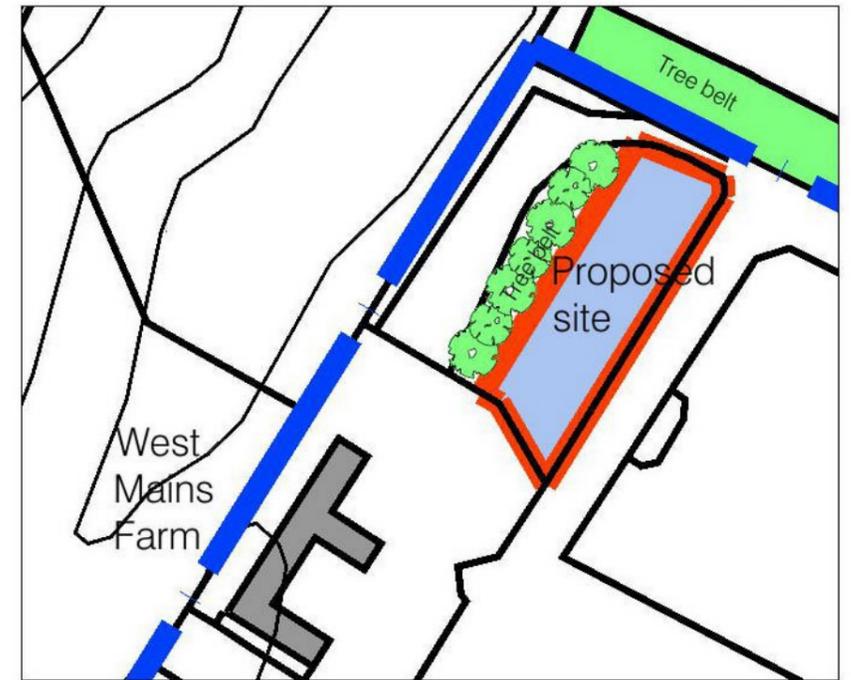
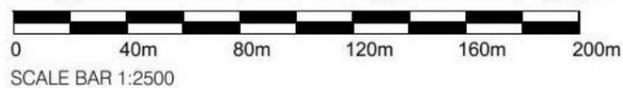
The site will be accessed via the existing access road to the main farm house.

CONCLUSION

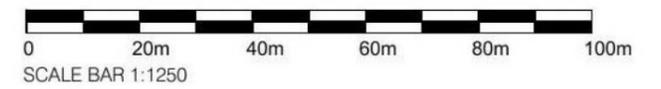
The proposed construction of a new residential property on this site expands on the previously approved and implemented use for accommodating up to five mobile caravans. The site is located adjacent to the existing farm house and associate out building, so is an extension to an existing rural farm settlement and will be owned and occupied by the applicant as a residential farm building.



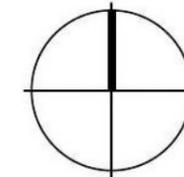
02 LOCATION PLAN
1:2500



01 SITE PLAN
1:1250



Client Ownership Boundary
Site Boundary



19/01701/PPP PLANNING
02.03.2020 Revisions:
A - Site boundary updated 19.11.28

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



1 Wilderhaugh
Galashiels
TD1 1QJ
Tel 01896 753077
Fax 01896 756046 email
info@camerons.td.uk
www.camerons.td.uk

Also at:
Suite 3, Waterside House
46 Shore,
Leith, Edinburgh
EH6 6QU
Tel 0131 553 7959
Fax 0131 553 7984

camerons

client: Alasdair MacKenzie

project: West Mains Farm
Carlops
West Linton EH46 7AS

title: Location Plan

scale: 1:2500 / 1:1250 @ A3

date: 27.11.19

drawn: WJ

file: j:\9417-newhouse-westmainsfarm\9417-0001-bcalon\lplan.dwg

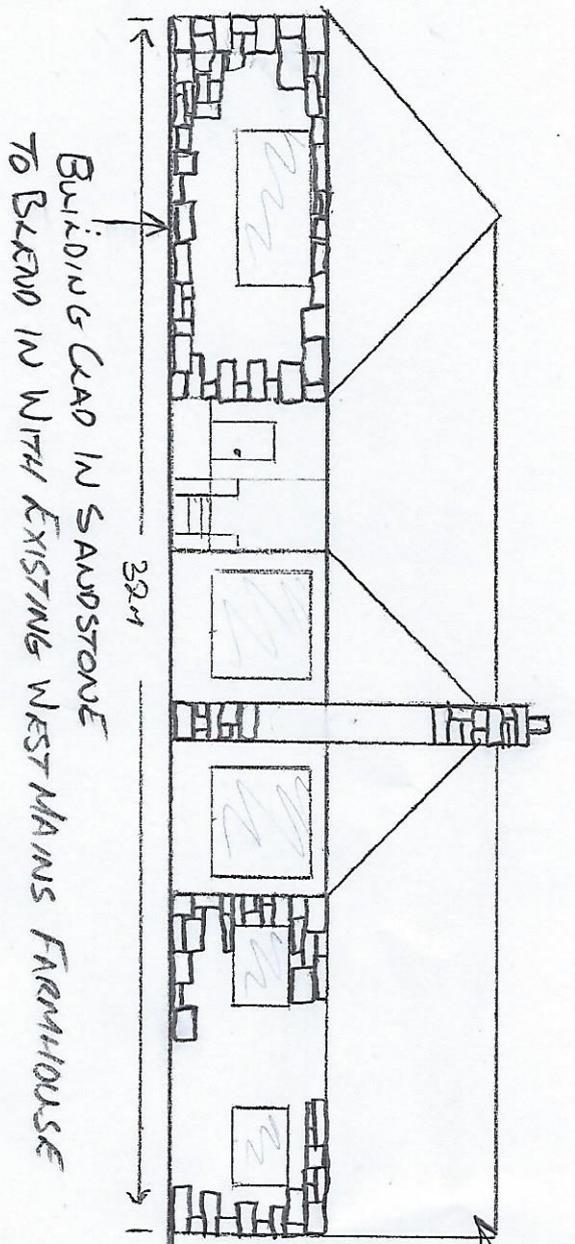
number: **9417 (2)-001** rev: **A**

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PROPOSED BUILDING TO USE SUSTAINABLE
SOLAR PANELS + BIOMASS BOILER INSTEAD
OF OLD CENTRAL HEATING

↑
NORTH

FACIT EXAVATION



BUILDING CLAD IN SANDSTONE
TO BLEND IN WITH EXISTING WEST MAINS FARMHOUSE

SCALE 1:200
21/05/2020
DRAFT 1 ARM

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SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 19/01701/PPP
APPLICANT : Mr Alasdair Mackenzie
AGENT : Camerons Ltd
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land North East Of West Mains Farmhouse
Carlops
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
9417 (2-)001	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

No representations were received.

Consultation responses were received from:

Roads - no objection, subject to condition;

Education and Lifelong Learning - no objection. Contributions required for education provision;

Transport Scotland - does not propose to advise against granting permission.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

HD2 - Housing in the countryside

HD3 - Protection of residential amenity

IS2 - Developer contributions

IS7 - Parking provision and standards

IS9 - Waste water treatment and sustainable urban drainage

EP13 Trees, Woodlands and Hedgerows

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

The following council guidance is material:

Development contributions;

New housing in the Borders countryside;

Placemaking and design.

Waste management

Trees and Development

Recommendation by - Randal Dods (Planning Officer) on 2nd March 2020

Site and proposal

The site is located approximately 1km south south east of Carlops and is within the countryside. Access is gained via a private road and it is 300m off the A702 trunk road. The site is an open strip of land, approximately 18.5m by 58m, which has recently been used as five caravan pitches. There are no buildings on the site. West Mains Farm lies some 30m to the south west.

The application for planning permission in principle is for a house. A short statement has been submitted which states that the property will be one and a half storey in height. No indicative design or site layout was submitted.

Site history

There is no planning history associated with this site. The land immediately to the north west, beyond the stand of semi-mature trees, was granted permission for a change of use to caravan storage (reference 07/00534/FUL).

There was no pre-application discussion prior to the submission the current application.

Principle

The principle of the development is not accepted. The applicant has submitted a short supporting statement and I have had account of that in my consideration of the application.

With the site being in a rural location, the key policy against which the application must be assessed is HD2, housing in the countryside. Amongst other things, the policy requires that additional houses be essential to the efficient operation of a business. Although there is clearly a farm business operating at West Mains, the key question is whether an additional house is essential for the operation of that business. Given the lack of information on the economic or employment need, the applicant has not demonstrated that a permanent dwellinghouse is required in order to support the business. This is essential if policy HD2 is to be satisfied as regards economic need.

The applicant also states that the building would be an extension to an existing rural farm. Policy HD2 allows for additional housing if, amongst other things, the site is well related to an existing group of three houses or buildings currently in residential use or capable of conversion to residential use. Whilst the farm steading buildings may be capable of conversion to residential use, setting aside the potential impact on farm operations, planning permission is not in place to allow the necessary conversions to take place in order to establish a building group and there is only one house present, namely West Mains Farmhouse. The proposal therefore fails to meet the requirements of policy HD2 in terms of building group justification.

Given the applicant has not provided any economic justification to associate the proposed house with a rural business, I am not satisfied that a house on this site is essential. In addition, there is no building group with which the proposed house would be well related, the development would be contrary to policy HD2.

Amenity and privacy

Notwithstanding above matters regarding the principle of development, the site may be capable of accommodating a modest house. Whilst no drawings have been submitted which show an intended design or layout, if permission in principle were granted, it would be for a future application to demonstrate compliance with policy HD3 in relation to overlooking, privacy and sunlight provision.

Trees

The trees which are present on the northern edge of the site are semi-mature pine trees which add to the amenity of the area, especially when the site is viewed from the south. No arboricultural assessment was submitted with the application. As the site is rather narrow, the construction of a house may have a negative impact on those trees and that would be detrimental to the appearance of the local area. The lack of information (required by our guidance and BS5837:12) means that the applicant has not demonstrated that the site is capable of being developed without having a negative impact on trees adjacent to the site which are considered to be high value in terms of amenity. While this may be capable of being addressed, there is no information to confirm it will be at this stage. The proposal would therefore be contrary to policy EP13

Impact on special landscape area

The site lies within the Pentland Hills special landscape area (SLA). Without a design having been submitted, it is difficult to make a full assessment of the likely impacts on the SLA. That having been said, a modest house is unlikely to have a significant adverse effect on the integrity or overall objectives of the SLA.

Roads issues

The site is accessed from the A702 trunk road via a tarmacked private driveway. Transport Scotland has not objected to the application. Roads did not object to the application, subject to a condition requiring the provision of two parking spaces within the curtilage of the house.

Services

The applicant states that the site will be connected to a private water supply. Foul drainage would be by means of a private system. In order to comply with policy IS9, a future application will have to demonstrate that the site can be serviced adequately in terms of water and drainage. There appears to be space within the site to store waste and recycling containers in a discrete manner.

Developer contributions

Contributions would be required for education provision, were the application to be granted. Those would be secured by means of either a section 69 or section 75 agreement.

Conclusion

Notwithstanding the fact that it may be possible for a future application to show that a house could be accommodated on the site in order to comply with policy PMD2, the critical issue with the proposal is that it is located within the countryside. The applicant has not demonstrated that the proposed house is essential to the operation of a rural business and the building is not well related to an existing building group of three houses. The proposed house would, therefore, be contrary to policy HD2 and our housing in the countryside guidance. The applicant has also failed to demonstrate that the site is capable of being developed without having a negative impact on trees adjacent to the site which are considered to be of some landscape value. The proposal would therefore be contrary to policy EP13.

REASON FOR DECISION :

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 and no overriding case for a dwellinghouse has been substantiated. The development would be contrary to policy EP13 of the Local Development Plan 2016 and Trees and Development Guidance 2008 in that the applicant has failed to demonstrate that the development would not result in the loss or serious damage to trees which are of high value to the amenity of the area and there are no public benefits which would clearly outweigh their loss.

Recommendation: Refused

- 1 The development would be contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would amount to sporadic residential development in a countryside location unrelated to a building group and an overriding economic case for a dwellinghouse has not been substantiated.
- 2 The development would be contrary to policy EP13 of the Local Development Plan 2016 and Trees and Development Guidance 2008 in that the applicant has failed to demonstrate that the development would not result in serious damage to trees which are of landscape value and there are no public benefits which would clearly outweigh their loss.

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

Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

**The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Scottish Borders Council Melrose	Council Reference:-	19/01701/PPP
	TS TRBO Reference:-	SE/114/2019

Application made by Mr Alasdair Mackenzie per Camerons Ltd, 1 Wilderhaugh, Galashiels, Scottish Borders, TD1 1QJ and received by Transport Scotland on 03 December 2019 for planning permission for erection of dwellinghouse located at Land North East Of West Mains Farmhouse, Carlops, Scottish Borders affecting the A702 Trunk Road.

Director, Roads Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Area Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Area Manager (A702) 0141 272 7100 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
SOUTH EAST
6a Dryden Road, Bilston Glen Industrial Estate, Loanhead, Edinburgh, EH20 9LZ
0800 0420188
OCCR.SESCOTLAND@amey.co.uk

Operating Company:-

Address:-

Telephone Number:-

e-mail address:-

Transport Scotland Response Date:- 18-Dec-2019

Transport Scotland Contact:- Fred Abercrombie

Transport Scotland Contact Details:-

Roads - Development Management
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Telephone Number: 0141 272 7382
e-mail: development_management@transport.gov.scot

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.



Mr Alasdair Mackenzie
per Camerons Ltd
1 Wilderhaugh
Galashiels
Scottish Borders
TD1 1QJ

Please ask for: Ranald Dods
☎ 01835 825239
Our Ref: 19/01701/PPP
Your Ref:
E-Mail: Ranald.Dods@scotborders.gov.uk
Date: 4th March 2020

Dear Sir/Madam

PLANNING APPLICATION AT Land North East of West Mains Farmhouse Carlops

PROPOSED DEVELOPMENT: Erection of dwellinghouse

APPLICANT: Mr Alasdair Mackenzie

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at <https://eplanning.scotborders.gov.uk/online-applications/>.

Your right of appeal is set out within the decision notice.

Yours faithfully

John Hayward

Planning & Development Standards Manager

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)

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

Application for Planning Permission

Reference : 19/01701/PPP

To : Mr Alasdair Mackenzie per Camerons Ltd 1 Wilderhaugh Galashiels Scottish Borders TD1 1QJ

With reference to your application validated on **3rd December 2019** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse

At : Land North East of West Mains Farmhouse Carlops Scottish Borders

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

**Dated 2nd March 2020
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 19/01701/PPP

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
9417 (2-)001	Location Plan	Refused

REASON FOR REFUSAL

- 1 The development would be contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would amount to sporadic residential development in a countryside location unrelated to a building group and an overriding economic case for a dwellinghouse has not been substantiated.
- 2 The development would be contrary to policy EP13 of the Local Development Plan 2016 and Trees and Development Guidance 2008 in that the applicant has failed to demonstrate that the development would not result in serious damage to trees which are of landscape value and there are no public benefits which would clearly outweigh their loss.

FOR THE INFORMATION OF THE APPLICANT

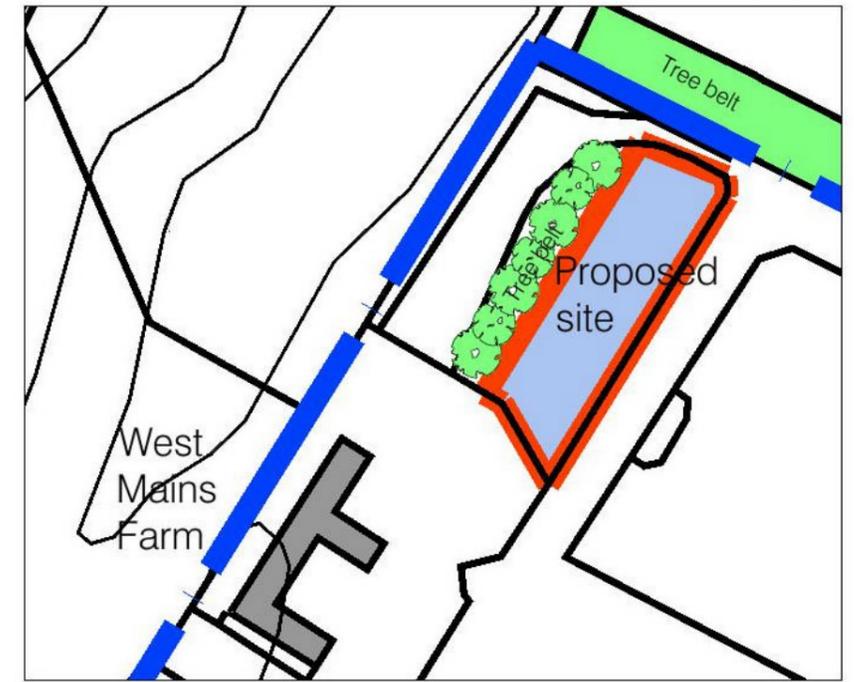
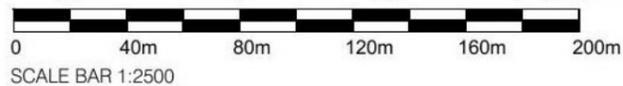
If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the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

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

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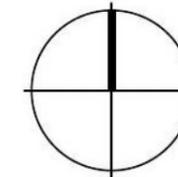
02 LOCATION PLAN
1:2500



01 SITE PLAN
1:1250



Client Ownership Boundary
Site Boundary



19/01701/PPP PLANNING

02.03.2020 Revisions:
A - Site boundary updated 19.11.28

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



camerons

client: Alasdair MacKenzie

project: West Mains Farm
Carlops
West Linton EH46 7AS

title: Location Plan

scale: 1:2500 / 1:1250

date: 27.11.19

drawn: WJ

file: j:\9417-newhouse-westmainsfarm\9417-0001-locplan.dwg

number: **9417 (2)-001** rev: **A**

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PLANNING CONSULTATION

To: Education & Lifelong Learning (Neil Hastie)

From: Development Management

Date: 3rd December 2019

Contact: Ranald Dods ☎ Ext. 8574

Ref: 19/01701/PPP

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 24th December 2019, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 24th December 2019, it will be assumed that you have no observations and a decision may be taken on the application.

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

Name of Applicant: Mr Alasdair Mackenzie

Agent: Camerons Ltd

Nature of Proposal: Erection of dwellinghouse

Site: Land North East Of West Mains Farmhouse Carlops Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:		Contact e-mail/number:	
	Education & Lifelong Learning (Neil Hastie) (Officer to fill in own name)			
Date of reply	23 December 2019		Consultee reference:	
Planning Application Reference	19/01701/PPP		Case Officer: Ranald Dods	
Applicant	Mr Alasdair Mackenzie			
Agent	Camerons Ltd			
Proposed Development	Erection of dwellinghouse			
Site Location	Land North East Of West Mains Farmhouse Carlops Scottish Borders			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description				
Key Issues (Bullet points)				
Assessment	<p>I refer to your request for Educations view on the impact of this proposed development which is within the catchment area for West Linton Primary School and Peebles High School.</p> <p>A contribution of £7,994 x 1 is sought for the Primary School and £1,126 x 1 for the High School, making a total contribution of £9,120.</p> <p>Contributions are sought to raise capital to extend or improve schools or where deemed necessary to provide new schools in order to ensure that over capacity issues are managed and no reduction in standards is attributed to this within the Borders area.</p> <p>This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.</p> <p>Please note that the level of contributions for all developments will be reviewed at the end of each financial year and may be changed to reflect changes in the BCIS index, therefore, we reserve the right to vary the level of contributions.</p> <p>If you require any further information please do not hesitate to contact me by emailing estatemangement@scotborders.gov.uk</p>			
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required

Recommended Conditions	
Recommended Informatives	

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service	Contact e-mail/number:	
Officer Name and Post:	Paul Grigor Roads Planning Officer	pgrigor@scotborders.gov.uk 01835 826663	
Date of reply	17 th December 2019	Consultee reference:	
Planning Application Reference	19/01701/PPP	Case Officer: Ranald Dods	
Applicant	Mr Alasdair Mackenzie		
Agent	Camerons Ltd		
Proposed Development	Erection of dwellinghouse		
Site Location	Land North East Of West Mains Farmhouse Carlops Scottish Borders		
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>			
Background and Site description			
Key Issues (Bullet points)			
Assessment	<p>The site is accessed via the A702 which is a Trunk Road at this location. I note Transport Scotland have been consulted on this application and they will comment on the suitability of the access.</p> <p>Should the planning department be supportive of a new house in this location, I shall not object subject to two parking spaces being provided within the curtilage of the plot.</p> <p>The condition listed below, or similarly worded, should be attached to any consent.</p>		
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions <input type="checkbox"/> Further information required
Recommended Conditions	<p>Parking for a minimum of two vehicles to be provided within the curtilage of the plot prior to occupation of the dwelling and thereafter retained in perpetuity, unless otherwise agreed in writing with the Planning Authority.</p> <p>Reason: To ensure adequate parking is provided for the new dwelling.</p>		
Recommended Informatives			

AJS

Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

**The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Scottish Borders Council Melrose	Council Reference:-	19/01701/PPP
	TS TRBO Reference:-	SE/114/2019

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Director, Roads Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Area Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-	Area Manager (A702) 0141 272 7100 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Operating Company:-	SOUTH EAST
Address:-	6a Dryden Road, Bilston Glen Industrial Estate, Loanhead, Edinburgh, EH20 9LZ
Telephone Number:-	0800 0420188
e-mail address:-	OCCR.SESCOTLAND@amey.co.uk

Transport Scotland Response Date:- 18-Dec-2019

Transport Scotland Contact:- Fred Abercrombie

Transport Scotland Contact Details:-

Roads - Development Management
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Telephone Number: 0141 272 7382
e-mail: development_management@transport.gov.scot

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

List of Policies

Local Review Reference: 20/00016/RREF

Planning Application Reference: 19/01701/PPP

Development Proposal: Erection of dwellinghouse

Location: Land North East of West Mains Farmhouse, Carlops

Applicant: Mr Alasdair Mackenzie

Scottish Borders Local Development Plan 2016

POLICY HD2: HOUSING IN THE COUNTRYSIDE

The Council wishes to promote appropriate rural housing development:

- a) in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,
- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) in dispersed communities in the Southern Borders housing market area.

These general principles in addition to the requirement for suitable roads access will be the starting point for the consideration of applications for housing in the countryside, which will be supplemented by Supplementary Planning Guidance / Supplementary Guidance on New Housing in the Borders Countryside and on Placemaking and Design.

(A) BUILDING GROUPS

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
- b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point.

(B) DISPERSED BUILDINGS GROUPS

In the Southern Housing Market area there are few building groups comprising 3 houses or more, and a more dispersed pattern is the norm. In this area a lower threshold may be appropriate, particularly where this would result in tangible community, economic or

List of Policies

environmental benefits. In these cases the existence of a sense of place will be the primary consideration.

Housing of up to 2 additional dwellings associated with dispersed building groups that meet the above criteria may be approved provided that:

- a) the Council is satisfied that the site lies within a recognised dispersed community in the Southern Borders housing market area,
- b) any consents for new build granted under this part of this policy should not exceed two housing dwellings in addition to the group during the Plan period. No further development above this threshold will be permitted,
- c) the design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

(C) CONVERSIONS OF BUILDINGS TO A HOUSE

Development that is a change of use of a building to a house may be acceptable provided that:

- a) the Council is satisfied that the building has architectural or historic merit, is capable of conversion and is physically suited for residential use,
- b) the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and
- c) the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

(D) RESTORATION OF HOUSES

The restoration of a house may also be acceptable provided that the walls of the former residential property stand substantially intact (normally at least to wallhead height). In addition:

- a) the siting and design reflects and respects the historical building pattern and the character of the landscape setting,
- b) any proposed extension or alteration should be in keeping with the scale, form and architectural character of the existing or original building, and
- c) significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and/or a more sustainable and energy efficient design.

(E) REPLACEMENT DWELLINGS

The proposed replacement of an existing house may be acceptable provided that:

- a) the siting and design of the new building reflects and respects the historical building pattern and the character of the landscape setting,
- b) the proposal is in keeping with the existing/original building in terms of its scale, extent, form and architectural character,
- c) significant alterations to the original character of the house will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and /or a more sustainable and energy efficient design.

(F) ECONOMIC REQUIREMENT

List of Policies

Housing with a location essential for business needs may be acceptable if the Council is satisfied that:

- a) the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
- b) it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
- c) the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
- d) no appropriate site exists within a building group, and
- e) there is no suitable existing house or other building capable of conversion for the required residential use.

In ALL instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning Guidance where it meets the terms of this policy and development must not negatively impact on landscape and existing communities. The cumulative effect of applications under this policy will be taken into account when determining impact.

POLICY HD3 : PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) the details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

POLICY EP5: SPECIAL LANDSCAPE AREAS

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

POLICY EP13: TREES, WOODLANDS AND HEDGEROWS

List of Policies

The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.

Any development that may impact on the woodland resource should:

- a) aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability; and
- b) where there is an unavoidable loss of the woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders; and
- c) adhere to any planning agreement sought to enhance the woodland resource.

POLICY IS2: DEVELOPER CONTRIBUTIONS

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies.

Contributions may be required for one or more of the following:

- a) treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);
- b) provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
- c) off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways, bridges and associated studies and other access routes, subsidy to public transport operators; all in accordance with the relevant standards and the provisions of any Travel Plan;
- d) leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
- e) landscape, open space, allotment provision, trees and woodlands, including costs of future management and maintenance;
- f) protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
- g) provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; provision of street furniture and digital connectivity with associated infrastructure.

Wherever possible, any requirement to provide developer contributions will be secured by planning condition. Where a legal agreement is necessary, the preference for using an agreement under other legislation, for example the 1973 Local Government (Scotland) Act and the 1984 Roads (Scotland) Act will be considered. A planning obligation will only be necessary where successors in title need to be bound by its terms. Where appropriate, the council will consider the economic viability of a proposed development, including possible payment options, such as staged or phased payments.

POLICY IS7: PARKING PROVISION AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with approved standards.

List of Policies

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

POLICY IS9: WASTE WATER TREATMENT STANDARDS AND SUSTAINABLE URBAN DRAINAGE

WASTE WATER TREATMENT STANDARDS

The Council's preferred method of dealing with waste water associated with new development will be, in order of priority:

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b) negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:
- c) agreement with Scottish Water and SEPA where required to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
- d) for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage treatment may be acceptable, providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

In settlements served by the public foul sewer, permission for an individual private sewage treatment system will normally be refused unless exceptional circumstances prevail and the conditions in criteria (d) above can be satisfied.

Development will be refused if:

- a) it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,
- b) it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

SUSTAINABLE URBAN DRAINAGE

Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on sustainable urban drainage systems to the satisfaction of the council, Scottish Environment Protection Agency (where required), Scottish Natural Heritage and other interested parties where required. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011

List of Policies

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Trees and Development 2008
- Scottish Planning Policy 2014
- Planning (Scotland) Act 2019
- National Planning Framework 3