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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 2 AUGUST, 2021

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held VIA MICROSOFT TEAMS on MONDAY, 2 AUGUST, 2021 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,

26 July 2021

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Minute. (Pages 3 - 4) Minute of Meeting 28 June 2021 to be approved and signed by the Chairman. (Copy attached.)
5.	Applications. Consider the following applications for planning permission:-
	(a) Edston Quarry, Peebles - 21/00222/FUL (Pages 5 - 30) Extension of existing quarry for mineral extraction. (Copy attached.)
	(b) Land North of 5 Hillside Drive, Galashiels (Phase 2 Buckholm Corner) - 21/00417/FUL (Pages 31 - 56) Residential development comprising 69 units with associated access, parking, landscaping and servicing. (Copy attached.)
	(c) Land South Of Eckford Moss Cottage, Kelso - 21/00293/FUL (Pages 57 - 70) Erection of dwellinghouse and detached barn. (Copy attached.)
	(d) Land North East Of Newlands Farm Cottage, Hawick - 21/00687/FUL (Pages 71 - 80) Modification of planning permission 15/01353/FUL to allow dog boarding service, erection of insulated kennels and siting of cabin for staff use. (Copy attached.)
6.	Appeals and Reviews. (Pages 81 - 86) Consider report by Chief Planning & Housing Officer. (Copy attached.)
7.	Any Other Items Previously Circulated.

8.

Any Other Items which the Chairman Decides are Urgent.

NOTE

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

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

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

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

Please direct any enquiries to Louise McGeoch Tel: 01835 825005
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**SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE**

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Via Microsoft Teams on Monday, 28th June, 2021 at 10.00 am

Present:- Councillors S Mountford (Chairman), J. Fullarton, S. Hamilton, H. Laing, D. Moffat, N. Richards, E. Small.
Apologies:- Councillor A. Anderson, C. Ramage.
In Attendance:- Lead Planning Officer (B. Fotheringham), Senior Roads Planning Officer, Solicitor (S. Thompson), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

1. MINUTE

There had been circulated copies of the Minute of the Meeting held on 31 May 2021.

DECISION

APPROVED for signature by the Chairman.

2. APPLICATIONS

There had been circulated copies of a report by the Chief Planning and Housing Officer on applications for planning permission requiring consideration by the Committee.

DECISION

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

3. APPEALS AND REVIEWS

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

DECISION

NOTED that:-

- (a) An Appeal had been received in respect of the Installation of bill board signage at Lidl UK GmbH, Wilton Park, Hawick – 20/01544/ADV;
- (b) An Enforcement Notice had been issued in respect of the enlargement of garden and erection of sheds and drinking hut at 1 Broad Street, Eyemouth – 20/001998/UNDEV;
- (c) the Appeal in respect of the erection of two dwellinghouses and removal of Condition No. 4 from Planning Consent 20/00691/FUL on Land West of 8 Ballantyne Place, Peebles had been dismissed – 20/00691/FUL;
- (d) There remained no appeals previously reported on which a decision was still awaited when the report was prepared on 18 June 2021.
- (e) A review request had been received in respect the erection of dwellinghouse with outbuildings and associated work including new access on Land South West of Rachan Woodlands, Broughton – 21/00030/PPP;

- (f) The decision of the appointed Officer had been overturned (subject to conditions) in respect of Replacement windows at the Angling Club, 5 Sandbed, Hawick – 20/01236/FUL;
- (g) The decision of the appointed Officer had been upheld in respect of the erection of a dwellinghouse on Land East of The Bungalow Edington, Chirnside – 21/00045/FUL
- (h) there remained three reviews previously reported on which a decision was still awaited when the report was prepared on 18 June 2021 and related to the site at:

<ul style="list-style-type: none"> • Linden, Causewayend, Ancrum, Jedburgh 	<ul style="list-style-type: none"> • Site East of Dogcraig Cottage Scotsmill, Peebles
<ul style="list-style-type: none"> • Land West of The Old Barn Westwater, West Linton 	

The meeting concluded at 12.25 pm

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

2 AUGUST 2021

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 21/00222/FUL
OFFICER:	Mr C Miller
WARD:	Tweeddale East
PROPOSAL:	Extension of existing quarry for mineral extraction
SITE:	Edston Quarry, Peebles
APPLICANT:	Tillicoultry Quarries Ltd
AGENT:	Dagleish Associates Limited

PLANNING PROCESSING AGREEMENT

A Planning Processing Agreement exists for extension to decision up until 2 August 2021.

SITE DESCRIPTION

The site comprises of the existing Edston Quarry and land to the north and east of the quarry, located 1.4km west of Peebles on the northern side of the Tweed Valley and accessed via the existing junction with the A72, west of Neidpath Castle. The current site boundary comprises of 10 hectares of excavated quarry and coniferous woodland to the north-east, above the quarry void. The existing quarry occupies land between 187m AOD and 275m AOD, rising to the higher summit to the rear of the quarry, at 295m AOD. This application extends the site area by a further 3.5ha, most of it currently being coniferous plantation

The quarry is surrounded by forestry and rough grazing land with more arable land within the valley floor. The nearest residential properties are isolated houses to the east and south-west of the quarry, at distances between 425m and 550m.

The site lies within the designated Upper Tweeddale National Scenic Area and immediately north of the River Tweed SAC/SSSI.

PROPOSED DEVELOPMENT

The current quarry is a hard rock quarry producing greywacke and claystone for road surfacing and the construction industry. The applicant has an asphalt plant at Newtongrange which utilises aggregate from Edston. The quarry is a firm contributor to the quarry landbank supply within the SESPlan area but, within its current extent, has approximate reserves for only one more year of extraction. The extension proposal would allow a further 21 years of extraction plus a further year for completion of restoration, yielding 2.2 million tonnes of hard rock. The current extraction area will be expanded from 5.1ha to 9.1ha, across six phases of work during the operating lifetime.

The general approach is to excavate the northern part of the quarry first in four phases, the works generally being screened by a southern spur of hillside until this is then

removed in the final two phases, the remaining 3.6 years of the operating life. In the meantime, there will be progressive restoration of each phase to ensure that impacts are minimised once the final phases of the quarry are reached and the southern spur is removed. The extension will require the felling of 3ha of trees although felling is also part of the landowner's felling licence for the plantation. To compensate, 0.24ha of woodland will be relocated and 0.7ha newly planted to link in with the woodland north and west of the extension.

A full restoration scheme is included within the submitted drawings and Environmental report, detailed in Section 4 and Figure 3.7. Slopes will be shallower than excavated faces and native woodland restoration is the main objective, together with grassland and bare rock screes for ecological reasons and some shrub planting. Aftercare and deer management will occur for a five year period from restoration.

The method of working is based upon production of 100,000 tonnes of aggregate per annum which equates to the same 28 daily HGV movements and hours of operation ie. 7am-7pm Monday to Friday and 7am-1pm Saturday. Lighting will follow best practice and noise/blasting will comply with the limits agreed by Environmental Health.

The application is classed as a 'Major' development under the Hierarchy of Developments (Scotland) Regulations 2009. The applicants publicised and held a public event in December 2019 in Peebles as well as consultation with Peebles and District Community Council, Manor, Stobo and Lyne Community Councillors and the Ward (and adjoining Ward) Councillors.

The outcome of the public consultation exercise has been reported in a Pre-Application Consultation Report submitted with the application. The requirements of the Development Management Procedure (Scotland) Regulations 2013 have now been satisfied.

The application was screened under the Environmental Impact regulations but it was concluded that an Environmental Impact Assessment was not required. However, the applicant has submitted a full "Planning and Environmental Review" Report to support the application in addition to the PAC Report, plans and drawings. The Report contains eight appendices including viewpoint visualisations, an ecology survey, noise/blasting assessments, cultural heritage assessment and waste management proposals. The Report and all appendices can be viewed on Public Access. Their findings are taken into account in the relevant sections of this report below.

PLANNING HISTORY

The site has been quarried since at least the 1850s and was subject to consents in 1952 for the County Council and 1976 for the Regional Council, to continue quarrying and extend the quarry. After cessation of quarrying in 1986, Leiths (Scotland) Ltd renewed the minerals workings and recommenced quarrying in 2005, receiving planning permission in 2012 (09/00938/MIN) for a northerly extension to the quarry for 15 years, revoking a previous extension to the east.

The current applicant acquired the quarry in 2014 and received consents in 2018 for widening of the internal access road (15/00013/FUL) and modifying the method of working (16/00486/FUL). The applicant then underwent pre-application consultation with the Department and Nature Scotland leading to the submission of the current application for further quarry extension, seeking a further 22 years of extraction.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning: No objections. Junction was upgraded in 2005 and proposal will not change rate of output or significantly increase traffic.

Forward Planning: No objections. Proposals need to be assessed against Policy ED12, SESPlan guidance and issues relating to the National Scenic Area and archaeology. Progressive restoration and aftercare should be safeguarded financially, including review at regular intervals. Accepts this is an extension to an existing quarry but economic benefits of extraction should be weighed up against community and environmental impacts.

Landscape Architect: Concerned at the impacts of the quarry on the local landscape and NSA, especially in Phases 5/6 when the southern spur of hillside is removed. Requires a more persuasive and detailed landscape restoration plan together with a more focussed method statement. Also recommends amendment to the intended restored landform, expressing concern over the final engineered and unnatural form proposed.

Upon receipt of additional information, accepts that blasting will create a less engineered and uniform final restoration profile. Seeks, via condition, more detail on restoration techniques, grassland, woodland and wetland mixes, seeding and planting and a Habitat Enhancement and Management Plan. Also seeks annual audit of the restoration planting within each five year aftercare period per phase.

Ecology Officer: No objections but further information required on habitat restoration and compensatory woodland planting. No significant effect envisaged on the River Tweed SAC. A lighting scheme acknowledging the presence of bats is required pre-determination and further mitigation proposals required in relation to badgers. Surveys and Protection Plans required for protected species. No works during the breeding birds season. Requests submission of a Site Dust Management Plan.

Upon receipt of further submissions from the agent, accepts that conditions can cover mitigation relating to bats, lighting, habitat management and compensatory replanting. Considers that a more detailed Site Dust Management Plan is still required but can be secured by condition.

Archaeology Officer: Notes that the extension is into ground previously undisturbed, LIDAR revealing possible cultivation, track and older quarry features. Also known to be prehistoric presence in area. Agrees recommendations in submitted Cultural Heritage Assessment for walkover of extension area after tree felling and continuous monitoring of topsoil, through a planning condition securing a Written Scheme of Investigation.

Environmental Health: No complaints about existing quarry. Notes and accepts the submitted noise and vibration assessments and raises no objections subject to conditions adhering to the scheme of working, hours of operation, continued dust control and limits on noise and vibration.

Access Officer: Response awaited.

Flood Protection: SEPA maps show a medium to high risk of surface water flooding in the centre and southern parts of the site but not where the extension is proposed.

Development should attenuate surface water run-off to existing greenfield rates and all containers in the flood risk area be anchored to the ground in an approved manner and fuel tanks raised. Sediment filter proposals required and any culverting must not affect flow conveyance.

Statutory Consultees

Historic Environment Scotland: Although there is potential to affect the Scheduled Monument at South Hill Head, no objections.

Nature Scotland: No objections. No adverse effects on integrity or objectives of the NSA, albeit some on landform and woodland cover. These effects worst in Phases 1 and 2 for about 7 years but accept impacts are reduced over time with the planned progressive restoration. No impacts on the Tweed SAC/SSSI. Requires methodology for the tree relocation and a management plan for invasive non-native species. Supports retention of common Rock-rose as food for Northern Brown Argus. Protected Species are covered by Standing Advice and badger licence will be required. In terms of birds, the annual peregrine monitoring to continue and no works within the bird nesting season unless a checking survey undertaken.

Scottish Water: No objections. Assets are affected and applicant should apply for a diversion. No drinking water impacts. No surface water accepted into combined sewer. Provides further general advice on non-domestic works.

SEPA: No objections, proposals do not seem to impact on ground water systems or private water supplies and the quarry appears to be above the water table. Minimal risk to River Tweed with intercepting drainage. Any flood risk is surface water based and this is left to the Council's Flood Risk Team.

Peebles and District Community Council: Response awaited.

Manor, Stobo and Lyne Community Council: Response awaited.

Non-Statutory Consultees

Association for the Protection of Rural Scotland: Response awaited.

Scottish Forestry: No objections as the works are phased to alleviate visual impact and the restoration would augment woodland in the NSA. Assesses proposals against Government Policy on woodland removal and the general aims of the Neidpath Long Term Forest Plan, raising questions over consistency with the latter. Also queries benefits weighed against loss of productive forest and the longer term maintenance of the habitat after the initial five year period.

After submission of further information, states that the quarry operator will be responsible for the restocking if permission is granted and notes long term ownership will revert to original landowner. Satisfied with responses on dust management and additional tree species but seeks condition on tree translocation and aftercare.

RSPB: Response awaited.

Scotways: Response awaited.

Scottish Wildlife Trust: Concerned that the presence of common Rock-rose may indicate Northern Brown Argus butterflies and would recommend a summer survey for this species and appropriate tree planting to avoid shading.

Scottish Badgers: Badger presence in area justifies a walk over survey if not already done, due to tree loss.

REPRESENTATION SUMMARY

One third party objection has been received on the application on the basis of lack of need, the area having natural beauty and enjoyed by many walkers.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD1 Sustainability

Policy PMD2 Quality Standards

Policy HD3 Protection of Residential Amenity

Policy ED7 Business, Tourism and Leisure Development in the Countryside

Policy ED12 Mineral and Coal Extraction

Policy EP1 International Nature Conservation Sites and Protected Species

Policy EP2 National Nature Conservation Sites and Protected Species

Policy EP3 Local Biodiversity

Policy EP4 National Scenic Areas

Policy EP5 Special Landscape Areas

Policy EP7 Listed Buildings

Policy EP8 Archaeology

Policy EP10 Gardens and Designed Landscapes

Policy EP13 Trees, Woodlands and Hedgerows

Policy EP15 Development Affecting the Water Environment

Policy EP16 Air Quality

Policy IS2 Developer Contributions

Policy IS4 Transport Development and Infrastructure

Policy IS5 Protection of Access Routes

Policy IS7 Parking Provisions and Standards

Policy IS8 Flooding

Policy IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

Policy IS12 Development Within Exclusion Zones

Policy IS13 Contaminated Land

OTHER PLANNING CONSIDERATIONS

“Biodiversity” SPG

“Trees and Development” SPG

“Development Contributions” SPG

“Landscape and Development” SPG

“Local Landscape Designations” SPG

“Local Biodiversity Action Plan” SPG

“Scottish Borders Woodland Strategy” SPG

“Trees and Development” SPG

“Woodland Creation Advice Note”

SESplan Strategic Development Plan 2013

Scottish Planning Policy

National Planning Framework NPF3
PAN 50 “Controlling the Environmental Effects of Surface Mineral Workings”
PAN 51 “Planning and Environmental Protection”
PAN 60 “Planning for Natural Heritage”
PAN 64 “Reclamation of Surface Mineral Workings”
PAN 75 “Planning for Transport”
PAN 1/2011 “Planning and Noise”
PAN 2/2011 “Planning and Archaeology”

KEY PLANNING ISSUES

The main determining issues with this application are compliance with Local Development Plan Policies and Supplementary Planning Guidance on mineral extraction, landscape, residential amenity and other environmental impacts including those related to ecology, hydrology and cultural heritage.

ASSESSMENT OF APPLICATION

Planning Policy

The application for extension to Edston Quarry must be determined in accordance with the provisions of the Development Plan, together with any other material factors, set within a framework of national and sub-regional advice and guidance. The National Planning Framework (NPF3) acknowledges the need for minerals to support the construction industry and Scottish Planning Policy 2014 (SPP) recognises this, whilst ensuring balance against impacts on the landscape and natural environment. It requires Local Development Plans to safeguard and facilitate mineral resources, ensuring an adequate and steady supply is available both locally and as part of the SESPlan area. Paragraph 238 states that Local Development Plans should maintain landbanks of permitted reserves of construction aggregates for at least 10 years, through identification of Areas of Search. SPP also requires the minimisation of impacts on local communities, the environment and built heritage, promoting sustainable restoration of sites to beneficial after-use. Elsewhere in SPP, paragraph 202 requires development to take account of local landscape character and the following paragraph states that planning permission should be refused “...where the nature and scale of proposed development would have an unacceptable impact on the natural environment”.

SPP is supported by various Planning Advice Notes, including PAN 50 “Controlling the Environmental Effects of Surface Mineral Workings” which incorporates Annexes relating to Noise, Dust, Traffic and Blasting. Relevant PANs to this planning application are also PAN 51 “Planning and Environmental Protection”, PAN 60 “Planning for Natural Heritage”, PAN 64 “Reclamation of Surface Mineral Workings” and PAN 1/2011 “Planning and Noise”.

Turning to the Policy background in relation to the Development Plan, SESPlan 2013 reiterates the support of SPP for mineral safeguarding and need for adequate landbank of reserves through Areas of Search within the SESPlan area. Because the Edston quarry site is within the National Scenic Area, it lies outwith the Area of Search and within an Area of Significant Constraint. However, paragraph 102 of SESPlan does state that any extraction outwith an Area of Search should either be small scale or extensions to existing sites. Clearly, the existence of an active quarry outwith an Area of Search, should still carry weight in Policy terms if the proposal is to extend that quarry – especially as the proposal follows on from a previous extension proposal.

As further background to the issue of a 10 year minimum landbank of reserves, SESPlan produced a Minerals Technical Note in 2015 which, based on information up to 2011, indicated the amount of reserves of hard rock. Two different methods were employed of calculating the landbank, producing varying results from 13.5 years to 34 years of landbank – at 31 December 2010. Problems were identified with both assessments and it was recognised that, whilst 30% of hard rock was exported from quarries within the SESPlan area, there was also imported hard rock from Leith Docks. No further SESPlan minerals surveys or technical updates have been produced.

The Local Development Plan has two specific Policies on mineral extraction, ED11 “Safeguarding of Mineral Deposits” and ED12 “Mineral and Coal Extraction”. Policy ED12 is the main Policy applicable to this application. It firstly identifies Areas of Search outwith Areas of Moderate or Significant Constraint, then it lists a series of criteria and circumstances where mineral extraction would not be permitted, as advised by SPP. There is no distinction with regards to new or existing quarries so it must be assumed the Policy applies to both.

The criteria cover the following circumstances:

- Special Areas of Conservation/Special Protection Areas
- National nature designations such as SSSIs
- Local nature and historic interests
- Quarrying within 500m of settlements and local landscape character
- Impact on the local economy
- Road capacity
- Cumulative impacts

A number of the criteria are required to be weighed up against the need and public benefits of extraction, especially the natural heritage and environmental criteria. However, this would only be where there is proven to be a significant adverse effect which cannot be mitigated. As this report will analyse and demonstrate, those effects will not be considered to be so adverse or affecting the fundamental integrity of the environmental or natural assets as to require testing of the benefits of the quarry against the impacts identified.

The need for the minerals, therefore, is not challenged in this instance. It is accepted that there is a requirement to maintain a minimum ten year landbank of permitted reserves for the construction and other industries and that, provided the environmental impacts are acceptable, it makes more sense in land-use conflict terms to allow continued extraction at existing quarries. The current position with regard to the landbank position is not known across the SESPlan area as the figures and information are out of date. Whilst the Minerals Technical Note concluded anything from 13.5 years to 34 years reserves at the end of 2010, this only reflected projected outputs from existing quarries and did not reflect the SPP requirement of reserves being identified through Areas of Search – which have been identified in Policy ED12.

Ultimately, there is no Development Plan requirement in this instance to test the need issue under Policy ED12 as it will be shown in this Report that there will be no materially damaging impacts on the environmental and historic assets that would trigger the requirement to weigh up against the need and economic benefits of quarry extension and continued extraction. The most relevant criterion within Policy ED12 is c) relating to potential impacts on the Upper Tweeddale National Scenic Area and the following section of this Report will assess the proposals against this part of Policy ED12 as well as the specific NSA Policy EP4.

The other criteria within ED12 will also be assessed in the relevant sections below, with the exception of the criterion relating to potential damage to the local economy in terms of tourism, leisure or recreation. The criterion states that minerals extraction will not be permitted where it damages those sectors of the economy to any “unacceptable extent”. It does not require any assessment of any other elements of the economy nor does it state that extraction that causes damage to an acceptable extent would be refused.

Clearly, any impacts on tourism, leisure and recreation would already exist as a result of the presence of the existing quarry. Whilst there is no evidence that its presence is deterring visitors or impacting on users of the roads, paths, forests and hills surrounding the site, it should be acknowledged that the impacts are possible. However, the impacts are already present and although the quarry will continue for a longer period and involve a greater landtake, the progressive restoration and careful phased approach should minimise any additional detrimental impacts on tourism and recreation attributable to the extension itself. The Planning and Environmental Review Report acknowledges some impacts from Core Paths but does not consider that there will be any impacts on tourism or recreation.

As the extension will simply continue the same level of rock production, but for a longer period, users should not notice any difference to the existing quarry in terms of day to day operations. Any greater impacts will be more visual from the paths, hills and roads surrounding the site, especially to the west and south. These impacts are discussed in the Landscape section of this report but are not considered to be so significant as to damage the tourism and leisure economy to an unacceptable extent especially in consideration of the fact that Peebles will remain largely unaffected. Visual impacts are minimal until Phases 5 and 6 and, even then, progressive restoration and ultimate reshaping of the current visible quarry faces will mitigate those impacts to acceptable levels. The surrounding woodland will also be restored and replenished under the Long Term Forest Plan. This assessment is largely influenced by the fact that a hard rock quarry exists at the site and is actively being worked with a degree of current impact – particularly as a northerly extension to the quarry (deeper but keeping the southern spur) was already previously approved in 2012.

Landscape

The issues of visual and landscape impact are probably the most important and significant issues in relation to this proposal, due to the location of the site and existing quarry within the Upper Tweeddale National Scenic Area. Any development must comply with the specific LDP Policy EP4 which states that development will only be permitted where:

- The objectives of designation and the overall landscape value of the site and its surrounds will not be compromised, or
- Any significant adverse effects on the qualities for which the site or its surrounds have been designated are clearly outweighed by social or economic benefits of national

Although EP4 is the principle landscape protection Policy, PMD1 “Sustainability” seeks to protect natural resources, landscapes, habitats and species. PMD 2 “Quality Standards” also seeks development that incorporates appropriate landscape mitigation to aid integration into the surroundings. The “Minerals” Policy ED12 also contains control over any

impacts on designated landscapes and National Scenic Areas unless either the impacts are not materially damaging or there is a public interest in the proposal that outweighs the underlying reasons for the landscape designation.

Tree protection is specifically covered by Policy EP13 which seeks to resist any development that would result in the loss of the woodland resource, unless there is either a justifiable public benefit or appropriate replacement compensatory planting proposed,

The application has been submitted with a Planning and Environmental Review Report incorporating a full Landscape and Visual Impact Assessment (LVIA) which contains a series of photomontages and visualisations from a number of viewpoints throughout the NSA, accompanied by a ZTV Plan. The Report also includes a set of Restoration and Aftercare proposals which detail how the site will be both progressively restored during phased working and, also, at the completion of the 22 year quarry operating life. This also details plans and cross sections in each of the six phases of the quarry extension.

The LVIA concludes that the existing quarry already has a moderate to major landscape impact, the significance of which is highly attributable to it being within the National Scenic Area. Previous workings have retained high steep quarry faces, detracting from the landscape character of the NSA. The proposed quarry extension is forecast to have a slight to moderate impact on the landscape, reducing to slight following phased development, restoration and aftercare. The intention is to progressively restore as each phase is carried on behind the south-facing quarry faces, before that is broken through in later phases, thereby improving the slopes and vegetation on the new quarry faces and minimising exposure of freshly excavated faces.

The viewpoints submitted to show visual impact have been chosen, largely south of the quarry, to represent impacts on receptors in the area, the Planning and Environmental Review Report concluding that the impacts will affect relatively few, those impacts being moderate at worst from some of the viewpoints. These impacts are expected to reduce as restoration occurs, both on the new quarry faces but also as replenished woodland on the edges of the extraction area.

The Zone of Theoretical Visibility (ZTV) Plan shows theoretical visibility of the fully excavated six phase scheme, although does not account for any vegetation or tree cover. It shows both the areas that could be expected to view the quarry faces after excavation but also, in addition, those areas that may just notice a change in ground profile or topography. In general, the existing and proposed quarry faces are south facing and, therefore, greatest visibility will be from the south. Impacts will be particularly noticeable from the Kirkton Manor public road, the northernmost stretch of the B712 Stobo Road and to recreational users of the hills and footpaths to the south, including the John Buchan Way and Manor Sware car park/viewpoint. There will be relatively little impact from North, East or West, including no visibility from the Meldons Road and only changes to land profile theoretically visible from Peebles itself – albeit not when existing and proposed replacement forestry is taken into account.

The chosen viewpoints and photomontages within the NSA are informed by the ZTV and are, as follows:

Viewpoint 1 – John Buchan Way

The greatest visual impacts are likeliest from this viewpoint as it is in close proximity and looking into the quarry from the south at some elevation. The LVIA envisages low-medium impact and a moderate change to view impacting on relatively few people. Whilst this is accepted, the sensitivity of the users on the John Buchan Way is high albeit they already look straight into the existing quarry faces. Whilst the intervening ridge between earlier and later phases of excavation will not be very effective as a screen from this viewpoint and there is a linear expansion of excavated quarry faces, the ridge of the hill behind the excavation is still retained. The intended progressive restoration and improved existing quarry faces will greatly reduce the impacts from this location over the operating life of the quarry and beyond.

Viewpoint 2 – Kirkton Manor Road

The LVIA again states that the impact would be low-medium from this viewpoint, affecting relatively few viewers and creating a slight change to view. This viewpoint is also due south in relatively close proximity and looks into the existing quarry face. However, the intervening ridge does protect public impacts for the first four phases of the quarry extension, only from Phase 5 will those impacts be increased. Those impacts are again mitigated by the intended progressive restoration.

Viewpoint 3 – Manor School House

The LVIA states the impacts from here to be low, with a slight change to view and relatively few viewers. The viewpoint is more distant and somewhat similar to the line of view from viewpoint 2, the intervening ridge remaining important in screening phases 1-4 and progressive restoration important once the ridge is removed from phase 5.

Viewpoint 4 – Caverhill

The LVIA envisages the impacts to be low to medium with a moderate to slight change to view affecting few people. This is a very lightly used road and as it is a side view from the south-west, the intervening ridge is less effective as a screen. Whilst some of the rock/scree faces will be visible as part of the restoration plans, the eastern ridge will remain as backdrop and, combined with progressive restoration, will minimise landscape impacts from this location.

Viewpoint 5 – Haswellsykes

The LVIA states low impacts and negligible change to view with few viewers. Whilst this is agreed, the intervening ridge is not effective from this viewpoint and the reduction in the sloping ridge will be noticeable, particularly in the earlier phases. However, the intervening forestry will reduce the landscape impacts.

Viewpoint 6 – Hamildean Hill Track

The LVIA states low impact and negligible change to public view with few viewers impacted. This viewpoint is relatively distant and, whilst the existing faces of the quarry are not noticeable at present, the proposed excavations will be visible, albeit on a limited basis. Nevertheless, the backdrop of the hill behind will remain.

Viewpoint 7 – Edston Hill

The LVIA states low impact and negligible change to public view with few viewers impacted. There will be a noticeable loss of foreground ridge in the earlier extraction phases but the later phases will not be visible at all from this location. The western edge new planting will also greatly reduce visual impact.

Viewpoint 8 – Manor Sware car park

The LVIA envisages low impact and a negligible change to view impacting on relatively few people. Whilst this is accepted, the sensitivity of the users from the car park is high albeit they already look straight into the existing quarry faces. There will be some loss of ridge undulation but the biggest changes will be in Phases 1-4.

These photomontages and viewpoints have also been backed up by a series of photographic images comparing the existing quarry with the final Phase 6 position. As assessed above, these images confirm that the greatest impacts are likely to be from close to the south of the site ie. Viewpoints 1, 2 and 4. The lowest impacts will be from viewpoints 5-8, from directions not directly facing into the quarry from the South and South-West.

The LVIA concludes that the existing quarry already has a major visual impact on the landscape of the NSA with unsympathetic high quarry faces visible to the south. However, it considers that in breaking through the old faces into the new extraction area, this then allows for more effective restoration, working from the top down and allowing those new faces to be progressively restored before new extraction faces are exposed. This will result in moderate visual impacts at worst, receding to slight impacts in the longer term, further mitigated by woodland planting on the quarry faces, void and surrounds.

The restoration and aftercare proposals are detailed in Section 4 of the Planning and Environmental Review, the six progressively restored phases shown in Figures 3.1 – 3.6 and a final restoration plan shown in Figure 3.7. The proposals are aimed at supporting the Local Biodiversity Action Plan by introducing native woodland. The quarry slopes will be restored to around 38 degrees and will be formed with shrub, grassland, bare scree and scattered woodland. The woodland will be cell grown in recognition of the thin soils and designed to merge with earlier planting to the west of the site, comprising of large proportions of Scots Pine, Norway Spruce and a mixture of native species.

Aftercare proposals are also detailed in Section 4 and provide for maintenance of the restoration carried out in each phase for a period of five years. The agent argues that the design of the restored landscape is meant to be self-sustaining and would not require any maintenance beyond the five

years of each phase. However, an appropriate restoration guarantee (bond) is accepted via a Legal Agreement, which will be regularly reviewed to ensure it will cover the restoration costs, The agent also does not rule out replacement of any failed planting beyond a five year period.

Consultees on the application in relation to landscape and National Scenic Area impact include Nature Scot (formerly Scottish Natural Heritage) and the Council's Landscape Architect. Members will note that Nature Scot have a responsibility for protecting the National Scenic Area and advising the Council on any developments that could have significant impacts. They envisage no adverse effects on the integrity or objectives of the National Scenic Area, albeit they identify some on landform and woodland cover. They consider these effects to be at their worst in Phases 1 and 2 for about a 7 year period but then accept that impacts are reduced over time with the planned progressive restoration. Ultimately, they do not object.

The Council's Landscape Architect initially expressed concern at the impacts of the quarry extension on the local landscape and National Scenic Area, especially in Phases 5/6 when the southern intervening spur of hillside is removed. She sought a more persuasive and detailed landscape restoration plan together with a more focussed method statement. She also recommended amendment to the intended restored landform, expressing concern over the final engineered and unnatural form proposed.

Taking into account the LVIA and details of the phasing, extraction and aftercare, the views of the Landscape Architect were key because, whilst there was a landscape screening benefit in the planned phasing and progressive restoration, the good practice text and descriptions in the Planning and Environmental Review Report were not necessarily fully delivered in the accompanying Plans and appendices. Furthermore, it was considered that the phasing, restoration completion and aftercare guarantees needed further verification and clarification, to convince that the impacts on the landscape and National Scenic Area would be mitigated to acceptable levels of landscape and visual impact.

These concerns were raised with the agent who subsequently responded in an email dated 8 June which can be viewed in full on the Public Access system. These responses have been passed to the Landscape Architect for comment. The main responses include:

- Responses on pre-application enquiry and from Nature Scot indicate agreement that significant visual effects on the NSA are not likely.
- The loss of the central spur at Phase 5 will reveal progressive planting on Phases 1-3 which will have been completed for up to 18 years and also a 10m quarry face height reduction
- Confirmation that progressive restoration will only be a maximum of one phase behind, controllable by condition
- The maturing of the planting on each progressively restored phase will screen any impression of final landform being unnatural or over-engineered.
- Blasting will be used to produce final restoration slopes which will be far shallower than the 2009 consent restoration proposals

- Five year aftercare will be run from the end of each restored phase although any specific planting failures beyond that will be addressed. An annual audit of the restoration and planting implementation would be accepted as a planning condition.
- Compensatory woodland (outwith the application site) managed by the Long Term Forest Plan and this seems acceptable to Scottish Forestry.
- Habitat Enhancement and Management Plan can be secured through a planning condition.

The Landscape Architect has accepted the additional information. She agrees that blasting will create a less engineered and uniform final restoration profile. However, she also seeks, via condition, more detail on restoration techniques, grassland, woodland and wetland mixes, seeding and planting and a Habitat Enhancement and Management Plan. She has also recommended an annual audit of the restoration planting within each five year aftercare period per phase.

Given the acceptance by the Landscape Architect and the appropriate conditions listed at the end of this report, it is considered that the responses from the agent address any remaining concerns, including agreement on various conditions and securing of an adequate restoration and aftercare programme. With these controls, it is considered that the restored and finished quarry faces, albeit of an extended nature, will actually be a visual improvement over previously consented and worked faces at the site. Impacts will be limited for a large period of the 22 year workings, protected by the intervening spur before phase 5 removes it. Once it is removed, there will have been progressive restoration completed for the first three phases, stretching back up to 18 years and establishment of the planting audited annually. The progressive restoration details will have been agreed by condition and aftercare proposals, including mitigation planting, put in place, both through condition and also through the legal agreement. Ultimately, the current proposal is considered to be a more sympathetic extension to the quarry than the one previously consented in 2012, in terms of impacts on the landscape and National Scenic Area.

With the design of the quarry extension and the various controls in place over phasing, restoration and aftercare, the significance of impacts on the National Scenic Area will be temporary and ever decreasing as restoration planting establishes. The significance is also considered against the current visual impacts of the consented existing scheme. It is concluded that the proposed quarry extension will comply with the various Local Development Plan Policies on landscape and designated landscape area protection.

Residential Amenity

The impacts of any quarrying activity on residential amenity can be particularly significant and Local Development Plan Policies PMD2, HD3 and ED12 seek to ensure any proposals do not result in significant adverse effects. Whilst PMD2 applies universally and is related to minimising conflict of uses, HD3 relates more to impacts on specific residential areas. ED12 is even more specific and relates only to residential impacts on property within settlements and only then, if within 500m.

Whilst these Policies particularly seek to protect residential amenity from new quarrying proposals, they also apply to any proposals, including extensions to existing quarries. In terms of visual impact, that element of residential amenity has already

been considered under the Landscape section of this report. Noise, air pollution and vibration are the other main issues arising from quarry operation and these have been fully addressed in the relevant sections of the Planning and Environmental Review, submitted with the application, including separate Appendices containing Noise and Blasting Assessments.

The Review explains that the existing quarry, of course, already has a level of impact on surrounding residential property, including blasting of hard rock. However, although the quarry is relatively close to the settlement of Peebles and smaller settlements such as Lyne Station, there are only relatively few houses around the quarry. The Review, Noise and Blasting Assessments take into account Neidpath Toll Cottage (430m from the quarry extension) Edston Cottages (450m) and Edston Farmhouse (550m).

In terms of noise, the existing quarry operates to a 55dB limit when measured against these properties, controlled by planning condition. The Noise Assessment has undertaken noise surveys in the vicinity of the aforementioned properties and, using the guidance in PAN 50, has predicted worst case noise levels. These are very similar and, even slightly lower than current noise levels from the quarry and certainly well below the 55dB suggested by PAN 50 and incorporated in the planning condition. The quarry will also operate to the existing restricted daytime hours of 7am – 7pm Monday to Friday and 7am to 1pm Saturdays, which is why there is no requirement to specify night time noise levels.

The Review Report concludes that the quarry extension will not cause significant issues with regards to noise and can operate comfortably within the stated maximum dB figure. Environmental Health have confirmed that they are not aware of any noise complaints relating to operation of the existing quarry. However, they recommend that conditions are re-imposed on any consent for the quarry extension, controlling the dB limit and the quarry operating hours as mentioned above.

In terms of impacts on residential amenity, air pollution and dust can be another significant issue with quarrying. The Planning and Environmental Review Report assesses the impacts on the nearest houses, taking into account the requirements of Annex B of PAN 50. It identifies the sources of dust associated with the quarry operations, including blasting, drilling, rock crushing and soil processing. It also then identifies mitigation and methods of working which can minimise dust from these operations and assesses climate trends and conditions in the area.

The assessment concludes that the impacts on the nearest houses of dust will be negligible, with the exception of Neidpath Toll Cottage where a slightly adverse effect is identified. However, the assessment concludes that with distance, intervening topography and measures outlined in the Site Dust Management Plan, “*..the potential for any significant dust impact is negligible*” and air quality would remain within regulated thresholds. Environmental Health have again stated that there have been no complaints from residents to operation of the existing quarry but, whilst noting the Site Dust Management Plan in paragraph 10.9 of the Planning and Environmental Review, still require a condition to be re-applied in relation to dust mitigation measures agreed as part of 04/01942/MINCON.

The final significant issue in relation to residential amenity, relates to blasting and vibration. As the quarry produces hard rock aggregate, blasting is an established part of its extraction procedures. Appendix 5 of the Planning and Environmental Review carries out an assessment of blasting at the nearest affected properties, including non-domestic structures such as the Manor Bridge and Neidpath Viaduct. Using advice from Annex D of PAN 50 and the limits imposed by condition on the existing quarry

operations, it concludes that vibration from blasting will still be within the recommended maximum limits. Those limits should be stricter for residential than non-domestic property and there should continue to be monitoring of blasting in terms of compliance with the stated limits.

Environmental Health officers report no complaints from the existing quarrying operations and are content with the assessment carried out for blasting and vibration. They recommend re-application of a blasting condition which limits the vibration levels at the nearest sensitive properties and also allows the Council to seek independent monitoring of vibration levels through prior notification of blasting operations.

Taking all the above issues into account and given the isolated and distant location of the few residential properties that could have amenity affected by the quarry extension, it is considered that the extension can occur without exceeding the various noise, dust and vibration thresholds currently controlled by condition and which can be reapplied to this consent. Subject to those conditions and the mitigation contained within those conditions, it is considered that the residential amenity objectives contained within Policies PMD2 and HD3, can be met by the proposals.

Access

Local Development Plan Policy PMD2 requires safe access to and within developments. The minerals Policy ED12 also requires the traffic routes to and from the quarry to be suitable in terms of their design, construction and relationship with sensitive properties such as houses. Whilst the application is for an extension to the existing quarry, the current access point onto the A72, west of Neidpath Castle, will continue to be used.

The access was upgraded as part of the quarry reopening in 2005 and is surfaced from the A72 to the weighbridge. There are also shaker bars, drainage and wheel washing facilities to prevent debris and dust reaching the public road. The Planning and Environmental Review report explains that there will be no alteration to either the access or the amount of traffic using the access, as the extraction rate will continue at approximately 100,000 tonnes per annum, which results in 28 HGV movements per day in total. It explains that when the access was upgraded in 2009, the planned annual production was greater at 150,000 tonnes and it was considered that the road system was able to cater safely for the associated traffic.

Roads Planning confirm this by raising no objections to the planning application. They state that the visibility was improved in 2005 and they note that as the production rate stays the same, there should be no significant increases in traffic using the junction or public roads. Although granting the quarry extension means that the traffic generation will continue for a further 22 years, the access and road system are considered able to safely accommodate the continued usage. Existing sensitive receptors alongside the A72 will continue to experience effects of HGV usage for a longer period but this was considered acceptable in previous consent decisions to re-open and extend the quarry. It is also preferable to either increased production resulting in increased traffic or, indeed, the opening of a new quarry elsewhere with new effects.

For the aforementioned reasons, the application is considered to be in compliance with Local Development Plan Policies PMD2 and ED12 in relation to access. The condition relating to continued wheel cleaning, applied to previous consents, should also be applied to this extension proposal.

Nature Conservation

The relevant nature conservation Policies are EP1-EP3 relating to international, national and local interests as well as protected species. These Policies seek to protect through avoidance, assessment of alternatives or weighting against any particular public need. Mitigation also requires to be assessed in terms of overall net impacts on biodiversity. Policy ED12 also reflects these Policies and their requirements in criteria a) to c). Policy PMD2 Quality Standards also protects biodiversity by seeking the retention or appropriate mitigation/replacement of important natural features and habitats.

The application has been supported by an Ecological Section in the Planning and Environmental Review Statement and by an Extended Phase 1 Survey as Appendix 3. The overall findings are that, subject to mitigation, impacts on ecology will not be significant. This relates to pollution prevention, habitat, amphibians, reptiles, badger, bats, birds, pine marten and red squirrel.

The relevant consultees have commented on the proposals for quarry extension and restoration, including Nature Scot, the Council Ecology Officer, Scottish Wildlife Trust and Scottish Badgers. Nature Scot are content with impacts on the Tweed SAC/SSSI, as is the SBC Ecology Officer who notes the dust management proposals and the buffer distance from the site.

In terms of habitat, Nature Scot support the tree replacement proposals, subject to a condition relating to the methodology and a management plan for invasive non-native species. They also support the retention of common Rock-rose as food for the Northern Brown Argus butterfly, also mentioned by the Scottish Wildlife Trust. The Ecology Officer notes the various habitats lost and the mitigation proposed in the restoration plan, albeit still requiring further details by means of a planning condition.

In terms of protected and other wildlife species, there are no objections from the consultees subject to conditions. However, the Ecology Officer still requires assurance over a lighting scheme in relation to bats, before the application is determined. Other species can be adequately protected by relevant conditions, surveys, species protection plans etc. This includes badger, bats, birds, pine marten and red squirrel. Nature Scot are also requesting that existing annual monitoring is continued for peregrine.

The comments of the Ecology Officer were raised with the agent who subsequently responded in an email dated 8 June which can be viewed in full on the Public Access system. The main responses include:

- Compensatory woodland (outwith the application site) managed by the Long Term Forest Plan and this seems acceptable to Scottish Forestry.
- Habitat Enhancement and Management Plan can be secured through a planning condition.
- Specifies the habitat loss and compensation, replacing 3ha of coniferous woodland with 3.7ha mixed woodland, 1.96ha of grassland with 4.9ha of replacement grassland etc. The main habitat loss will be low value quarried ground.

- Further lighting details are provided but also accept a bat lighting scheme by condition pre-commencement.
- Badger mitigation can be secured by planning condition pre-commencement.

These submissions were passed to the Ecology Officer for comment and he responded, accepting that conditions could cover mitigation relating to bats, lighting, habitat management and compensatory replanting. Whilst he noted there was a Site Dust Management Plan as part of the EIAR at Section 10.9, he felt this was more an outline of measures that were intended rather than a detailed enforceable Plan. He therefore recommends that a more detailed Site Dust Management Plan is secured by condition.

Subject to the conditions listed at the end of this report and given the latest responses from the Ecology Officer, it is considered that the proposed quarry extension will comply with the various Local Development Plan Policies on ecology.

Cultural Heritage

Policy ED12 states that minerals extraction will not be allowed if there is an effect on cultural heritage assets such as Conservation Areas, Scheduled Monuments, historic gardens, designated landscapes and significant archaeological sites with their settings. Proposals having an effect on any of these cultural heritage assets may still be acceptable if they can be demonstrated not to have any materially damaging impact or prove a public interest where the extraction outweighs the underlying reasons for the asset designation in the first instance. Policy EP8 also refers to development that could adversely affect archaeological assets. It states that any development creating an adverse effect on assets or their setting will be balanced against the benefits of the proposal and consideration of any mitigation strategies.

The application was submitted with a Cultural Heritage Statement, contained in Appendix 6 of the Planning and Environmental Review Statement. This reviewed earlier archaeological investigation in the site, including work connected with the earlier 2009 extension proposal. This revealed the presence of a prehistoric fort, cultivation terraces, former quarry scoops and cup markings. Subsequent monitoring of topsoil removal revealed the modern nature of the quarry scoops and three small pits which did not yield any artefacts, despite being 4000 years BC. Further survey in 2015 (in connection with the changed haul road) revealed more details of the cultivation terraces, cup markings and trackways.

Taking these surveys into account and using LIDAR data, the Cultural Heritage Statement does not identify any significant archaeological sites within the proposed extension area. However, there remains potential for impact on unknown features and the Statement proposes mitigation by means of a walkover survey once the timber is felled within the extension area, followed by continuous monitoring of topsoil removal to identify and investigate any significant archaeological features. This should all be contained within a Written Scheme of Investigation agreed with the Council.

The Council's Archaeology Officer accepts the proposed mitigation strategy and recommends a Condition is imposed on any consent, securing the Written Scheme of Investigation and including the use of LIDAR information.

In terms of potential impacts on cultural heritage assets away from the site, Historic Environment Scotland have looked at the potential impacts on Scheduled Monument

SM2713 South Hill Head, Homestead, which is located on a hill summit 1.5KM North-West of the extension area. Neither they, nor the Council Archaeology Officer, identify any issues with the quarry extension that would materially affect the setting of the Monument. Similarly, there have been no issues raised with regard to impacts on other cultural heritage assets in the surrounding area, including listed buildings (Neidpath Castle, Neidpath Cottage, railway tunnel and viaduct, Barns, Haswellsykes etc), other Scheduled Monuments (including those on Cademuir Hill) and local Designed Landscapes (including Haylodge and Barns House).

Subject to the Written Scheme of Investigation condition suggested by the Archaeology Officer, it is not considered that the quarry extension would materially damage any cultural heritage asset, either directly or indirectly through setting impacts. The application is, therefore, considered to be in compliance with Local Development Plan Policies ED12 and EP8 and there is no requirement to balance the economic effects or need for the product against cultural heritage impacts.

Hydrology

LDP Policies IS8 and IS9 are the most relevant in consideration of the impacts of development of this site on the water environment. Policy ED12, however, also seeks to avoid significantly detrimental impacts on Special Areas of Conservation and water catchment areas. The Planning and Environmental Review contains a hydrological and hydrogeological assessment. It concludes that the impacts on overland drainage will be minor and continued practice and mitigation will reduce the risk of contaminants reaching watercourses. Flood risk will reduce due to better attenuation from an increased quarried area and impacts on groundwater are considered to be negligible and localised.

There have been no objections received in relation to hydrology issues. Nature Scot are responsible for ensuring that impacts on the River Tweed SAC/SSSI are minimised and, having reviewed the distance and dust management proposals, do not consider the impacts would harm the qualifying interests of the designation. The Flood Protection Officer identifies a medium to high risk of surface water flooding within the centre and towards the southern edge of the site, albeit none within the extension area. Due to this, they recommend conditions to ensure anchoring of containers to the ground and raising of fuel tanks. They also suggest conditions relating to culverts, sediment filters and maintaining greenfield run-off rates following formation of any new hard surfaces. All these matters can be addressed through appropriate conditions and informatives.

SEPA have raised no objections and are content that no groundwater impacts will occur and adequate protection is in place to avoid run-off to the River Tweed. They also leave flood risk impacts to the Council's Flood Risk Team, given that they are surface water based. In terms of the response from Scottish Water, they have no objections but wish to avoid any connection to their combined sewer system and also have assets within the site boundary that require application to them for diversion.

Subject to the aforementioned conditions and given the responses from the relevant consultees, it is considered that the proposed quarry extension complies with the requirements of Local Development Plan Policies IS8 and IS9.

Other issues

Although all other issues have been considered, none are raised that would outweigh the consideration of the application as set out above. These include waste

management which has been addressed in the Planning and Environmental Review Report and which has not resulted in any objection from SEPA nor the relevant Council consultees.

Legal Agreement/Bond

The existing consents at Edston are subject to a legal agreement in relation to restoration and aftercare of the site, in the form of a financial bond. The agreement also covers mitigation planting. This is standard practice for quarrying sites to ensure the agreed aftercare is delivered and to enable adequate financial resources for the Council to step in and secure the restoration. The agreement also provides for regular revisiting of the bond amount by an independent professional to ensure the amount remains sufficient for the life of the quarry. The original agreement was concluded with the 2012 quarry extension application and revised with the 2016 amended method of working application.

Given the fact that the current application represents a significant extension northwards and also represents changes to the restoration profile and mitigation planting, it will be necessary to incorporate the restoration and bond into a new legal agreement reflecting the new requirements.

CONCLUSION

The application is considered to be in compliance with national objectives and Local Development Plan Policies on securing the continued production of existing identified mineral reserves, whilst ensuring that the environmental impacts are minimised. The landscape impacts within the Upper Tweeddale NSA will be significant from nearby viewpoints to the south but mitigated to acceptable levels by the design, phasing and aftercare, which will be controlled by conditions and a legal agreement. Other environmental matters can also be addressed in the same way including ecology, archaeology and hydrology. Conditions will also continue to control the impacts on residential amenity, restricting noise, dust and vibration nuisance.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject to the following conditions, informatives and a legal agreement relating to mitigation planting and the restoration bond:

1. This quarry shall be permitted to operate for a maximum period of 22 years beginning from the date of planning consent ref 21/00222/FUL. Within six months of the end date, or of cessation of workings, whichever is the earlier, all buildings, structures and plant, shall be removed from the site.
Reason: To minimise the environmental effects of the proposed development in a manner consistent with its operational capacity.
2. The development shall be carried out in accordance with the details specified in the planning application, the supporting documents and the scheme of working detailed in the phasing plans submitted in support of the application. No commencement will be allowed on Phase 3 until Phase 1 restoration works are complete and thereafter, no commencement on Phase 4 until Phase 2 complete, Phase 5 until Phase 3 complete and Phase 6 until Phase 4 complete.
Reason: To minimise the environmental effects of the proposed development and safeguard the amenity of nearby property occupiers.

3. No development to be commenced until a detailed compensatory planting scheme, as indicated in Figure 3.1, has been submitted to, and approved in writing by, the Planning Authority in liaison with Scottish Forestry. This shall include all tree planting within and outwith the site and shall include a method statement for the retention and translocation of trees, a scheme for the future maintenance of the planting and specified monitoring inspection dates by the Planning Authority, all consistent with the phasing proposals. Once approved, the scheme shall be implemented concurrently with the commencement of development or no later than the end of the next available planting season.
Reason: To minimise the visual impact of the development and safeguard the landscape and woodland resource.
4. No development to be commenced until a detailed Landscape and Habitat Enhancement and Management Plan is submitted to, and approved in writing by, the Planning Authority. This plan should include detailed specifications of planting and seeding consistent with the proposed phases of the quarry extension, including provision for rock-rose and other habitat retention, an invasive non-native species eradication/management plan, bat/bird boxes and an annual programme of inspections within each five year aftercare period per phase, to ensure satisfactory establishment. The plan should include detailed plans and cross-sections at appropriate scales to be agreed with the planning authority. Thereafter, the measures specified therein shall be implemented in accordance with the terms of the approved scheme.
Reason: To ensure that appropriate landscaping is undertaken and to compensate for potential habitat loss associated with the Development.
5. No development shall commence until the applicant and /or the operator of the quarry provide to the Planning Authority details of the bond or other financial provision which it proposes to put in place to cover all the decommissioning, site restoration and aftercare costs of the development. Thereafter:
 - (a) No development shall commence on the site until the applicant and /or the operator of the quarry has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is acceptable in all respects.
 - (b) The applicant and /or the operator of the quarry shall ensure that the approved bond or other financial provision is maintained throughout the duration of this consent. If at any stage of the operations a bond or other financial provision is not in place, all operations at the quarry shall cease. Operations shall only recommence once a replacement bond or other financial provision is accepted by the Planning Authority.
 - (c) The bond or other financial provision will be subject to a five yearly review which shall include a monitoring statement of extracted and reinstated levels, paid for by the applicant and /or the operator of the quarry, from the Commencement of Development, to be conducted by a competent independent professional (Compliance Monitoring Officer) who has relevant experience within the quarrying sector and provided

to the Company, the landowners (if different), and the Planning Authority.

Reason: To ensure suitable provisions are made for restoration of the site, and to minimise the longer term visual impacts of the development.

6. No development to be commenced until a scheme of details for raising above and/or anchoring to the ground existing containers and oil/diesel storage tanks in the southern area of the quarry (within the area defined as a surface water flood risk) is submitted to, and approved in writing by, the Planning Authority. The development then to be implemented in accordance with the approved scheme of details.

Reason: To safeguard against any increased flood risk on downstream receptors

7. The formation of any newly formed hard surfaces and any discharges from SUDS and other drainage should be attenuated to at least existing Greenfield runoff rates which should firstly be submitted to, and agreed in writing by, the Planning Authority before the development is commenced

Reason: To safeguard against any increased flood risk on downstream receptors

8. No development to be commenced until details of silt traps and other sediment intervention measures are submitted to, and approved in writing by, the Planning Authority. The development then to be implemented in accordance with the approved details.

Reason: To minimise sediment reaching watercourses and public roads.

9. No development to be commenced until a Species Protection Plan for badger has been submitted to, and approved in writing by, the Planning Authority. This should include the requirement for supplementary surveys for each phase of the development. The development to be implemented in accordance with the approved scheme.

Reason: To safeguard protected species at the site.

10. Should a licence for disturbance of badger setts be required from Nature Scot, no development for the relevant phase of the quarry be commenced until the licence has been obtained and evidence is exhibited to the Planning Authority

Reason: To safeguard protected species at the site.

11. No development to be commenced until supplementary surveys for bats (to address any potential impacts and mitigation arising from lighting at the site), red squirrel, pine marten and reptiles are carried out. The development then to be implemented in accordance with any mitigation subsequently identified in the surveys as necessary.

Reason: To safeguard protected species at the site.

12. No development to be carried out in the breeding bird season unless it has been demonstrated to the Planning Authority through supplementary surveys and a Species Protection Plan, that the development will not prejudice breeding bird interests at the site.

Reason: To safeguard breeding birds at the site.

13. Monitoring and reporting of findings to continue to be carried out in accordance with the agreed scheme for annual monitoring programme for peregrine falcons.

Reason: To ensure that the development does not have an adverse effect on a protected species.

14. Hours of operation shall be restricted to 07:00 - 19:00 Monday to Friday & 07:00 - 13:00 on Saturdays, with the exception of emergency work necessary for site safety. Operations outside these hours may only take place after prior notification to, and approval in writing by the Planning Authority.

Reason: To safeguard the amenity of nearby property occupiers.

15. Vibration levels measured at any sensitive property shall not exceed 6 mms -1 peak particle velocity for 95% of blast events. No event shall exceed 10 mms -1 peak particle velocity. The developer shall undertake ongoing monitoring that is sufficient to verify that these limits are not breached. The Council reserves the right to require prior notification of blasting operations to enable independent monitoring to take place.

Reason: To safeguard the amenity of nearby property occupiers.

16. Noise levels measured at any sensitive property shall not exceed 55dB LAeq, 1hour.

Reason: To safeguard the amenity of nearby property occupiers.

17. The development shall be carried out entirely in accordance with a Site Dust Management Plan which should firstly be submitted to, and approved in writing by, the Planning Authority before the development is commenced. The Plan should be based upon that included at para 10.9 of the Planning and Environmental Review Report but provide more detail in the form of an enforceable and implementable Plan

Reason: To safeguard the amenity of nearby property occupiers and the natural heritage of the area.

18. Vehicle wheel cleaning facilities details of which are specified in the document dated September 2011 on planning application 09/00938/MIN, shall be retained throughout the operation of the quarry.

Reason: To ensure material from the site is not deposited on the A class road to the detriment of road safety

19. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the evaluation and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

20. All soils shall be retained on the site and none shall be sold off or removed from the site.

Reason: To enable sound agricultural restoration; to minimise the movement of soils and to minimise traffic movement's out with the site.

21. The Waste Management Plan, included as Appendix 7 of the Planning and Environmental Review report shall be adhered to at all times. Any proposed amendments to the plan shall be submitted to and approved by the Planning Authority, prior to any changes taking place.

Reason: To ensure the satisfactory control of waste materials on the site.

Informatives

1. For Condition 12, you should follow Nature Scot's guidance on construction and breeding birds available at www.nature.scot/dealing-construction-and-birds
2. If groundwater is encountered and dewatering required, please contact SEPA for authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). Any sewage discharges will require authorisation from SEPA under CAR. If crushing or screening is proposed then this will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012.
3. If there are to be any culverts, watercourse crossings or alterations to crossings, these must not reduce the flow conveyance of the watercourse.
4. Please note the advice of Scottish Water in their consultation response on the planning application, dated 16 June 2021.
5. For Condition 3, any woodland loss should be compensated for, in accordance with Scottish Government Policy on the Control of Woodland Removal as informed by Scottish Borders Woodland Strategy.
6. For Condition 11, any lighting scheme shall be in accordance with the ILP "Bats and artificial lighting in the UK" (2018) guidance.

DRAWING NUMBERS

Location Plan	Figure 2.1
Existing Quarry Plan	Figure 2.2
Quarry Development Plan Phase 1	Figure 3.1
Quarry Development Plan Phase 2	Figure 3.2
Quarry Development Plan Phase 3	Figure 3.3
Quarry Development Plan Phase 4	Figure 3.4
Quarry Development Plan Phase 5	Figure 3.5
Quarry Development Plan Phase 6	Figure 3.6
Restoration Plan	Figure 3.7
Cross Sections	Figure 3.8
Final Restoration Cross Section	Figure 3.9
Cross Section from VP1	Figure 3.10
Cross Section from VP4	Figure 3.11

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

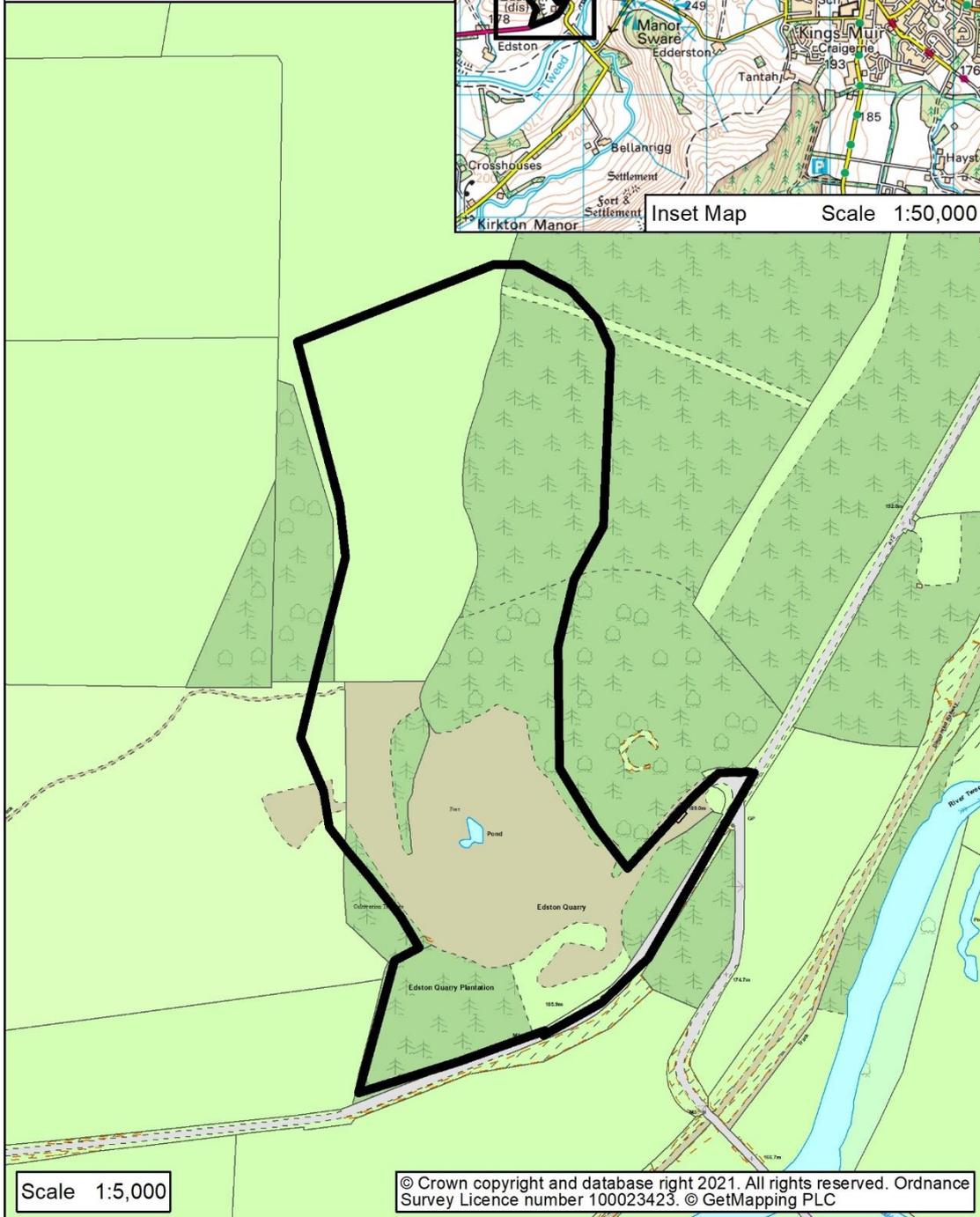
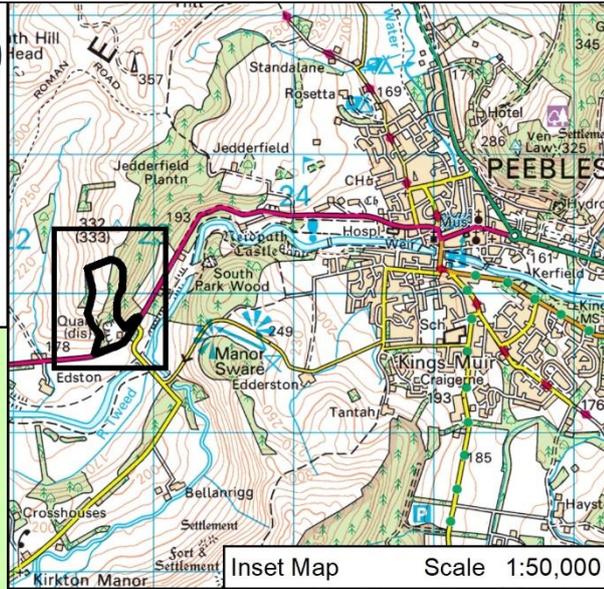
The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

Author(s)

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

2 AUGUST 2021

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 21/00417/FUL
OFFICER:	Mr C Miller
WARD:	Galashiels and District
PROPOSAL:	Residential development comprising 69 units with associated access, parking, landscaping and servicing
SITE:	Land North of 5 Hillside Drive, Galashiels (Phase 2 Buckholm Corner)
APPLICANT:	Buckholm Ltd
AGENT:	Farningham Planning Ltd

PLANNING PROCESSING AGREEMENT

A Planning Processing Agreement has been agreed for Committee presentation by 2 August 2021.

SITE DESCRIPTION

The site is located on the north-western edge of Galashiels, on the northern side of the A7 approximately one mile from the town centre. The site, known as Phase 2, occupies just over three hectares of steeply sloping land from north-east to south-west, lying in an elevated position above the A7. The site is surrounded by open and sloping grazing fields to the north, east and west. To the south, between the site and the A7, lies an existing small housing development (Hillside Drive) and an 11 house affordable housing development under construction. A large mature oak tree lies within the site, adjoining a watercourse passing through the site and close to both Hillside Drive and Phase 1. Woodland also adjoins the site to the south-east.

The site is peripheral to the town and not within the Conservation Area. It adjoins land that represents the north-western extent of the area defined under Policy EP6 "Countryside Around Towns". The site is allocated in the Local Development Plan for housing development, specifically as EGL17B (Buckholm Corner) with a maximum capacity of 60 houses – this includes the land that has been developed for Phase 1. A further allocated site extends to the north, EGL41 (Buckholm North) with a stated capacity of a further 180 houses. A Planning Brief was prepared for both sites in 2007 and is referred to throughout this report. It is also included in full within the applicant's Design and Access Statement.

PROPOSED DEVELOPMENT

The application is submitted in full for the development of 69 dwellinghouses for affordable rent by Eildon Housing Association. This is confirmed in a separate letter from the Housing Association dated 20 April 2021. The Design and Access Statement describes the development in detail, representing a linear terraced development running with the contours of the Gala Water valley.

The layout has a main access from Phase 1 which in turn connects with a single upgraded access point on the A7. This splits at the retained oak tree, the eastern access road then serving 16 terraced houses before the access turns north to connect with the ground immediately adjoining the site – allocation EGL41. The western access road runs along the contours, interrupted by a central landscaped island, before again turning at the western end and connecting with the land forming allocation EGL41. This access road serves the remaining 53 houses in terraced rows with frontage parking, some in curtilage and some as part of the street system. Changed surface treatments are used to mark junctions and different sections of the development.

The terraced blocks are of uniform two storey design with dual pitched roofs clad in dark grey concrete tiles, pitches varying between 33 and 35 degrees. The walls will be either buff or white smooth render with dark grey vertical feature panelling between windows and between the doors and the roof. Windows and doors will be dark grey uPVC with overhanging canopies above each front door.

The submitted site sections display the severe gradients on the site and how cut and fill is addressing them. Generally, the approach is the same level of cut as fill with the main western access road resulting in up to 5m of cut to the north of the road and, at worst, 6.9m of fill to the southern side of the road, in order to create level driveways, gardens and floor pads for the houses. The differentials are more severe in the centre of the site near to the open space and oak tree than at the eastern and western ends.

The difficult levels have resulted in a particular landscaping and planting scheme, based upon a planted “reinforced soil” filled embankment between the houses and the existing houses in Hillside Drive. This will be planted with over 1000 shrubs along the southern side and in addition, a varying width lower shelf of land at the foot of the embankment will be planted with native woodland trees. Similar woodland zones will be planted to the western boundary of the site, the north-eastern corner and south of the retained oak tree.

Elsewhere, the oak tree and adjoining trees around the watercourse will be retained and protected from development with an area of open space. One Category B tree will be removed to the north of the oak tree. Street shrub planting and garden boundary hedge planting are also proposed with areas of shrubs breaking up the street parking zones and trees planted in the central landscaping island within the western access road.

The drainage proposals have been explained in a combined Drainage Strategy and Flood Risk Assessment report. The foul drainage will be taken to an existing Scottish Water sewer on the A7. Surface water will be discharged to the Buckholm Burn, indirectly via attenuation and SUDs based impermeable surfacing built into the roads and paths in the development.

The application is classed as a ‘Major’ development under the Hierarchy of Developments (Scotland) Regulations 2009. The applicants publicised and held an online public event prior to the application being submitted, as well as consultation with Galashiels and District Community Council. The outcome of the public consultation exercise has been reported in a Pre-Application Consultation Report submitted with the application. The requirements of the Development Management Procedure (Scotland) Regulations 2013 have been satisfied. The applicant has held further discussions with the Community Council during the application process.

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

- Pre-Application Consultation Report
- Design and Access Statement
- Preliminary Ecological Appraisal
- Transport Assessment
- Tree report
- Drainage Strategy and Flood Risk Assessment

PLANNING HISTORY

The current allocation for housing on the site has been through full public consultation during the Local Development Plan process, leading to designation as allocation EGL17B with an indicative site capacity of 60 units. The allocated site includes Phase 1 of the Buckholm Corner development which had an old extant permission from 1977, recently updated by a new consent for 11 houses which has now been commenced. The 1977 consent also extended slightly into the eastern part of Phase 2.

PLANNING BRIEF

The site allocation is supported by a planning brief for both it and another larger site behind (EGL41) with the principal aim of achieving a high quality sustainable mixed residential development, requiring effort to be applied to its landscape integration and reduction of impact on the surrounding landscape. The Brief, amongst other advice, seeks:

- The use of Designing Streets
- Focal points in the street layout
- New planting on the boundaries and outwith the site, integrating with rural surroundings
- Designs should be one or two storeys, white/buff render, grey roofs and feature panels
- Frontages to the internal street system but also outward looking to the west and south
- Development with and not against contours
- No breaking of ridgeline
- Avoidance of unbroken front garden parking and encouragement of parking blocks to the rear
- 30 houses per hectare

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning: No objections but seeks further information. The site, along with Phase 1, is allocated and the contours make compliance with Designing Streets challenging. Regrets only one connection with the A7 but welcomes better connectivity with later phases to the North. Topography allows for only a linear nature of development.

Accepts that right hand turning lane is not required onto the A7 for a number of reasons related to limited speed, pedestrian crossing etc. Details are required about pedestrian crossing of the A7. The development is outwith the 400m maximum distance from a

bus stop on the A7 and discussion should occur with Border Buses who operate the X95 re additional stopping points. There would be opposition to widening of the A7 if bus stops were created opposite each other. An additional footway required to connect with that from Hillside Drive alongside the A7.

The parking provision meets standards but states the size requirements and the need for equitable spread of disabled spaces. Also seeks litterbin provision, maintenance arrangements for drainage and provision of EV charging points.

Education Officer: Response awaited.

Landscape Architect: Concerns over the development. Whilst accepting the steep gradient of the site and the complexities of development, concerned over the visual impacts of the cut and fill especially to the northern and southern boundaries of the site and potential impacts on the oak tree. Concerned about the reinforced soil embankment and seeks more details about planting establishment within this bank and below Plot 80 next to the tree. Seeks further boundary treatment information including limits on fencing and the use of street hedges and trees/shrubs. Also requires more information on a management strategy for all landscaping.

Housing Strategy: Supports application, identified in previous and current SHIP with Eildon HA as delivery agent. Scottish Government will continue to grant aid Phase 2 for Eildon HA who now own site.

Flood Protection: SEPA flood maps show a surface water flow path in the NE corner of the site which requires either a re-routing or layout changes to Plots 12, 13 and 26-28. Think it unlikely that surface water will follow line of the existing culvert heading to the Buckholm Burn. Seeks further information on the existing and proposed culverts, a culvert assessment, culvert maintenance, Plot 30 being above the culvert and details of boundary drainage above and below the earth embankments.

In response to amended information, sought updated microdrainage, details of the detention basin and boundary drainage being added to the layout drawings.

Ecology Officer: Satisfied with the submitted ecological assessment. No concerns over lost habitat but considers an Appropriate Assessment necessary relating to potential impacts from the site on the River Tweed SAC and seeks an Outline Construction Environmental Management Plan (CEMP), utilising best practice mitigation. Species Protection Plans can cover badger, bird and reptile interests. Two trees have moderate bat roost potential and further bat survey and roost assessment is required pre-determination of the application. Biodiversity enhancement can be achieved through conditions.

In response to bat surveys and Outline CEMP, accepts the findings that there were no bat roosts and some activity of two species, but that no further survey or mitigation for bats is required. Continues to seek a detailed CEMP by condition together with conditions on Species Protection Plans and biodiversity enhancement. Carried out an Appropriate Assessment which showed no adverse effect on the River Tweed SAC.

Access Officer: No rights of way or claimed paths through the site but welcomes footpaths through the site and connecting with open spaces within

and adjoining. Seeks further information on path connections, including with Phase 1 and later phases.

Archaeology Officer: No objections. No previous evidence of features on the site so disturbance unlikely. Visible from Buckholm Tower Scheduled Monument but impacts on setting are peripheral. No conditions or informatives required.

Forward Planning: Response awaited.

Environmental Health: Response awaited.

Neighbourhood Services: No objection.

Waste Services: Two cul-de-sacs will either need collection points at their entrance or suitable turning heads to avoid need to reverse.

Statutory Consultees

SEPA: Response awaited.

Transport Scotland: No objections.

Scottish Water: No objections. There is capacity in relation to public water but drainage capacity cannot be confirmed until a direct application is made to them. Surface water treatment should be SUDs. Further advice provided on the next steps re contact with Scottish Water.

Nature Scot: No comment as development does not meet their criteria for consultation.

REPRESENTATION SUMMARY

One representation has been received from an adjoining resident, concerned about the drainage scheme not providing interception surface water drainage from the development and seeking an appropriate condition, should development be consented.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016

- PMD1 Sustainability
- PMD2 Quality Standards
- PMD3 Land Use Allocations
- IS2 Developer Contributions
- IS4 Transport Development and Infrastructure
- IS6 Road Adoption Standards
- IS7 Parking Provision and Standards
- IS8 Flooding
- IS9 Waste Water Treatment Standards and Sustainable Urban Drainage
- EP3 Local Biodiversity
- EP6 Countryside Around Towns
- EP8 Archaeology
- EP13 Trees, Woodlands and Hedgerows

EP15 Development Affecting the Water Environment
EP16 Air Quality
HD1 Affordable and Special Needs Housing
HD3 Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS

SESplan Strategic Development Plan 2013
Scottish Planning Policy 2014
PAN 44 Fitting New Housing into the Landscape 2005
PAN 61 Planning and Sustainable Urban Drainage Systems 2001
PAN 65 Planning and Open Space 2008
PAN 67 Housing Quality 2003
PAN 75 Planning for Transport 2005
Designing Streets 2010

SPG Affordable Housing 2015
SPG Developer Contributions 2016
SPG Trees and Development 2008
SPG Landscape and Development 2008
SPG Green Space 2009
SPG Placemaking and Design 2010
SPG Guidance on Householder Development 2006
SPG Waste Management 2015
SPG Biodiversity 2005

KEY PLANNING ISSUES

The main determining issues with this application are compliance with Local Development Plan Policies, Supplementary Planning Guidance and the Planning Brief on development on allocated sites, density, traffic impacts, design, landscaping, drainage and development contributions.

ASSESSMENT OF APPLICATION

Planning Policy

The site is allocated in the Local Development Plan 2016 for housing as EGL17B (Buckholm Corner) with a maximum indicative housing capacity of 60 houses. This includes the land that has been developed for Phase 1. A further allocated site extends to the north, EGL41 (Buckholm North) with a stated capacity of a further 180 houses. A Planning Brief was prepared for both sites in 2007 and is referred to throughout this report. It is also included in full within the applicant's Design and Access Statement.

The density of the site, and detailed Planning Brief criteria are assessed further in this report, including landscaping, treatment of levels, street frontages, views into the site and parking arrangements. The allocation on the Proposals Maps also shows landscaping requirements to the western boundary of the site in the form of structure planting. Culvert removal and channel restoration are also mentioned in the allocation.

Although there is no site specific requirement relating to transport listed in the Local Development Plan, Appendix A clearly states that a Transport Assessment will always be sought for any development above 50 units and that the developer would be expected to pay for any off-site roadworks required as a result of their development. A Transport Statement has been submitted with the application.

Bringing the site forward for housing development reflects the SESPlan housing land requirements for periods to 2019 and a further five years beyond. In terms of the principle of a housing development on this site, the Policy background is one of full support. The proposal is for housing development in compliance with the intended use in Policy PMD3. The site provides a contribution towards the housing land targets identified in SESPlan and in line with “Key Outcomes 1 and 2” in the Local Development Plan i.e. effective housing land supply and opportunities for affordable housing.

The principle of the development should be assessed primarily against the provisions of the Development Plan in the first instance, as required by Section 25 of The Town and Country Planning (Scotland) Act 1997. It is only if there are material factors of sufficient significance that outweigh the provisions of the Development Plan, then determination could be against the provisions of the Plan. Much assessment from respondents and in this report will correctly focus on those material factors and, in particular, the impacts and consequences of both the challenging levels on the site and the increased number of housing units above the indicative capacity. This report will contend that those material factors are not demonstrating sufficient adverse effects to the extent that refusal of development of 100% affordable housing on an allocated housing site would be justified.

The allocation in the Local Development Plan provides a total indicative capacity of 60 houses, of which eleven houses have already been consented and are under construction in Phase 1. The residual indicative capacity is, therefore, exceeded by 20 houses with this development. However, as discussed with other developments on allocated sites recently that have been presented to Committee, indicative capacity figures should not be seen as absolute maximum figures or caps. They are designed to ensure that the Council meet their five year housing land supply obligations set by the Government and are included within SESPlan and the Local Development Plan to ensure sufficient effective housing land for the period of the Plan and beyond. The figures are not derived from an exhaustive analysis of the potential layout of every site but on general size and density parameters. Although there may be consequential impacts, the fact that a proposed development exceeds the indicative capacity is not, in itself, justification *per se* for rejection of an application.

It is possible that, once detailed assessment has been carried out and layouts have been designed, development could prove to be acceptable in excess of the indicative capacity. This has happened on a number of sites throughout the Borders where developments in excess of the stated capacity have still been considered to be acceptable. It is very often the case that a higher density can lead to a better form and layout of development and may also result in a more efficient use of allocated land, reducing the need for further land release. The issue is whether the additional number of units causes significant and demonstrable harm that cannot be addressed or mitigated satisfactorily. In the case of a 100% affordable housing development, higher densities are likely as a result of economies of scale and the generally smaller house sizes.

The submitted Design and Access Statement acknowledges that the proposed development exceeds the LDP indicative capacity but states:

“It is however anticipated that the additional numbers can be satisfactorily accommodated on the site, as presented in this document, without prejudice to sustainable planning policies and supplementary guidance on house and layout

design, residential amenity, private and public open space provision, landscaping and infrastructure particularly with regards to drainage, site access and car parking.”

The Planning Brief for the site reiterates that suggested densities and capacities are indicative only. It suggests that the density for the site should be 30 houses per hectare for affordable housing, albeit this should relate only to the net developable area and not to landscaped buffer zones or other site constraints. It ultimately states that the final acceptable numbers of houses on the site can only be determined at the detailed development stage. The development proposes 69 houses on 3.08 hectares and, although the net developable area will be a reduced area, the density is not considered to be significantly excessive to the extent that major issues are caused with visual impact and containment. This report will accept that, through the design of the development and some amendments to the scheme, impacts are not sufficiently adverse from the increased number of units that refusal of the application would be justified. The impacts can be satisfactorily accommodated and mitigated where necessary to allow the development to be considered in compliance with relevant LDP Policies.

Layout

Although the application proposes house numbers above the remaining indicative capacity for allocation EGL17B in the Local Development Plan, it is considered that the layout and density are in compliance with LDP Policies PMD2, HD3, the Site Planning Brief and the “Placemaking and Design” SPG. The submitted Design and Access Statement also considers the development in accordance with Policies and Guidance, continuing the vernacular terracing approach to development on the valley slopes enclosing Galashiels.

The density of the development has been discussed in the previous Section of this report. The use of terraced units makes more effective use of ground and minimises the detrimental visual effects of increased unit numbers by providing greater space in between houses. Had the application been submitted for the remaining indicative capacity of 49 units on a purely detached house basis, there would have been likely to have been more repetition of narrow gaps between gable walls and an impression of congestion and overdevelopment possible as a result, given that house types would have been likely to be larger in individual footprint.

It is not considered that the layout and density are contrary to Policies or Guidance, nor inappropriate for the area or causing any demonstrable harm to the surrounding residential areas or landscape. At 69 units across 3.08ha, this equates to 22.4 units per hectare which has parallels in recent approvals for housing developments elsewhere in the Borders. At Lauder for example, a density of 34.5 was recently consented for a private developer. Fully affordable developments can result in even higher densities per hectare, as consented recently at Chirnside for example.

To comply with Policies PMD2, HD3 and the “Placemaking” SPG, any layout and density have to be appropriate to their surroundings and be compatible with, and respect the character of the surrounding area and neighbouring built form. The SPG repeatedly uses reference to the built context. However, the Policies and Guidance do not intend to seek identical or replica layouts and densities throughout a settlement, the importance of interest and variety being stressed. The Planning Brief also states that whilst there is likely to be a reduced developable area on this site because of the slopes and site constraints, it still envisaged up to 30 houses per hectare would be acceptable, subject to detailed site assessment once the planning application was submitted.

The density does not represent any form of overdevelopment in relation to adjoining built context in Galashiels. Whilst the site does border a small lower density existing development at Hillside Drive, it also backs onto surrounding open agricultural land and there are traditional housing terraces of higher unit density to the east along the A7 approach into Galashiels. Generally, the garden sizes, central landscaped island, large central area of open space around the retained oak tree and new planting, prevent rigidity of layout and improve the ratio of built development to open land. They also help alleviate any impression of congestion or overdevelopment, all houses complying with the buffer privacy standards set down in the “Privacy and Sunlight” SPG – discussed in the appropriate section of this report. Whilst some of the rear gardens are small, these back onto landscaped boundaries which further assist in visual impacts.

The overall layout is significantly influenced by the rectilinear shape of the site, the large difference in levels from north-east to south-west and the need to connect the site both with Phase 1 and with future development above the site to the north. Although the layout has been informed by Guidance such as Designing Streets, the Planning Brief and the “Placemaking” SPG, the layout faces significant challenges and attempts to redress all constraints on the site, whilst still attempting to provide a development with visual interest and sense of place

The alignment of the houses takes the approach of terraced blocks along the site contours, to match with the historical expansion of Galashiels up the valley sides elsewhere. Terraced blocks tend to be more efficient in their use of land and often provide a more satisfactory streetscape with a stronger frontage than a series of detached or semi-detached houses. The Brief looks for street frontages which this development provides, albeit the alignment of blocks at the eastern and western ends turn with the road access approaches to the higher land to the north.

Given the vast majority of the site is rectilinear and relatively narrow, it was inevitable that there would be one main western access road with a single line of development either side of it. Much discussion at pre-application stage reflected how best to approach development of this part of the site without homogeneity and with interest and punctuation to the layout. One layout suggested bends in the roadway with staggered angled terraced blocks but this appeared over-engineered, conflicting with contours and led to significant proximity and level issues to the southern boundary.

Attention was then paid to the roadway itself and the requirement of the Brief to achieve focal nodal points, especially at access junctions. The Brief also advised against lines of unbroken street frontage parking and recommended, where possible, rear parking courts. The layout in this part of the site has improved through different iterations since the pre-application proposals and the main roadway is now interrupted by a central landscaped island which was recommended by the Council Landscape Architect, containing SUDS attenuation underneath. The road also has sections of elevated road tables in highlighted tarmac different from the main road surfaces and parking is formed in block pavements. The retention of the oak tree and open space at the junction of the eastern and western access roads also improves the layout and reduces the impact of the road and parking in both dominance and linearity.

It is accepted that the severe levels precluded the ability of the layout to accommodate rear parking courts but the layout does mix in-street parking spaces with curtilage spaces, especially at the south-eastern end. The terraced blocks are also broken up into individual blocks containing no more than four houses and their building lines are staggered with the contours to improve streetscape interest. Combined with the street

and front garden landscaping and hedging, including planting interspersed with the parking, it is considered that the layout provides interest and handles the constraints generally in line with the requirements of Policies, the Brief and Guidance Notes.

The greatest concern with the layout relates to the proposed development levels and whether the visual impacts caused by creating a level development platform, especially either side of the western access road, can be reduced and mitigated by slightly steeper road, parking and driveway levels, thus avoiding so much cut and fill which, in parts of the site, amount to 5-7 metres. Roads Planning did consider that a slight increase in road and driveway gradients would still be acceptable, in order to help lower the levels. There is also concern over the appearance and treatment of the faces of the cut and especially the fill, given the amount of retention and a concern that walling might have been required, thereby creating less sympathetic handling of the retained faces. There were also concerns over the ability of the “reinforced soil” embankment to accommodate the proposed planting and whether the gardens on the south side of the access road could either be sloped or stepped to reduce the height of the “reinforced soil” embankment.

These concerns were raised with the agent and the response is to raise the crown of the main western access road, thereby allowing less cut and fill and allowing the house floor platforms to be more reflective of the natural fall of the ground i.e. all houses south of the road now have platforms below the road and all houses north of the road have platforms above the road. Whilst this has raised the height of the houses to the western and northern parts of the site, it has lowered the houses and gardens where it was considered most noticeable and necessary – to the rear of the existing houses in Hillside Drive. The lower levels have also been combined with a stepping of gardens to reduce the height and visual impacts of the reinforced soil embankments.

This is demonstrated in the revised drawings. Section 6 shows the embankment head drop from 5.3m to 3.6m, Section 5 shows a reduction from 7.1m to 5.48m and Section 2 embankment head reduces by 450mm. House floor levels immediately above the existing houses in Hillside Drive have also dropped by up to 550mm between Plots 72-78. The houses north of the site access road have largely increased in floor level by a similar amount which has the benefit of reduced retaining works to the rear of those houses. Further detail has now also been provided of the reinforced soil embankments which are designed by specialist sub-contractors.

It is fully accepted that the development will occupy a high and visually prominent site from across the valley and that there will be significant visual impact. Given that the site is an allocated housing site, some of these impacts will have to be acknowledged; the principle of the development is not in question and it is considered that the layout is generally acceptable and has been improved through several iterations. The additional changes to levels and reduced retaining embankments will minimise the visual impacts further, supported by the revised landscaping scheme.

For the aforementioned reasons, it is not considered that the density and layout of the development are inappropriate for the area nor incompatible with character. It is accepted that the site has very challenging levels and visibility but handles the constraints in a generally sympathetic manner. With the changes to levels and improved landscaping mitigation, it is considered that the development would be compliant with Local Development Plan Policies, the Planning Brief and relevant Guidance. Furthermore, the development for 100% affordable housing provides an important contribution to local and national targets.

Design

The design of the development must comply with Local Development Plan Policy PMD2, the “Placemaking and Design” SPG and the guidance in the approved Planning Brief. PMD2 requires developments to be of a scale, massing and height appropriate to their surroundings. The Brief, which also covers the adjoining allocated land to the north, specifies one or two storey housing with grey roofs and white or buff walls and stone or timber features. Whilst it encourages street frontages, it also acknowledges the need for open outlooks to the west and south.

The Design and Access Statement considers the design approach to be in compliance with Local Development Plan Policy and the requirements of the Planning Brief. It introduces terracing along the contours to match with the approach along the valley of the Gala Water in Galashiels and in sympathy with that existing context, including the terracing south of the A72 intervisible with the site.

The submitted design of terraced houses are very similar to what has been permitted on Phase 1 which, in turn, was considered to be appropriate for the site in terms of surrounding house designs and the Brief requirements. There are three different house types. The roofs will be uniformly dark grey and dual pitched, with no hips and minimum angles of pitch of 33 degrees. Although shallower pitches had been investigated at pre-application stage, the benefits of lower ridge heights on an elevated site were offset by the inappropriate and out of context appearance of the roofs. The precise type and profile of tile will be agreed by submission of a sample by planning condition, dark grey remaining the default colour for all roofs.

Walls are proposed in dry dash render in a mixture of buff and white, a lower proportion of the houses (21 out of 69) being in white which is supported given the elevated and prominent nature of the site. The applicant has also agreed to provide a third darker render colour (reddish-brown) for four signature houses in the centre of the scheme to provide further variety and focus. The colours can be reserved for further agreement by sample submission through planning condition, also detailing the layout distribution of the three render colours.

The fenestration is generally proposed with vertical emphases, in dark grey uPVC and integrated with grey feature panelling. The windows are generally arranged in pairs and are ground level on the front elevations. The feature panelling will not be in timber but in a maintenance-free material which has been accepted in housing developments elsewhere. Ultimately, the vertical panelling features are useful in creating punctuation and interest to what may appear to be long groups of housing terraces on the hillside, their presence and dark colour being more important than the precise material being used in this instance. Dark grey doors and lean-to canopies add to interest. Finally, the eaves and rainwater detailing were initially proposed as some houses in dark grey and some in white. For interests of consistency and also the vernacular character of dark colours, it has been requested that the applicant considers only the dark grey colouring and they have now agreed to this.

In summary and subject to samples agreed by condition, the design of the units and the materials will allow connection and integration with the surrounding urban fabric whilst providing a sense of place and style of townscape and design, in keeping with Local Development Plan Policies and the Planning Brief.

Landscape

The development should comply with the relevant Local Development Plan Policies on landscaping, especially PMD2 and EP13, but should also be mindful of its position on the edge of open countryside, covered by Policy EP6. The LDP allocation EGL17B suggests a structure planting belt down the western edge of the site and the Planning Brief also seeks belts to the eastern side and ensuring an organic and less uniform planting scheme throughout.

The development was submitted with a fully detailed landscaping scheme, backed by a Design and Access Statement and a Tree Survey. The Statement contains the following comments about the landscape design:

“The landscape buffer will surround the site and help to visually blend the site boundary to the periphery of the development. The buffer will frame the site, as it forms the perimeter of the wider master-planned site.

Boundary Treatments.

The site’s perimeter habitat reinforcement will help to enhance the proposed development’s edge. Retain and repair existing stone dykes on western and eastern boundaries. Post and wire fence to northern boundary (behind structured planting to form the landscape buffer.”

With regard to tree retention, the Design and Access Statement and Tree Report identify only one tree within the development for removal but others around the watercourse are retained, including the Category A oak tree. A Tree Protection Plan is in place for Phases 1 and 2 and can be ensured by condition. This indicates the area of protection formed by open space around the oak tree and other Category B Trees adjoining Plot 80.

A detailed landscaping scheme was also submitted with planting specifications. This contains a number of main elements:

- Boundary native woodland plantations of varying width principally along the western and southern sides, but also south of the oak tree and a copse in the north-eastern corner.
- Native hedging boundary along the northern edge of the site
- Beech front garden hedging throughout the development
- Central landscaped island in the western access road with tree and wildflower mix
- Reinforced soil retaining banks with shrub planting
- Shrub planting in locations within the parking areas
- New tree planting in various roadside locations and footpath margins, especially at the north-eastern side of the site
- 1.8m timber fencing to the rear and side gardens of plots

In terms of compliance with Local Development Plan Policies PMD2, EP13 and the landscaping requirements of the Planning Brief, the landscape proposals are generally acceptable and address the main landscape impacts resulting from development in this location. They provide structure planting belts to the most sensitive sides of the development and utilise hedging, shrubs and new trees to soften the interior. Although there has been no objection from the Landscape Architect, a series of concerns have

been raised by her in relation to the levels and visual impacts arising, as referred to in the Layout section of this report. Her concerns specifically related to :

- the cut and fill which will create significant and very steep level changes along the north and south boundaries in particular.
- Lack of information regarding reinforced soil embankments and how they will be successfully planted and maintained.
- greater detail of the embankment along the south and eastern sides of Plot 80 and how the change in levels will work with the Tree Protection Area
- further information of the planting design objectives, avoiding predominance of timber fences along the highly visible southern boundary and how the beech hedges to the front gardens will be established
- A maintenance strategy for all public open space
- further detail of the Plot boundary treatments both at the street frontage elevations and where the transition to taller fences will be.

These matters were raised with the agent together with the concerns expressed in the Layout section of this report. In addressing how effective the landscaping would be to the southern exposed side of the development, the agent was also asked to increase the width of the narrowest part of the planted embankment/woodland screen and to reposition the associated terraced blocks which would, in turn, add further variety to the building line and street scene.

The agent has now submitted responses and amended planting plans and specifications. These include:

- More detail on the landscaping design objective to establish a woodland tree belt around the development especially when visible across the valley from the south, and an interior of beech hedging.
- Clarification that Eildon Housing Association will maintain and factor the communal landscaping.
- more detail on the reinforced soil embankments which are being provided by specialist sub-contractors (formed by wire terramesh) and the ability for vegetation to become established
- Reductions in levels and embankments/retaining as described in the Layout section of this report
- A relocation of the houses on plots 73-80 to increase the width of the embankment landscaping and vary the internal street scene
- Hand digging in the vicinity of the oak tree
- Clarification of no retention being required along the western boundary
- Enhanced planting between parking spaces
- Childrens' play space at the retained oak tree

The amended landscaping proposals have been sent to the Landscape Architect for her comment. Members will be updated on her response at the Committee meeting and, should her response be positive, then it would be considered that the landscape treatment of the site is acceptable and in compliance with Policies and guidance. Any remaining matters will be able to be addressed by agreement through suspensive planning conditions. The proposals generally protect the few existing landscape features and provide an acceptable new scheme of hard and soft landscaping, based around woodland perimeter planting and internal landscape features

Residential Amenity

Policies PMD2 and HD3 contain safeguards regarding residential amenity, both in terms of general use compatibility but also direct impacts such as privacy and light. In terms of PMD2, the development of the site for housing is compatible with and respects the housing site immediately to the south at Hillside Drive, as well as individual residential properties on the A7 nearby. However, the amenity of the nearest existing houses to the development at Hillside Drive should be respected in accordance with the Council's "Privacy and Sunlight" SPG, as should the amenity between all proposed houses within the development.

The area of the site where there is most impact on existing residential amenity relates to Plots 72-80 which are directly north of the four existing houses that lie below on Hillside Drive. Although there have been no neighbour objections to the development, potential privacy loss is still a material factor to be considered. The issue with the development is the severe slope and the level difference between the site and the existing houses, without any intervening screening at present. The initial cross sections submitted with the application show that, whilst the separation distance between existing and proposed houses would be at least 30m, there would also have to be an allowance for the minimum 18m privacy distance between windows in the "Privacy and Sunlight" SPG being increased by two metres for every one metre difference in vertical height.

Because the proposed house floor levels are even above the existing house ridge lines, the window differential in levels, at worst, is approximately 9m which means the addition of 18m to the initial 18m minimum. At their closest points, separation between the nearest houses on the initial layout was about 32m, which is very close to the minimum. It is also noted, however, that intervening woodland and shrub planting are proposed both on the steep slopes of the new reinforced soil embankments but also at the foot of the embankments in a strip of varying width. It is also noted that the acute potential angle of overlooking and the presence of screen fencing at the foot of the proposed gardens may minimise the impacts.

The applicant was, nevertheless, asked to investigate this issue further and provide exact separation distances for further assessment. Appropriate Section drawings have now been received which demonstrate compliance with the "Privacy and Sunlight" SPG, aided by reduced levels and movement of the houses on Plots 73-80 further north. Separation distances are now 36-40m and the Sections demonstrate how the differential in house levels still allows for adequate separation. Further screening will be achieved through fencing and the embankment/woodland planting scheme.

In terms of impacts on daylight and sunlight, the separation distances and the northerly location of the new development are unlikely to cause any significant loss of light to the existing houses. The proposed houses are also not above the hillside horizon line which continues to rise northwards into the adjoining LDP land allocation. There will be a visual effect of some dominance to the houses below in Hillside Drive but this is an inevitable consequence of the allocation of the site for housing development. The Brief allows for two storey housing which is what is proposed, unlike some hillside sites in Galashiels where taller houses have been developed to address the severity of slopes. The finished levels of the houses have also been reduced immediately to the rear of Hillside Drive

There also needs to be consideration of residential amenity within the development, ensuring adequate separation of proposed houses from each other to enable compliance with the SPG. The vast majority of houses will only overlook each other

across public streets and, because the houses are at similar levels, 18m separation distances are comfortably achieved. There are two locations adjoining Phase 1 and at the north-western end of the development where alignment of new houses may cause some closer overlooking but this is mitigated by blank gables and intervening screening. Overall, it is considered that the scheme provides sufficient and acceptable residential amenity in terms of the design, layout and separation of new houses.

It is concluded that the development provides levels of residential amenity in compliance with Policies PMD2, HD3 and the relevant Supplementary Planning Guidance.

Access

Policies PMD2 and IS6 require safe access to and within developments, which should also be capable of being developed to the Council's adoptable standards and in accordance with the guidance in "Designing Streets" and various other relevant Government publications and Guidance Notes. In terms of compliance with relevant Policies and Guidance, it is necessary to consider the potential impacts of the development on the traffic network leading to the site, then at the actual road, footpath and parking layout of the development itself.

As previously mentioned, the site is an allocated site for housing development with an indicative remaining capacity of 49 houses for Phase 2. It is clear from the LDP allocation that there is in-principle acceptance of the potential traffic impacts of a development of up to 240 houses across both allocations, utilising a single access formed from the A7. This is also the requirement in the Planning Brief, together with the provision of a right-hand turning lane and supporting the development with a Transport Assessment. The Brief supports the provision of connectivity within the development, together with traffic calming and specific parking standards for spaces both within and outwith property curtilage.

The Transport Assessment concludes that the existing road network and new junction onto the A7 have the operational capacity to safely accommodate the 69 proposed houses, having carried out trip generation analysis. It also concludes that the development site will be accessible by sustainable modes of travel and integrate well within the existing transport network. Internally, it considers that the development layout is based on the principles of Designing Streets whilst providing compliant roads, paths and parking despite challenging levels. Traffic speeds along the main western access road will be calmed through changes in surfacing and the central landscaped island.

Members will note the response from the Roads Planning Service who have no objections, albeit further information is sought and a need for Roads Construction Consent. They acknowledge that the site is allocated for housing development as part of a larger development and that the steep contours and rectilinear site shape make compliance with Designing Streets very difficult. Whilst they would have preferred more than one vehicular access point, they accept that there are constraints and that other connectivity to the next phase beyond Phase 2 offsets any disadvantages.

Roads Planning also accept the current newly designed junction with the A7, approved as part of the planning application for Phase 1. They ultimately accept the conclusions of the Transport Assessment that a right hand turning lane on the A7 is not required, even for the full development beyond Phase 2. They accept that any delays as a result of right turning traffic will be short at this location and that provision of an additional lane would increase road width and speeds, making pedestrian crossing much more

difficult. However, Roads Planning still seek pedestrian crossing provision. They also consider public transport access and bus stop locations, concluding that there should be dialogue with bus providers in consideration of the distance of the site from the existing bus stop on the A7. Finally, Roads Planning seek a connecting footpath along the A7 to Hillside Drive, a more equitable spread of disabled parking spaces, confirmation of drainage maintenance requirements and the provision of electric vehicle charging points.

All these matters were raised with the applicant and there was subsequent dialogue between them, Roads Planning and Border Buses. The applicant has now responded with the following adjustments:

- An A7 pedestrian crossing point in the form of dropped kerbs and an ability to convert to a controlled crossing to cater for future development.
- Statement of reasons why a central crossing island is not possible.
- Creation of two new bus stops without lay-bys in staggered locations and confirmation of stopping distance visibility.
- New footway connecting Phase 1 to Hillside Drive
- Addressing other points including parking dimensions, disability spaces and EV charging.

These amendments have been passed to Roads Planning for further comment and their responses will be reported at the Committee meeting. In addition, a footpath has now also been provided to connect the eastern part of the development with the farmland to the north, in response to the Access Officer's comments about improving connectivity.

As Members will note, the main issues raised by Roads Planning are relatively minor and relate largely to off-site issues. The basic layout and parking provision are acceptable, addressing challenging levels successfully and even allowing some connectivity throughout the development and with adjoining land and development. The changes and reductions in levels sought in the aforementioned landscaping and layout sections of this report should not affect the basic acceptability of the layout, in that reductions in level are still possible whilst maintaining acceptable gradients.

Assuming the amendments are acceptable to Roads Planning and subject to relevant conditions, it is considered that the proposals are in compliance with the provisions of the Local Development Plan in relation to safe and acceptable access to, and within, the site. It is not considered that there are other material factors of such significance in relation to road safety and access that would outweigh the terms of the Local Development Plan in this instance.

Drainage and Flood Risk

Local Development Plan Policies IS8 and IS9 are the most relevant in consideration of the impacts of development of this site on the water environment. Policy IS8 relates to flood risk and IS9 to Waste Water Treatment Standards and Sustainable Urban Drainage. There is one letter of representation from an adjoining resident below the site, concerned about drainage impacts and adequate surface water interception. Given the severe slope on the ground, the presence of a watercourse and the position of houses and roads below, such concerns are entirely understandable. Furthermore the very significant levels of earthworks involving cut and fill determine that the issue of surface water drainage must be fully assessed and adequate provision made, before the development can be considered to be in compliance with Policies IS8 and IS9.

Policy IS8 requires development not to be at risk of flooding but also not to materially increase the risk of flooding elsewhere. Whilst the Planning Brief did not consider that the slope of the site would result in any flood risk, a Flood Risk Assessment was still provided with the application, combined with a Drainage Strategy report.

The strategy was based upon foul drainage being taken to the existing Scottish Water sewer on the A7. Whilst Scottish Water have not confirmed capacity at the Galashiels Waste Water Treatment Works, they have stated that consideration will be given once direct application has been made to them. They support the use of SUDS to treat surface water which the applicant intends to channel into the Buckholm Burn, attenuated by a variety of permeable surface treatment means throughout the development in accordance with storm water guidance. This includes a detention basin underneath the landscaped central island and permeable parking surfaces. The Drainage Strategy report also details predicted and existing run-off rates.

The details were sent to SEPA and the Flood Risk Officer for comment. Whilst there has been no response from SEPA, the Flood Risk Officer raises no objections to the development generally but has a series of queries which require more information from the applicant. These relate to apparent interference with the surface water flood risk area in the eastern and north-eastern parts of the site and the positioning of five house plots within this area. They also query culvert assumptions and proposals and what the intentions are with regard to interception “crest and toe” drainage dealing with the altered levels along the northern and southern boundaries of the site. This is of particular concern given the amount of earthworks proposed and the elevation of the development above the A7 and the existing houses in Hillside Drive.

Further details were requested from the applicant and those details were passed back to the Flood Risk Officer. The details included an intercept field drain along the northern boundary, a connection with the existing burn and improvements to the outfall into the burn. Overland flow routes were also shown and the previously assumed culvert was found to be a stone drain. The applicant points out that the new interception drainage is maintaining the status quo of diversion of field drainage around and through the development. The applicant also confirms land drains will be provided at the top and bottom of the embankments.

The Flood Risk Officer responded with further requests including requests for an updated microdrainage model, details of the detention basin and adding boundary drainage to the layout drawings. The agent responded with amended drawings and details of the detention basin, but maintained that the drawings should not show boundary drainage as the development is not connected to that. However, they state that the boundary drainage will be shown on construction drawings.

This information has been passed back to the Flood Risk Officer and any further response will be reported to Members at the Committee meeting. Subject to the details being accepted by the Flood Risk Officer and any relevant conditions, the drainage and flood attenuation proposals would be considered to be in compliance with Policies IS8 and IS9 of the Local Development Plan in relation to drainage of the site and avoidance of creating a material surface water flood risk within or below the site.

Ecology

The application requires assessment principally against Local Development Plan Policies EP1-EP3 covering international, national and local nature conservation and protected species. The Planning Brief also required the submission of an Ecological

Impact Assessment and advised that new planting be native species and that opportunities for habitat enhancement exist along the edges and through the centre of the site. The application was supported by a Preliminary Ecological Appraisal.

The Council Ecology Officer was satisfied with the Appraisal. He had no concerns over any lost habitat on the site and felt that compensation could be achieved through relevant biodiversity enhancement conditions. However, given the slope of the ground and the presence of the watercourse running through the site, there were concerns over connectivity and potential harm to the qualifying interests of the River Tweed SAC. As a result, an Appropriate Assessment was considered necessary in relation to these potential impacts, informed by an outline Construction Environmental Management Plan (CEMP), utilising best practice mitigation. This CEMP was subsequently submitted by the applicant and the Ecology Officer then completed the Appropriate Assessment which revealed no significant effects on the River Tweed SAC. However, he still seeks a detailed CEMP by condition.

In terms of fauna, the Ecology Officer accepted the Appraisal's recommendations that Species Protection Plans could cover badger, bird and reptile interests during development. However, in terms of bats, two trees were identified with moderate bat roost potential and the Ecology Officer sought further bat survey and roost assessment pre-determination of the application. The survey has now been submitted and the Ecology Officer accepts the findings that there were no bat roosts and some activity of two species, but that no further survey or mitigation for bats is required.

Given the responses from the Ecology Officer and subject to appropriate conditions covering these matters, it is considered that the proposals would comply with the Local Development Plan with respect to ecology.

Archaeology

The Archaeology Officer raises no objections to the application after considering the site and proposals against Local Development Plan Policy EP8. Any features and finds have tended to be north around the Scheduled Buckholm Tower or south within the Gala Water valley so there are no concerns over direct impacts on archaeology. As the houses are being developed along the contours, the Archaeology Officer also considers there to be no significant impacts on the setting of Buckholm Tower. It is concluded that the proposals would not conflict with Policy EP8 and there are no conditions or informatives necessary.

Developer Contributions and childrens' play space

Local Development Plan Policy IS2 requires all housing developments to contribute to infrastructure and service provision where such contributions are considered necessary and justified, advised by the Development Contributions SPG. The Planning Brief also states that on-site play facilities must be provided, albeit the Brief was written in different Policy circumstances where on-site facilities were still being adopted by the Council.

In the case of schemes that are 100% affordable housing, it is not the Policy of the Council to seek any developer contributions except those involving play space. The applicant had initially suggested in the Design and Access Statement that a play area would be provided on site within the open space around the retained oak tree, in

compliance with the Planning Brief. However, there was no reference to a play area on any of the submitted drawings and the agent had subsequently confirmed that the issue would be addressed by £500 contribution per house, secured through a Section 69 Agreement.

This was considered against the following factors

- The current Policy of the Council is not to adopt small play facilities on site.
- There was no objections to the proposals from Neighbourhood Services.
- The site is provided with a central open space area around the oak tree, providing informal unequipped play opportunities.
- The site adjoins and has access to surrounding fields.
- Allocation EGL41 contains the bulk of the housing development at this location and, given the capacity of 180 houses, there would be greater need for a play area to serve the increased population on that site, also serving Phases 1 and 2.

Nevertheless, given the originally stated intention to provide play facilities around the retained oak tree, the applicant was asked to clarify their intentions and has now responded with revised proposals to provide play equipment to the north-west and south-west of the tree. The Neighbourhood Services Officer has been consulted on these proposals and any response will be reported to Members at the Committee meeting. The play facility should be installed and controlled by planning condition, to be completed before the development is completed and a scheme of maintenance firstly agreed.

To ensure the Policy on development contributions is complied with, the standard condition will be applied to ensure that all units on the site will be developed and occupied as “affordable” within the Council SPG definitions.

CONCLUSION

The proposals are considered to be an acceptable development of an allocated housing site within the Local Development Plan, providing additional affordable houses to meet local need. The density, design and layout of the development comply with Policies and Guidance and the impacts on landscape and residential amenity are considered acceptable, mitigated by conditions where required.

In conclusion and subject to compliance with the proposed schedule of conditions, and Informatives, the development is considered acceptable when assessed against the Local Development Plan and other material factors.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

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

Conditions

1. All approved residential units shall meet the definition of “affordable housing” as set out in the adopted Local Development Plan 2016 and Supplementary Planning Guidance “Affordable Housing” 2015 and shall only be occupied in accordance with arrangements (to include details of terms of occupation and

period of availability) which shall first have been submitted to and approved in writing by the Planning Authority prior to development commencing.

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

2. No development shall commence until samples of materials and colours for all buildings within the development, and the plot layout distribution for those colours, has first been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved samples.

Reason: To ensure external materials are visually appropriate to the development and sympathetic to the surrounding area.

3. No development shall commence, (notwithstanding the details provided in the approved landscaping drawings), until a detailed scheme of landscaping and boundary planting (incorporating protection of existing trees and hedges, layout, location, species, schedule, implementation date(s) and future maintenance of all new planting and communal open space within the site and details of any retaining features such as walls, timber crib or reinforced soil embankments) has first been submitted to and approved in writing by the Planning Authority. The development shall only be carried out in accordance with the approved details in implementation and maintenance of the approved scheme.

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

4. The development shall remain outwith the Root Protection Area of the trees identified on the Tree Protection Plan dated 3 March 2021 prepared by Adam Riedi, the trees to be protected in accordance with BS5837 during construction work. Only those trees identified for removal within the site shall be so removed, and all other trees shall be retained and shall not be lopped or felled unless with the written approval of the Planning Authority

Reason: To safeguard existing trees within the site.

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

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

6. The development to be carried out entirely in accordance with a Construction Environment Management Plan which should firstly be submitted to, and approved in writing by, the Planning Authority before the development is commenced.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

7. Prior to commencement of development, a Species Protection Plan for badger, breeding birds and reptiles shall be submitted to and approved in writing by the

Planning Authority. The SPP shall incorporate provision for a pre-development supplementary surveys and a mitigation plan. No development shall be undertaken except in accordance with the approved in writing SPP.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

8. Prior to commencement of development, a Landscape and Habitat Management Plan (LHMP) shall be submitted to and approved in writing by the Planning Authority. The LHMP shall incorporate provision for native woodland planting and bird boxes within the new properties. No development shall be undertaken except in accordance with the approved scheme.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

9. No development to be commenced until a scheme of phasing has been submitted to, and agreed in writing by, the Planning Authority. This shall include a programme for completion of all roads, parking spaces, EV charging points, footpaths, drainage, the SUDs/open space features, new planting and all, or a substantial proportion, of the dwellinghouses within each phase.

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

10. No development shall commence until further details of proposed levels within the site have first been submitted to, and approved in writing by, the Planning Authority. These details shall include existing and proposed ground, road and other hardstanding levels; proposed house and finished floor levels, garden levels and surface water flow paths. The levels shall relate to a fixed, off-site datum point. The development shall be carried out in accordance with the approved details

Reason: To ensure levels within the site achieve a sympathetic visual appearance and make satisfactory provision for surface water drainage.

11. Samples of the surfacing materials for the proposed roads, footpaths and parking spaces to be submitted to, and approved in writing by, the Planning Authority before the development commences. The development is then to be completed in accordance with the approved details.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and in a manner which enhances the character and visual appearance of the development.

12. The proposed roads, footpaths and parking spaces/areas indicated on the approved drawings shall be constructed to ensure that each dwellinghouse, before it is occupied, shall be served by a properly consolidated and surfaced carriageway, parking area and footpath/shared surface.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and pedestrians.

13. Prior to the occupancy of any dwellinghouse, the approved surface water scheme shall be implemented in accordance with the drawings 52003, 52004 and 52012 Revisions PO2 dated July 2021 prepared by Will Rudd Davidson and the responsibilities for maintaining the scheme to ensure it remains operational shall be agreed in writing with the Planning Authority. The scheme shall be maintained accordingly.

Reason: To ensure the sustainable disposal of surface water in a manner that safeguards neighbouring land and to ensure future maintenance for the scheme.

14. No development shall commence until written evidence is provided on behalf of Scottish Water that the development will be serviced by mains foul drainage and water supply. The development then to be implemented fully in accordance with the drawings contained within Appendix A of the Drainage Strategy dated February 2021 prepared by Will Rudd Davidson.

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

15. No development to be commenced until a scheme of maintenance for the play facilities shown on the drawing submitted 8 July 2021 is submitted to, and agreed in writing by, the Planning Authority. Once approved, the play facilities then to be completed in accordance with the drawing before the development is completed and maintained thereafter in accordance with the agreed scheme.

Reason: To ensure that the development is provided with childrens' play facilities.

16. No dwellinghouses to be occupied until the footpath extension to link with the existing path to the west and pedestrian crossing points on the A7 are completed in accordance with Drawings 20029-004 and 20029-005.

Reason: In the interests of road and pedestrian safety and to provide effective connection between the development and the existing footpath and public transport network.

17. Details relating to the location and type of north and southbound bus stops on the A7, as indicated on Drawings 20029-004 and 20029-005, should be submitted to, and approved in writing by, the Planning Authority and then completed in accordance with the approved details, all before occupation of the first dwellinghouse.

Reason: In the interests of road and pedestrian safety and to provide effective connection between the development and the existing footpath and public transport network.

Informatives

1. All prospectively adoptable roads, pavements and associated infrastructure will require Road Construction Consent. The applicant should discuss this separately with the Council's Roads Planning Service to establish the scope and requirements of Council adoption.

All works within the public road boundary must be undertaken by a contractor first approved by the Council.

2. Development should be carried out in a manner consistent with British Standard guidance on construction works, to maintain neighbouring amenity, in particular BS5228
3. Regarding Condition 6, the CEMP should be produced by a suitably qualified ecologist or environmental specialist (e.g. as part of a construction environmental management system).

DRAWING NUMBERS

Location Plan	LL(00)002
Masterplan Roads Layout	90001 P01
Road Levels Sheet 1	90003 P01
Road Levels Sheet 2	90004 P01
Bus Stop Locations	20029-004
Bus Stop Locations	20029-005
Site Sections Sheet 1	LL(90)110 Rev A
Site Sections Sheet 2	LL(90)111 Rev A
Site Sections Sheet 3	LL(90)112 Rev A
Sketches	L(90) 301 Rev A
Existing Topography	LL(90)007
Parking	LL(90)010 Rev A
House Types	LL(90)011 Rev A
Site Plan with satellite imagery	LL(90)012 Rev A
Site Plan with existing contours	LL(90)EC 003 Rev A
Site Plan West with existing contours	LL(90)EC 005 Rev A
Site Plan East with existing contours	LL(90)EC 006 Rev A
Site Plan with Proposed Contours	LL(90)PC 003 Rev A
Site Plan East with Proposed Contours	LL(90)PC 005 Rev A
Site Plan West with Proposed Contours	LL(90)PC 006 Rev A
Planting Plan	Figure 1 July 2021
Planting Schedule	Figure 2 July 2021
Tree Protection Plan	
Terrace 4 Elevations	L(00) – T4 01 Rev A
Terrace 5 Elevations	L(00) – T5 01 Rev A
Terrace 6 Elevations	L(00) – T6 01 Rev A
Terrace 7 Elevations	L(00) – T7 01 Rev A
Terrace 8 Elevations	L(00) – T8 01 Rev A
Terrace 9 Elevations	L(00) – T9 01 Rev A
Terrace 10 Elevations	L(00) – T10 01 Rev A
Terrace 11 Elevations	L(00) – T11 01 Rev A
Terrace 12 Elevations	L(00) – T12 01 Rev A
Terrace 13 Elevations	L(00) – T13 01 Rev A
Terrace 14 Elevations	L(00) – T14 01 Rev A
Terrace 15 Elevations	L(00) – T15 01 Rev A
Terrace 16 Elevations	L(00) – T16 01 Rev A
Terrace 17 Elevations	L(00) – T17 01 Rev A
Terrace 18 Elevations	L(00) – T18 01 Rev A
Terrace 19 Elevations	L(00) – T19 01 Rev A
Terrace 20 Elevations	L(00) – T20 01 Rev A
Terrace 21 Elevations	L(00) – T21 01 Rev A
Terrace 22 Elevations	L(00) – T22 01 Rev A
Terrace 23 Elevations	L(00) – T23 01 Rev A
Terrace 24 Elevations	L(00) – T24 01 Rev A

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

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

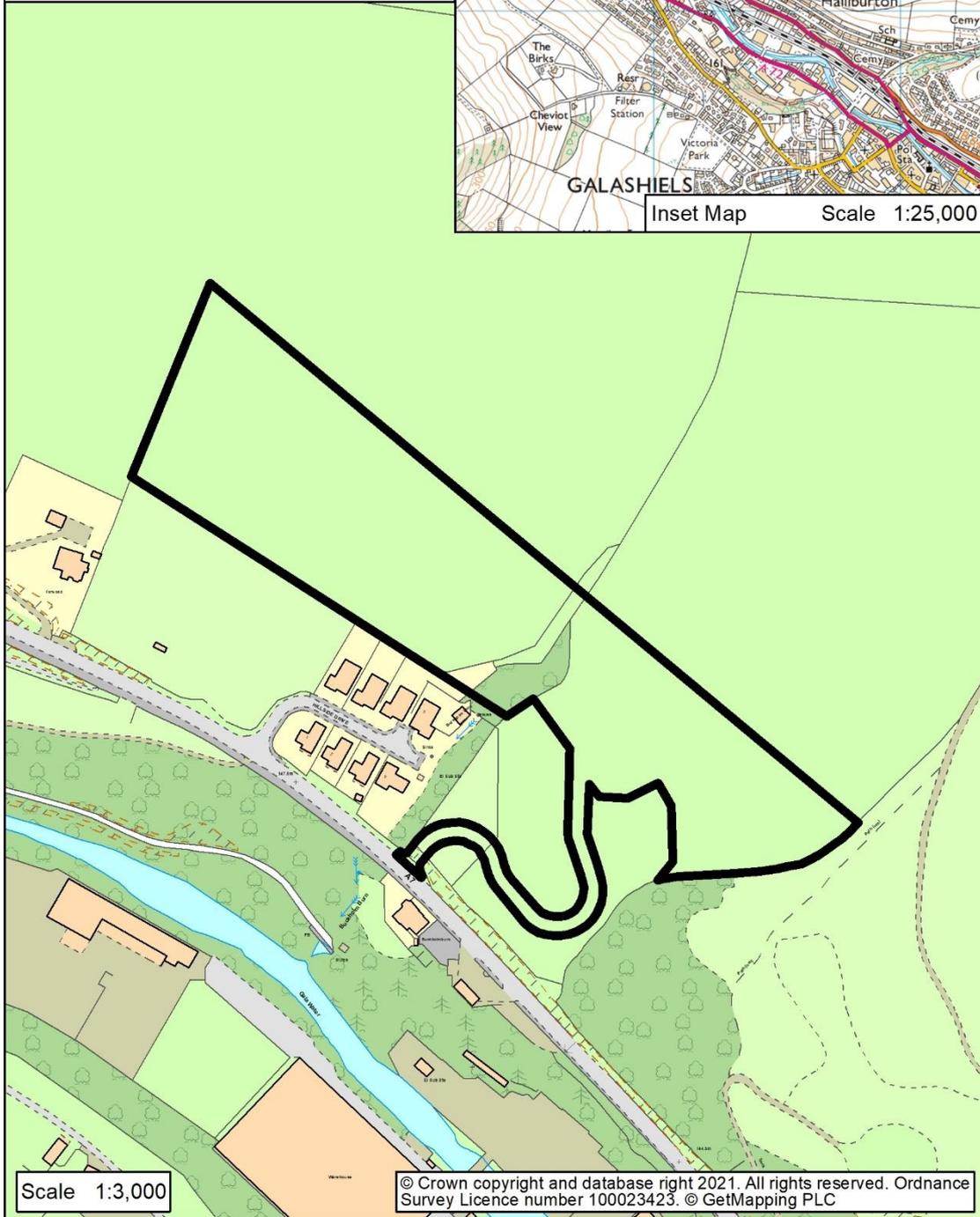
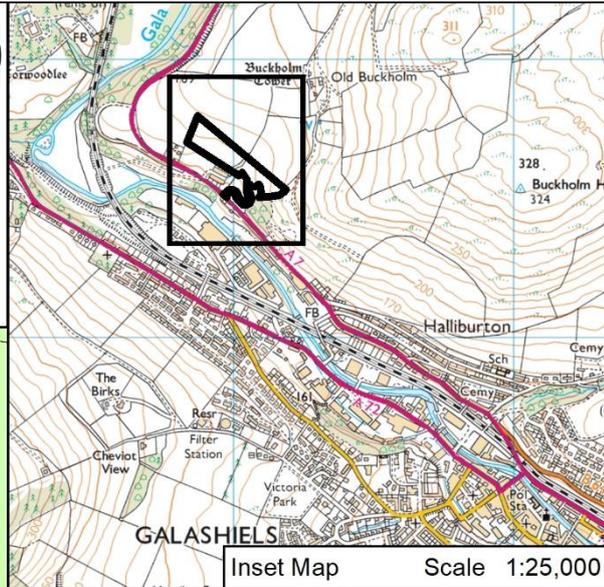
Author(s)

Name	Designation
Craig Miller	Principal Planning Officer



21/00417/FUL

Land North Of
(Phase 2 Buckholm Corner)
5 Hillside Drive
Galashiels



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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

2 AUGUST 2021

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 21/00293/FUL

OFFICER: Euan Calvert

WARD: Kelso and district

PROPOSAL: Erection of dwellinghouse and detached barn

SITE: Land South Of Eckford Moss Cottage
Kelso
Scottish Borders

APPLICANT: Mr D.J. Irvine

AGENT: RM Architecture Ltd

SITE DESCRIPTION

This is a field located adjacent to Wooden Loch, Kelso. The portion of grass field subject of this application is adjacent to a pair of houses known as Eckford Moss and Eckford Moss Cottage. The site is 1/4 of a mile south of Eckford at the end of a public road. A track continues around the north of Wooden Loch to arrive at Wester Wooden Farm. Eckford Moss Cottage is set back from the road and is accessed by the farm track adjacent to this site. This farm track continues around the north east of the Loch. Wester Wooden Farm Cottages no2-5 and no6-8 are situated on the west side of the public road. No2-5 form a continuous terrace which is constructed on an elevated platform and has a principal elevation orientated south east and therefore overlooks this site. An unfenced grass paddock and the farm track intervene this view.

This land is an improved grazing enclosure which is enclosed to the roadside by a wire fence. This site is located within the northern corner of this field. The adopted road surface ends at this point. The north eastern boundary of the field is a former dry-stane dyke beyond which there is trees and scrubland. This scrub intervenes the site from the pair of detached cottages adjacent.

PROPOSED DEVELOPMENT

The application seeks full planning permission for a dwellinghouse on a portion of site which has previously been granted permission in 2020. Planning permission in principle 20/00605/PPP has been granted, subject to conditions, for erection of two dwellinghouses.

This proposed site is larger but encompasses Plot 2 of this live permission. Land in the surroundings is intended to provide a larger garden and paddock. The scrub/ woodland surrounding the north east boundary is also proposed to be included within this garden ground and would become the vehicular access to the site. The applicant has identified that they are in control of a portion of field, which is to become a paddock and is similar in size to the width of this plot and stretches 50m in length down to the boundary of Wooden Loch.

Throughout the course of this application a Landscape Architect has been commissioned by the applicant to undertake a tree survey to BS5837:2012 and design a soft landscaping scheme. This landscape plan features compensatory planting proposals on the boundary of the area in control which is designed to mitigate the losses proposed.

The application has been supported by a Preliminary Ecological Appraisal and an Addendum has been provided further to comments arising throughout the initial consultation period.

The proposed site layout is designed around a vehicular access using the existing track which serves the two adjacent properties. This is a change from the proposed scheme where plot 2 was to be accessed by a shared drive through plot 1.

An L-shaped plan 1 ¾ storey dwellinghouse is proposed with integral double garage. Within the garden a 3-bay steel portal framed barn is proposed 12m x 6m in footprint, 3m to eave and 3.9m to pitch. The barn would appear with a gabled dual pitched roof.

Design changes have been made to the proposed dwellinghouse to bring it in line with the Placemaking and design Policy and guidance of the Council.

PLANNING HISTORY

20/00605/PPP Erection of two dwellinghouses, Approved, subject to conditions.

21/00471/AMC Erection of dwelling house, Plot 1, (approval of all matters specified in planning permission 20/00605PPP), Pending Consideration.

REPRESENTATION SUMMARY

Members are reminded that all comments are available for Members to view in full on the Public Access website.

8 letters of objection were received, one of these after the initial period of consultation.

The issues raised by the objecting households are listed below:

- Detrimental to environment
- Track not appropriate as a private drive
- Concerns for road safety/ safe public access on track.
- Concerns that use of the barn may be commercial.
- Increased Noise
- Increased traffic
- Detrimental to Residential Amenity
- Loss of woodland/ trees, wildlife and bird habitat
- The proposed house far exceeds size indicated in outline submission.
- High ridge line is out of proportion with group.
- Concerns for waste water treatment location and standards next to Loch.
- Concerns for potential lighting and impact on bats
- Concerns that the PEA inaccurately represents habitat and species on site.
- Potential pollution of Loch from construction.
- Privacy of neighbouring properties

The application was advertised in the Southern Reporter.

Scottish Borders Council Local Development Plan 2016

PMD1 – Sustainability
PMD2 – Quality Standards
HD2 – Housing in the countryside
HD3 – Protection of Residential Amenity
EP1 – International Nature Conservation Sites and Protected Species
EP2 – National Nature Conservation Sites and Protected Species
EP3 – Local Biodiversity
EP13 – Trees, Woodlands and Hedgerows
IS7 – Parking Provision and Standards
IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage

Scottish Planning Policy (SPP)

OTHER PLANNING CONSIDERATIONS:

Supplementary Guidance

Biodiversity (2005)
Landscape and Development (2008)
Trees and Development (2008)
Placemaking and Design (2010)
Privacy and Sunlight Guide (2006)

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Education: No response

Ecology: No objection. The addendum only refers to removal of trees/ woodland on a 5m strip for access. Enhancements of native species hedgerow, bat and bird box provision are welcomed but full details of replanting are required.

Species Protection Plan (SPP) and Construction Method Statement still required as per previous PPP. The SPP should also include mitigation for the removal/re-building of the dyke which may provide hibernacula for reptiles and amphibian and opportunities for nesting birds.

Landscape Architect: No objection, but preference for the house, barn and driveway turning area to be pushed further back into the plot (to the south) beyond the ruined stone wall to protect the woodland resource. Reason: The wooded area has value in terms of screening, amenity and its contribution to the character of the area. Support given to the hedge and tree planting proposals.

Recommend: The layout plan should be adjusted to give protection to the woodland resource and a revised compensatory planting proposal is provided to include retained trees.

- A no dig method of driveway construction will be required within the Root Protection Areas of retained trees which should be accurately plotted on the drawings and a method statement provided for the driveway construction.
- A combination of existing trees should be retained, where possible, augmented with new tree planting to improve the diversity of species and manageability of the area.

- Retained goat willow can be cut hard back if necessary and will regenerate. The woodland area should be extended along the frontage south eastwards to the site boundary to soften impacts of the barn.
- The southern boundary should be planted with hedgerow.
- Use of cell grown plants for hedging and rootballed trees, for their higher survival rates.

Roads Planning: First: No objections. Further information required on the upgrading proposals for the track serving the site and control over this land. Proposed use of the barn needs confirmed.

Second: No objection to amendments but require conditions to ensure the track to be upgraded and parking/ turning to be completed prior to occupation.

Archaeology: No objections subject to a condition requiring a Watching Brief on site. A WSI has now been submitted and is confirmed as acceptable.

Statutory Consultees

Crailing, Eckford and Nisbet Community Council: Objection. The Community Council listed the following concerns:

- Size of development is twice greater in area than the approved site.
- Detrimental to environment and ecology. Concerns for the validity of the PEA.
- Concerns for future use of barn as commercial or agricultural activities.
- Principle to a dwellinghouse should be reconsidered owing to the significant differences of this to the PPP layout.
- Road safety concerns on track for walkers.

Scottish Water: No objection. No waste water infrastructure. Cannot confirm capacity of public water supply until fully appraised.

KEY PLANNING ISSUES:

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

- Whether the principle to a dwellinghouse on a larger site can continue to be supported in accordance with Housing in the Countryside Policy on building groups.
- Whether the proposal would have an adverse impact on the character of the group, landscape or visual amenities of the area.
- Whether this larger proposal is in accordance with ecological biodiversity policies.
- Whether the proposal would harm the residential amenity of neighbouring dwellings.
- Whether the proposals are acceptable in terms of parking, access and impacts on road safety.

ASSESSMENT OF APPLICATION:

Policy Principle

Under planning permission 20/00605/PPP, consent was granted for a house on this site. The principle of development on this site has already been established on a smaller area and alternative layout.

The principle of development is considered primarily against Policy HD2 Part A Building Groups.

Officers consider that these proposals will continue to appear well related to the building group in accordance with the first criteria of policy HD2. The dwellinghouse proposed would be on the site of 20/00605/PPP, and would appear immediately adjacent to 21/00471/AMC. It is a considerably larger site than previously approved but it has been demonstrated throughout the course of this application that impacts arising from the loss of woodland/ scrub and corresponding impacts on the environment can be successfully mitigated by provision of a compensatory planting scheme in the wider landholding under control of the applicant. The previous approval had no restrictions or conditions on the size of any future house and it is considered that the size and scale of house proposed in this application can now be supported. This will not represent a further development of a house on the group. Development is therefore in accordance with the 2 house or 30% threshold within this plan period.

This proposed dwellinghouse will be marginally closer to the immediate neighbour, Eckford Moss, than previously approved. It is acknowledged by officers that the loss of woodland/ scrub will result in changes to the visual amenity of the area. However, these changes will not be significantly adverse in impact provided the landscape mitigate plans are implemented. The mature landscape boundaries and well-proportioned gardens of neighbouring properties of Eckford Moss will provide a mature backdrop to the site. These existing boundaries follow the line of this access track and will protect visual amenity of these neighbours.

Policy HD2 seeks to ensure that the development is appropriate in scale, siting, design, access and materials. The scale of this proposal has been considered in the context of the surrounds and the agent has supported the application with contextual elevations of the group. This demonstrates the size and height of proposal in the context of all neighbouring buildings including that proposed on plot 1, currently under consideration; 21/00471/AMC. Officers are now satisfied that the scale of building and the proposed density of building to plot ratio is appropriate for the site and the wider group. The neighbouring detached dwellings are considered to be similar in plot ratio to this proposal. The contextual elevations demonstrate that this dwellinghouse will not be unduly elevated or prominent in the group. Both the proportion and scale will be acceptable. Finished floor levels and surrounding ground levels can be agreed by condition. Officers conclude that the proposal will reflect the existing scale and pattern of development locally.

The proposals do not result in any significant loss of daylight, sunlight or privacy of adjoining properties as a result of over-looking or over shadowing. Policy HD3

Access and Parking

Members will note that objectors have raised concerns about the proposal from a road safety perspective. The Council's Roads Planning Service have considered the proposals and confirm that the access track requires upgrading in accordance with the specification now provided. Potential conflicts between vehicles and non-motorised use of this track highlighted by objectors are not considered to be a roads safety issue for this domestic property. The barn is proposed to be domestic in use (not commercial or agricultural) and this will be secured by planning condition to ensure road safety. The barn is domestic in size/ scale and would likely conform with PD rights if it was to be a latter addition to any dwellinghouse.

Subject to a condition requiring parking and turning for two vehicles and, subject to upgrading of the track as shown on the site plan, the proposal is considered to comply with policies PMD2.

Placemaking & Design

Policy PMD2 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.

Officers have sought changes to the design of the proposal. Changes have been made to ensure a less suburban appearance. Changes have occurred to improve the pitch of dormers; introduction of natural stone; introduce a suitable pallet of colour (to echo the hues of the surrounding buildings); the north gable has been given architectural detail; the eaves and verges details have been clipped. The L-plan ridge has been altered to now be continuous in height and mullions have been added to several windows in attempt to reflect local vernacular.

The integrated garage is a suburban detail but it is considered that the chosen location is well hidden from public views therefore the design is not considered to be problematic overall.

Officers are now satisfied with the response. The materials of all buildings will need final consideration by condition but are considered acceptable and the proposals are considered to be suitable in terms of their scale, massing, height and density in line with Policy PMD2 and Placemaking and Design SPG

The barn is considered appropriate in design and site – it has been moved into the plot to allow further landscape planting on the north east boundary. The barn will not appear out of context for this agricultural/ rural scene but finishes will need to be agreed by condition.

Layout

One of the main issues cited by objectors and consultees is this an alternative layout and larger site to that previously agreed in 20/00605/PPP. The previous Ecological Appraisal, Stones Wildlife Management, April 2020, identified this woodland/ scrub would be retained.

In contrast, this development proposes to encompass this woodland/ scrub and objectors are strongly opposed to this approach. Reasons for retention are cited as visual, landscape amenity and ecological benefits.

The Council's Landscape Architect has been consulted and has considered the Landscape plan. They too would like development moved away from this zone and certain protections give to the tree resource (T1 and T2 of the survey and retention of the goat willow).

Policy EP13 states that development should minimise adverse impacts to the woodland resource however it also identifies that unavoidable losses may be compensated. In this application, compensatory proposals have been professionally detailed and these proposals are supported by the Council's Landscape Architect.

A Preliminary Ecological Appraisal, Ellendale Environmental, Feb 2021, submitted with this application, supports this layout and the Council's Ecologist has conditionally supported the findings of this and the Addendum.

Significantly neither Council Officer has objected to the layout on grounds of loss to habitat, loss of biodiversity or loss of woodland resource.

On this basis, members are recommended to support this layout.

This decision balances competing interests of protecting ecology and the woodland resource. On the one hand objectors make the case that this woodland/ scrub area should be left untouched as it makes a valuable contribution to the group both visually and as an ecological resource. On the other hand, professionally authored reports presented in support of this development find that the loss can be supported and any impacts to ecology and woodland resource can be mitigated on the wider site.

Both the Council's Ecologist and the Landscape Architect have made comment and require amendments and conditions, but neither Officer contests the proposed response and, in fact, both Officers support the compensatory planting proposals.

There is a significant level of local objection to the loss of this woodland/ scrub and the reasons for these objections have been considered in full. The views of professionals submitted on behalf of both the applicant and the Council have been helpful in arriving at the conclusion that the layout presented will not significantly prejudice the natural environment or the woodland resource, in terms of Policies EP1, 2, 3 and EP13.

There is, however, further work to be done to reconcile the comments from the Council's Landscape Architect.

If Members are minded to support the proposed layout a condition is required to ensure a further amended Landscape Plan be submitted. This amendment will feature retention of the area of goat willow as identified by the Applicant's own Landscape Architect's commentary which can be read on file. The Architect's site plan has already been adjusted (moving the barn in to the site by 5-8m) to allow for further landscape planting and retention/ management of the goat willow, which will also need to be designed.

Natural heritage

Objectors have cited loss of habitat and wildlife as being a reason for refusal. The Ecologist has considered the Preliminary Ecological Assessment (PEA), the addendum and the habitat enhancement proposals. The conclusion of the PEA states;

"The site is of low ecological value and provides limited habitat for protected species. Additional planting will increase opportunities for animal species and will create a corridor through which they can commute."

The Council's Ecologist was able to accept the proposals subject to a Species Protection Plan (SPP) and Construction Method Statement.

Both a draft SPP and CMS have been provided in advance of this report. Given the slight changes to layout and landscaping required above it is recommended that the conditions be applied to ensure both are up-to-date and approved by the Council.

Members are recommended that the loss of habitat can be supported in that the proposals are unlikely to result in significant adverse effects on local ecology or biodiversity. The compensatory planting extends to;

- Approximately 150m of species-rich hedgerow.
- Bird boxes will be incorporated into the site in suitable habitat.
- Bat boxes.

The Ecologist goes further to add that the SPP should include mitigation for the removal/re-building of the dyke which may provide hibernacula for reptiles and amphibian and opportunities for nesting birds.

Should members be in agreement with the recommendation then these features should be presented in the amended landscaping plans and SPP.

Residential Amenity

Policy HD3 states that development that is judged to have an adverse impact on the amenity of neighbours will not be permitted.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new household developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties. The SPG states that as a rule, there should be a minimum 18m privacy zone between windows of principal rooms when directly opposite.

The proposal will comply with policy HD3 and this supplementary planning guidance.

Landscape and Visual Impacts

Policy EP13 states that the Council will refuse applications that would cause the loss of or serious damage to the woodland resource unless the benefits of the development clearly outweigh the loss of landscape, ecological, recreational, and historical or shelter value.

Members will note that the Council's Landscape Architect's preference, in order of priority, is firstly for this avoidance principle and then secondly, for amendments to the landscape scheme.

The applicant's landscape architect has responded to these recommendations and makes commentary for amendments to their scheme as follows;

- Trees T1 and T2 are not specimens of merit to warrant a change in the site layout.
- Some areas of goat willow could be cut back hard and allowed to regenerate within the garden ground along the northern boundary if ground levels and construction works permit
- The barn should be relocated southwards by 5-8m and screened with new planting.

Members are recommended that the compensatory proposals in this application do address the loss of landscape and visual amenity of the present woodland/ scrub. The Council's Landscape Officer has not cited objection and it is recommended that a condition be applied to secure amendments to the landscape plan as has been identified. The submitted Landscape Maintenance Management Proposals can similarly be tailored for this amendment.

Overall, it is considered that the proposed house will fit comfortably within the immediate landscape setting without significant adverse impacts on the on the surrounding area.

Cultural heritage and archaeology

The Archaeology Officer has been consulted and the archaeology implications for this proposal are required to be investigated by a Watching Brief.

There is a very interesting history surrounding this site including; a Post-Medieval road; Bronze Age cists (stone lined graves for cremation or inhumation burials); cropmarks of a settlement;

The Ordnance Survey first edition bears the legend 'Wooden Loch: Formerly Wester Moss, out of which came Nuts, Roots, Oak, the Skull of a Bison and the horns of a Red Deer; have been dug up'.

On this basis an archaeology company have already provided a Written Scheme of Investigation outlining their proposals, should this proposal be approved. It is recommended that a Watching Brief condition be applied to any approval to ensure that this site is fully investigated.

Services

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. SUDS is required for surface water drainage.

A condition can be attached to the application to receive details of a private sewerage system and SUDS scheme to ensure that the system complies with policy IS9. Any objections regarding potential environmental impacts to the Loch will be resolved by appropriate design and siting of this system to avoid impacts on the water environment. The CMS will also have to account for these detailed proposals owing to the sensitivity of the Loch side site.

A water supply condition will require to be applied to any approval as there is no detail provided as to whether the application will be connected to public or a private water source. The impacts of any connection on the amenity of neighbours will be required to be presented in the latter event.

Waste Management

Currently neighbouring bins are presented at the roadside from a bin stance. It is highly likely that this bin stance will be required at the public roadside for household waste and recycling bins relating to this development. Should Members agree the recommendation these details can be provided by condition.

Development Contributions

Development contributions are required by this development to ensure compliance with Policy IS2 of the LDP. However a S.75 agreement has already been concluded and contributions towards Education and Affordable Housing have already been secured and agreed under the original application, 20/00605/PPP.

CONCLUSION

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016, specifically HD2 and there are no material considerations that would justify a departure from these provisions.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

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

Conditions

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority, unless otherwise agreed by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
3. The barn hereby approved is permitted for domestic use incidental to the dwellinghouse hereby approved and shall not be used for independent or ancillary commercial, industrial or agricultural business use.
Reason: The road safety and design impacts of this development have only been considered for domestic use and not ancillary commercial purposes, which are likely to be incompatible with the site
4. Notwithstanding the Landscape Plan and Maintenance Management proposal hereby approved, no development shall take place except in strict accordance with amendments to this Plan, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
 - i. Management and retention of goat willow along the north east boundary
 - ii. Additional screen planting along the north east elevation of the barn.
 - iii. The southern boundary should be planted with hedgerow.
 - iv. Use of cell grown plants for hedging and rootballed trees, for reason of higher survival rates.Thereafter development only to be undertaken in accordance with these amended details.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
5. The amended Landscaping and Maintenance plan, as approved by condition 4, shall be implemented following the occupation of the dwellinghouse or the completion of the development, whichever is the sooner, unless otherwise agreed in writing by the Planning Authority. These landscaping works will be maintained for a period of three years upon habitation, during which time, all failed planting shall be replaced. The applicant shall notify the Planning Authority after this three year period, and make it available for

inspection, at which point the approved landscaping plan shall have been implemented and landscaping established.

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

6. No development shall commence until a drawing showing the existing and proposed ground levels and the finished floor level of the dwellinghouse and barn hereby approved have been submitted for the prior written approved of the Planning Authority. This to include a clearly identifiable datum point, or clearly identifiable datum points, located outwith the site and sufficient for the purpose of establishing the heights of the existing and proposed levels relative to the surround level(s). Development then to be completed in accordance with the approved details.

Reason: To ensure that the consented development does not have any detrimental impact upon the appearance of the surrounding area or upon the amenity of neighbouring properties as a consequence of the levels within the site being raised to an inappropriate height.

7. No development shall take place until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority.
- Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

8. The private access to the site to be upgraded in accordance with the specification and plans hereby approved prior to occupation of the dwellinghouse.

Reason: To ensure the access track is suitable for non-agricultural vehicles.

9. Two parking spaces and turning to be provided within the curtilage of the site prior to occupation of the dwelling and retained thereafter in perpetuity. Reason: To ensure the dwelling is served by adequate parking provision at all times.

10. No development shall commence until a Species Protection Plan (SPP) for breeding birds (which should be in accordance with the amended Landscape Plan required by Condition 3 above) has been submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved SPP.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

11. No development shall commence except in accordance with a Construction Method Statement (CMS) which shall have first been submitted to and approved in writing in writing by the Planning Authority. The CMS shall incorporate the latest good practice

guidelines and statutory advice (including as outlined in GPP5: Works and maintenance in or near water) to protect freshwater habitats. Thereafter works to be carried out strictly in accordance with the approved scheme.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

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

Reason: The Planning Authority have only established the land-use principle of the area of land identified in the submitted drawing(s). Further plans are required to ensure the site is adequately serviced.

13. No development is to commence until evidence of adequate water supply has been provided, either by submission of written confirmation of provision of a public mains supply or otherwise by a report, by a suitably qualified person, having been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the building(s)/dwellinghouse(s) hereby approved.

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

14. Details to be provided prior to occupation of proposals for housing household waste and recycling bins, either on site or at the public roadside. Thereafter development to be undertaken with this scheme of details.

Reason: To ensure an appropriate for of development.

DRAWING NUMBERS

Plan Type	Reference	Date
Location Plan		23/02/2021
Barn Floor plans and elevations	006	23/02/2021
Site Plan	100221-SD-005 REV C	14/07/2021
Plans & Elevations	100221-SD-004 REV C	13/07/2021
Contextual Elevations	100221-SD-007 REV A	13/07/2021
Compensatory Planting Plan	054-02	01/06/2021
Landscape maintenance management pro.		01/06/2021
Existing vegetation plan	054-01	01/06/2021

Approved by

Name	Designation	Signature

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

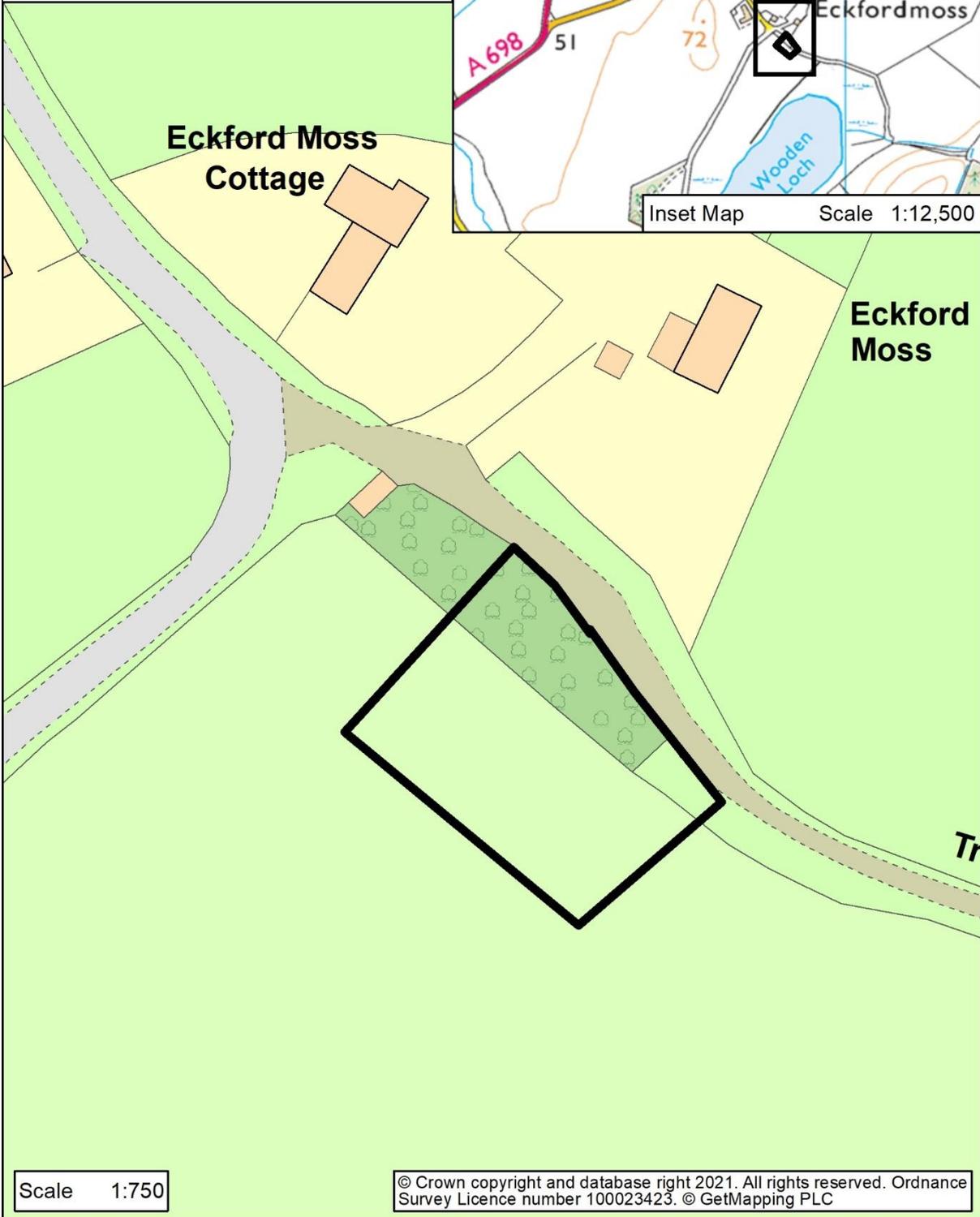
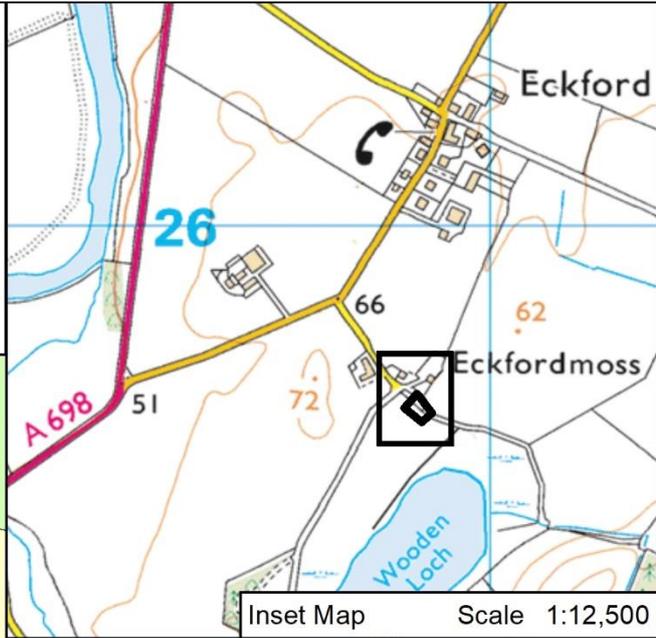
Author(s)

Name	Designation
Euan Calvert	Planning Officer



21/00293/FUL

Land South Of Eckford Moss Cottage
Kelso



Scale 1:750

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

2nd AUGUST 2021

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 21/00687/FUL

OFFICER: Brett Taylor

WARD: Hawick & Denholm

PROPOSAL: Modification of planning permission 15/01353/FUL to allow dog boarding service, erection of insulated kennels and siting of cabin for staff use

SITE: Land North East Of Newlands Farm Cottage, Hawick, Scottish Borders

APPLICANT: Laura Glover

AGENT: Laura Glover

PLANNING PROCESSING AGREEMENT:

A Planning Processing Agreement is in place until 2nd August 2021.

SITE DESCRIPTION

The application site is the existing business 'Tweed Dogs Complete Canine Care Centre' which comprises a secure outdoor exercise area for dogs, day care centre building, car park and access. It is situated off the B 6359 between Lilliesleaf and Denholm.

PROPOSED DEVELOPMENT

The application seeks full planning permission modify condition 6 (part iv) of planning 15/01353/FUL to remove the restriction that no part of the site shall be used for overnight accommodation of dogs and people. The proposals also include the erection of a cabin for overnight accommodation for staff. The cabin would be positioned adjacent to the existing building and would measure 9.0m by 3.4m and 4.20m in height. It has been designed with a mansard roof and will incorporate a set of glazed doors and a window on the side elevation with a further window proposed for the side (gable) end elevation. The materials will comprise of timber larch cladding for the walls with a corten factory oxidised metal sheeting for the roof.

Other proposals submitted within the application include the provision to install six kennels within the existing daycentre building. Whilst these works to install the kennels do not require planning permission, the use of them for overnight accommodation is the subject of this application.

PLANNING HISTORY

09 February 2016 – Planning permission granted for the change use of land to form dog park, erection of associated dog care buildings and boundary fences and the formation of parking and access (15/01353/FUL).

REPRESENTATION SUMMARY

Members are reminded that all comments are available for Members to view in full on the Public Access website.

7 letters of objection were received from 7 separate households.

The issues raised by the objecting households are listed below:

- Contrary to local plan
- Detrimental to the environment
- Increased traffic/road safety
- Noise nuisance
- Smells
- Café/shop
- Economic justification

The application was advertised in the Southern Reporter.

Four letters of support were also received which raised the following points:

- High standard of facilities
- Professionalism of staff
- Welcome addition to the area
- Genuine commitment to dog welfare
- Natural extension to offer overnight facilities
- Commitment to local wildlife and the environment

APPLICANT'S SUPPORTING INFORMATION

- Business Plan
- Supporting Statement

DEVELOPMENT PLAN POLICIES:

Scottish Borders Council Local Development Plan 2016

PMD1 – Sustainability

PMD2 – Quality Standards

HD3 – Protection of Residential Amenity

ED7 – Business, Tourism and Leisure Development in the Countryside

EP1 – International Nature Conservation Sites and Protected Species

EP2 – National Nature Conservation Sites and Protected Species

EP3 – Local Biodiversity

EP8 – Archaeology

EP13 – Trees, Woodlands and Hedgerows
EP16 – Air Quality
IS5 – Protection of Access Routes
IS7 – Parking Provision and Standards
IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

Supplementary Guidance

Biodiversity (2005)
Householder Development (incorporating Privacy and Sunlight Guide 2006)
Landscape and Development (2008)
Trees and Development (2008)
Placemaking and Design (2010)
Privacy and Sunlight Guide (2006)

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Environmental Health: No objections in principle to the application. However, in order to ensure potential night time disturbance is minimised, it is recommended that the number of dogs is restricted and the applicant considers how noise will be managed e.g. restricting night time use of outdoor runs.

It is noted that no complaints appear to have been received by Scottish Borders Council regarding noise nuisance associated with the current activities.

It is recommended that the applicant contacts Scottish Borders Council's Trading Standards and Animal Health team at an early stage in order to discuss animal boarding establishment licensing requirements. An informative has been attached for this purpose.

Roads Planning: No objections to the application.

Statutory Consultees

Denholm & District Community Council: No objections to the application. They have recommended additional safety signage along this section of the public road.

KEY PLANNING ISSUES:

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

- Whether the proposals to allow overnight accommodation for up to six dogs and staff would harm the residential amenity of neighbouring dwellings or conflict with the established land use of the area.
- Whether the proposed cabin is acceptable in design terms and is a welcome addition to the site and the surrounding area.

ASSESSMENT OF APPLICATION:

Planning Policy and Principle

Under planning permission 15/01353/FUL, consent was granted for the change of use of land to form dog park, erection of associated dog care buildings and boundary fence and formation of access and parking. The principle of development on this site and the operation of the business has therefore already been established.

A Business Plan has been submitted setting out the business requirements for the site and lack of a similar offer within the local area.

In addition, the development must respect the amenity and character of the surrounding area, have no significant adverse impacts on nearby uses, particularly housing, and where new building is proposed, the applicant should demonstrate that no appropriate existing building or brownfield site is available. The scale of the development should be appropriate to the rural character of the area, the siting design and materials should be in accordance with Policy PMD2, and the development should account for accessibility. These matters will be discussed in more detail later in the report.

Policy ED7 encourages proposals for business in the countryside. Given the granting of the previous planning permission and the employment and economic generating nature of the proposals it is accepted that the application complies with this policy. The principle of this development is acceptable in this location and there are no other buildings or brownfield sites within the applicant's ownership that would be available.

It is noted that the existing structures relating to the business will remain unaltered and that subject to the undernoted conditions and informatives, the proposals would still be capable of respecting the amenity and character of the surrounding area. A further condition will ensure that the proposed cabin is restricted to staff/owner occupancy and not to be used as a permanent dwelling. That the structure is only 9m by 3.4m is an indication that its purpose is as a welfare building intended to support the business rather than being suited to a permanent residential occupation.

As was rehearsed when the original planning permission was granted for the business, this type of facility is not suited to urban locations and, having become established over the intervening years, it is not unreasonable that additional accommodation would need to be provided to support a growing operation. Any concern that the "residential" element would be permitted without an established business in place has therefore already been overcome and is further mitigated by the recommendation that the cabin is tied to the business by condition.

Having regard to the previous permission and the ongoing successful business operation, therefore, the principle is acceptable in planning terms.

Access and Parking

Members will note that objectors have raised concerns about the proposal from a road safety perspective. The existing access and parking arrangements will remain the same, nevertheless, Council's Roads Planning Service was consulted during the assessment of the application and has no objections to the modification to allow dog boarding service and associated infrastructure.

The proposal is considered to comply with policies PMD2.

Placemaking & Design

Policy ED7 requires that the development meets the siting and design criteria of policy PMD2; this policy 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.

The proposed cabin for overnight staff accommodation is a relatively small scale development. It is a modular timber framed cabin and will be situated adjacent to the existing dog day care building and will utilise the existing water, drainage and electricity services. The site is large enough to accommodate the building and as such it is contended that the proposed development would not constitute an overdevelopment of the site. The surrounding area is characterised by a mix of structures associated with the dog care business. Furthermore, the resulting footprint of the cabin would be screened to an extent by the existing mature boundary treatment surrounding the site and as such it is unlikely to have any impact on the existing character of the area.

Turning to the specific design detail, the cabin would form a modern addition to the site and will utilise ground screw foundations to minimise environmental impact. The drawings show clearly defined gable ends with a pitched roof. The choice of materials comprising of timber cladding, metal sheeting for the roof would be similar to that of the day care building and so are consistent with both the existing buildings and the site's rural location. These are considered acceptable and precise details can be controlled by condition. Overall, the proposals are considered to be suitable in terms of their scale, massing, height and density in line with Policies ED7, PMD2 and the Placemaking and Design SPG.

Archaeology

Policy EP8 seeks to ensure suitable archaeological evaluation takes place where appropriate. Whilst the Council's Archaeology Officer was not consulted on this application, it was established that there are no known archaeological implications for the original application. However, it was advised during the determination of that application that there is a background evidence for prehistoric activity and settlement in the wider area which suggests a low potential for encountering previously unknown buried archaeological deposits or objects. As such, given the cabin would require foundations, it would be prudent that an informative be attached on the consent to remind the applicant of potential archaeological discoveries. Subject to this informative, the proposals are considered to comply with policy EP8.

Residential Amenity & Noise

Members will note that objectors have raised concerns about the proposal from barking dogs especially overnight. Policy ED7 requires that the development has no significant adverse impact on nearby uses, particularly housing. Policy HD3 seeks to ensure that development does not adversely affect neighbouring residential amenity. The Council has also adopted supplementary planning guidance on Householder Development, which sets out the Council policy position in terms of amenity and privacy. The nearest dwellings are sufficiently distant from the site that the proposals would not affect the residential amenities of occupants of these properties. There are no immediate properties in the surrounding area that would be close enough to the site to be significantly affected by the proposal.

The current planning permission allows for 8.00am to 5.30pm between Monday to Friday (inclusive) and Saturday 08.00am to 1.00pm. The consent also allows a maximum of 50 dogs shall be kept on site at any one time. These restrictions will not change by this application. The site is located within a rural area with the nearest properties being approximately 500 metres away. As such, the Council's Environmental Health Service was consulted on the proposals which includes 4-6 kennels to be installed within the existing daycentre building, providing accommodation for six overnight dogs. They have no objections to the application, nevertheless, in order to reduce night time disturbance to a minimum, it is recommended that the number of dogs is restricted to six. A condition has been attached to the permission to ensure compliance with Policies ED7 and HD3.

In terms of the new cabin for staff accommodation, the building itself should not harm neighbouring amenity and Environmental Health have raised no concerns regarding this aspect. Having welfare accommodation at the site may also have a positive impact in that there will be someone immediately available to address any noise that might arise. In terms of its use, it is recommended that a condition is attached to the application restricting the occupancy to staff members only and it to remain ancillary accommodation only. This would prevent a wholly separate dwelling from being established.

The rural context of the site and additional signage should be the minimum necessary for the operation of the premises. Given the opening hours will see the premises operating in the dark during winter months, there will be some limited need for lighting. This will be subject to a planning condition. Subject to conditions covering the identified points, the proposals are acceptable in terms of amenity impact.

The proposal is therefore considered to comply with policy HD3 as well as supplementary planning guidance.

Landscape and Visual Impacts

Policy EP13 states that the Council will refuse applications that would cause the loss of or serious damage to the woodland resource unless the benefits of the development clearly outweigh the loss of landscape, ecological, recreational, and historical or shelter value.

The site is located outside the Teviot Valley Special Landscape Area which is 1km to the east. The proposals subject to this application would result in no removal of trees. Conditions relating to landscaping and tree protection for the previous application have been agreed and discharged.

The landscape proposals would remain the same as the previous consented scheme. The proposal accords with the aims of Placemaking and Design standards sought by the SPG, in that this development will assimilate well with the surrounding built and natural environment.

Overall, it is still considered that the proposed cabin will fit comfortably within the immediate landscape setting without significant adverse impacts on the surrounding area.

Ecology

Policies EP1 and EP2 aim to give internationally and nationally designated sites (including Special Areas of Conservation and SSSI's) and protected species, protection from potentially adverse development. Policy EP3 also states that 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 outweigh the value of the habitat for biodiversity conservation.

Huntlaw Burn to the west of the application site, flows into the River Teviot a tributary of the River Tweed Special Area of Conservation and SSSI. Given the distances involved, it is unlikely that the works required to erect the cabin would harm the special qualities of the Special Area of Conservation and SSSI. The site is within the Marlside Hill Moss Local wildlife site, however, given the relatively minor works involved and the cabin being situated within an existing business enterprise, it is considered that the proposals would have a negligible impact on this designation.

It is not clear from the plans whether trees and/or shrubs are being removed to accommodate the development but the applicant has confirmed that no trees of any note would be felled and the cabin would be out with the root protection zones of existing trees. It would be appropriate, however, given the proximity of the development to trees within the site, that an applicant informative reminding the applicant/developer of their obligations to protect breeding birds, is added to any grant of consent.

Services, Water Supply and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. SUDS is required for surface water drainage. The applicant has indicated on the submitted application forms that the cabin will utilise the existing service arrangements in terms of services, water supply and drainage. Nevertheless, a planning condition to cover the proposed water and drainage arrangements would be appropriate.

Other matters

Members will note that objectors have questioned the economic justification for the proposals a pet cemetery and a café/shop. Discussions with the applicant have confirmed that a pet cemetery and a café/shop were not part of the proposals and therefore these are not matters for consideration in the determination of this application. In terms of economic justification for the overnight dog accommodation, the applicant has submitted a business plan and supporting statement which gives the reasoning for the application.

CONCLUSION

The development is acceptable, having principally had regard to the relevant provisions of the Local Development Plan 2016, in particular Policy ED7: Business, Tourism and Leisure Development in the Countryside but also having had regard to overriding material considerations set out in the report.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

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

Conditions

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority, unless otherwise agreed by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials and external colours to be used in the construction of the external walls, roofs, and of the windows and doors of the cabin have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
3. The cabin hereby approved shall be occupied by an employer or employee with a direct link to the dog caring business at the site and shall not be used as a person's sole or main residence or as temporary or permanent residential accommodation.
Reason: The accommodation on the site is not designed for permanent occupation and permanent residential use would be contrary to the council's housing in the countryside policies.
4. The overnight accommodation for dogs shall be restricted to a maximum of six dogs and is permitted 24 hours a day unless otherwise agreed by the Planning Authority. Sections i, ii and iii relating to condition 6 of application 15/01353/FUL for daycentre operations shall remain valid.
Reason: To limit potential adverse impacts on the amenity of nearby properties
5. The finished floor levels of the cabin hereby permitted, shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site.
Reason: To limit the visual impact of the development.
6. No development shall commence until full details of the means of water supply, and of foul and surface water drainage have been submitted to and approved in writing by the planning authority. Thereafter the development shall be completed in accordance with the agreed details, unless subsequently agreed in writing by the planning authority.
Reason: To ensure that the development is adequately serviced.
7. Prior to commencement of development full details of all exterior lighting on the proposed cabin are to be submitted to and approved in writing by the planning authority. This is to include type, height and intensity of lighting, and indication of any sensors or timers. Thereafter the development is to be completed in accordance with the approved lighting details, and retained as such, with no further lighting provided unless first confirmed and agreed with the planning authority.
Reason: It is anticipated from the hours of operation that there will be a need for lighting, and it is important that this meets operational requirements without causing unnecessary light pollution.

Informatives

- 1 There is a low potential for encountering buried archaeology during excavations. If buried features (e.g. walls or stone-constructions, pits or ditches) or artefacts (e.g. pottery, shaped and chipped stone) of potential antiquity are discovered, please contact the planner or Archaeology Officer for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered.
- 2 The Environmental Health Service advises that the applicant contacts Scottish Borders Council's Trading Standards and Animal Health team at an early stage in order to discuss animal boarding establishment licensing requirements.
- 3 The applicant/developer is reminded that where works are proposed to existing trees within or adjacent to the application site (including felling, lopping, topping, thinning etc.), no development should be carried out during the breeding bird season (March to August). Further advice on is available directly from NatureScot at <https://www.nature.scot/professional-advice>

DRAWING NUMBERS

Plan Type	Reference	Date on plan
Location Plan		29/04/21
Site Plan		29/04/21
Floor Plan & Elevations		16/07/21

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning & Housing Officer	

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

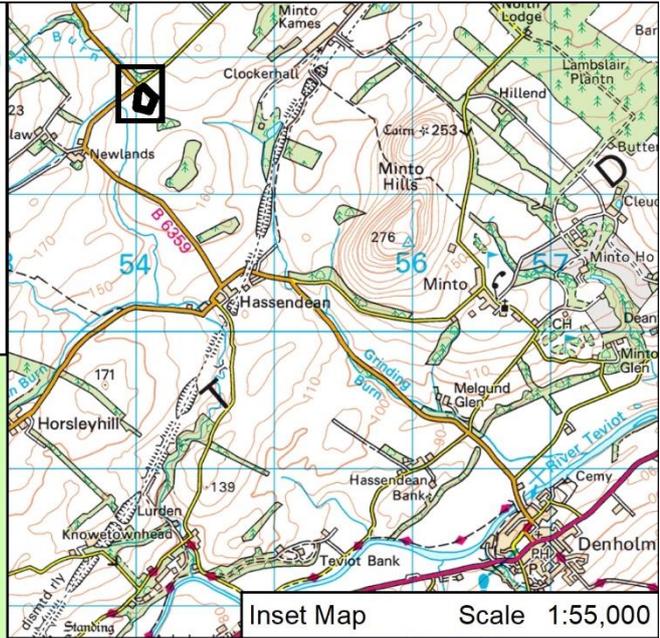
Author(s)

Name	Designation
Brett Taylor	Planning Officer

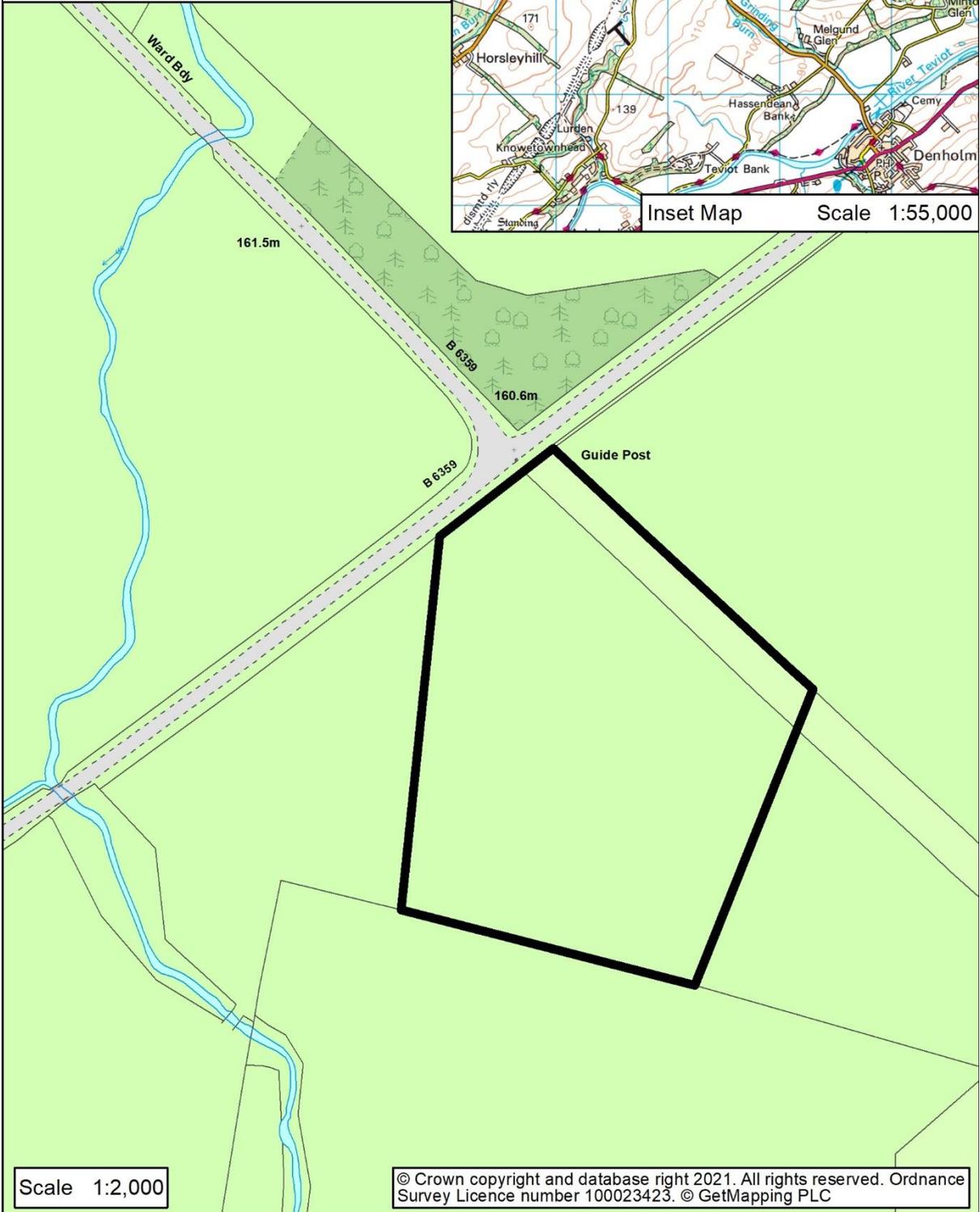


21/00687/FUL

Land North East Of
Newlands Farm Cottage
Hawick



Inset Map Scale 1:55,000



Scale 1:2,000

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PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning & Housing Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

2nd August 2021

1 PURPOSE

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

2 APPEALS RECEIVED

- 2.1 Planning Applications

Nil

- 2.2 Enforcements

Nil

- 2.3 Works to Trees

Nil

3 APPEAL DECISIONS RECEIVED

- 3.1 Planning Applications

Nil

- 3.2 Enforcements

Nil

- 3.3 Works to Trees

Nil

4 APPEALS OUTSTANDING

4.1 There remained 2 appeals previously reported on which decisions were still awaited when this report was prepared on 26th July 2021. This relates to sites at:

- | | |
|-------------------------------------|----------------------------|
| • Lidl UK GmbH, Wilton Path, Hawick | • 1 Broad Street, Eyemouth |
|-------------------------------------|----------------------------|

5 REVIEW REQUESTS RECEIVED

5.1 Reference: 20/00809/FUL
Proposal: Change of use of site to business and industrial land with associated perimeter security fence
Site: Phase 4 Store and Yard, Acredale Industrial Estate, Eyemouth
Appellant: Eystore Limited

Reason for Refusal: The proposed development is contrary to Local Development Plan Policy PMD2 (Quality Standards) and ED1 (Protection of Business and Industrial Land) in that the development would have a harsh and harmful visual impact and would not respect the character and amenity of The Loaning Core Path.

5.2 Reference: 21/00137/FUL
Proposal: Erection of ancillary accommodation to dwellinghouse and installation of 12 KW ground mounted solar array
Site: Penvalla, Broughton
Appellant: Mr Bradley Clarke

Conditions Imposed: 1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the planning authority. Reason: To ensure that the development is carried out in accordance with the approved details. 2. The development hereby approved shall remain as permanent ancillary accommodation to the principal dwelling (known currently as Penvalla) and shall be occupied only by persons of the same household. There shall be no subdivision of this single residential planning unit and it shall not be used for independent residential or holiday rental purposes. Reason: The planning authority considers that the development hereby permitted is the maximum that can be reasonably allowed without causing detriment to infrastructure provision and an intensification of use of the road/access by increased vehicle movements would not be appropriate in this location. 3. No development shall be commenced until a detailed 'method statement' in relation to all works within the root protection area (RPA) of retained trees has been submitted to and approved in writing by the planning authority. Specific issues to be dealt with in the method statement: a) A scaled plan (minimum of 1:200) showing the position, size, RPA, species and unique identification reference of each retained tree affected by the works and including details of the extent and nature of all works within the RPA of retained trees. The Tree Protection Plan (as required in BS 5837:2012) to be submitted should show location of all tree protection in relation to the proposed development, fencing and with hatching or other to show ground protection and there should be a statement about hand digging only within RPAs - when excavations are absolutely necessary; b) a written statement detailing the proposed works including hand digging, use of filter cloth, timber edging, cellular ground reinforcement, porous surfaces etc. as relevant; c) a specification

for protective fencing to safeguard trees during the construction phases and a plan indicating the alignment of the protective fencing; d) a specification for ground protection within RPAs. The development thereafter shall be implemented in strict accordance with the approved details. Reason: To ensure that the trees to be retained and which are of value to the national scenic area will not be damaged during construction operations. 4. No development should commence until evidence has been provided to the planning authority that the ancillary building is to be connected to the public water supply and foul drainage system, unless otherwise agreed in writing with the planning authority. Thereafter, the ancillary building shall not be occupied until the connections are made to those networks. Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and to ensure that the development does not have a detrimental effect on amenity and public health.

- 5.3 Reference: 21/00244/FUL
Proposal: Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works
Site: Slaters Yard off Charlesfield Road, St Boswells
Appellant: AB Wight Engineering Ltd

Reasons for Refusal: 1. The proposal would be contrary to policy PMD4 of the Local Development Plan 2016 as the site is outwith the Development Boundary for St Boswells and outwith Charlesfield Industrial Estate and is an isolated countryside location rather than a logical extension to the settlement. The proposed development would prejudice the character and natural edge of St Boswells and cause significant adverse effects on the landscape setting of the settlement. In addition, there are no significant community benefits of the proposal that justify development outwith the Development Boundary. 2. The proposal would be contrary to policy ED7 of the Local Development Plan 2016 as the site is an isolated site within the countryside and it has not been substantially demonstrated that the proposal requires this particular countryside location or that the development proposed cannot be satisfactorily accommodated within the nearby Charlesfield business and industrial site or another allocated business and industrial site within an identified settlement boundary. In addition, the development would not respect the amenity and character of the surrounding area. 3. The proposal would be contrary to policy EP6 of the Local Development Plan 2016 as the site is within the area designated as Countryside Around Towns and it has not been adequately demonstrated that the development requires a rural location or that the use is appropriate for a countryside setting. In addition, the proposal would result in piecemeal and sporadic development in the countryside that would be visually intrusive and would erode the sensitive setting of St Boswells, resulting in adverse impacts on the undeveloped rural character and visual amenity of the area.

- 5.4 Reference: 21/00486/FUL
Proposal: Part Change of Use of ground floor to Class 10 and alterations to form additional office space from attic floor
Site: 3 Rowan Court Suite 3, Cavalry Park, Peebles
Appellant: Mr Stephen Lamb

Reason for Refusal: The development would be contrary to policies ED1 and PMD3 of the Local Development Plan 2016 in that the use as a day

centre for the elderly (falling within class 10 of The Town and Country Planning (Use Classes)(Scotland) Order 1997) would not be a commercial activity that would be complementary or ancillary to the Cavalry Park Strategic High Amenity Site and would result in the loss of high quality office accommodation and its replacement with potentially less attractive accommodation. This would not serve to protect the business park adequately for employment purposes. This conflict with the Development Plan is not overridden by other material considerations.

6 REVIEWS DETERMINED

Nil

7 REVIEWS OUTSTANDING

7.1 There remained 4 reviews previously reported on which decisions were still awaited when this report was prepared on 26th July 2021. This relates to sites at:

<ul style="list-style-type: none"> Linden, Causewayend, Ancrum, Jedburgh 	<ul style="list-style-type: none"> Site East of Dogcraig Cottage Scotsmill, Peebles
<ul style="list-style-type: none"> Land West of The Old Barn Westwater, West Linton 	<ul style="list-style-type: none"> Land South West of Rachan Woodlands, Broughton

8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

Nil

10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

10.1 There remained One S36 PLI previously reported on which a decision was still awaited when this report was prepared on 26th July 2021. This relates to a site at:

<ul style="list-style-type: none"> Crystal Rigg Wind Farm, Cranshaws, Duns 	<ul style="list-style-type: none">
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Approved by

**Ian Aikman
Chief Planning & Housing Officer**

Signature

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

Background Papers: None.

Previous Minute Reference: None.

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

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

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