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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 4 JULY, 2022

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS on MONDAY, 4 JULY, 2022 at 10.00 AM

All attendees, including members of the public, should note that the public business in this meeting will be livestreamed and video recorded and that recording will be available thereafter for public view for 180 days.

J. J. WILKINSON,
Clerk to the Council,

27 June 2022

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Minute. (Pages 3 - 4) Consider Minute of the Meeting held on 13 June 2022 for approval and signature by the Chairman. (Copy attached.)
5.	Applications. Consider the following applications for planning permission:
	(a) Peebles High School and Associated Land, Springwood Road, Peebles - 22/00271/FUL (Pages 5 - 32) Erection of new education building, extension to the existing Sports Pavilion, the partial demolition of the existing school buildings, the reconfiguration of car parking, playgrounds, soft landscaping, fencing, 3G sports pitches, lighting, CCTV cameras, amenity stores, sub-station and associated footpaths forming Community Campus. (Copy attached.)
	(b) Land South West Of West Lodge, Minto - 21/01302/FUL (Pages 33 - 46) Erection of dwellinghouse. (Copy attached.)

	<p>(c) Erection of dwellinghouse with garage/plant room and formation of new access; and ground work to Lade to facilitate new dwellinghouse - 22/00147/FUL & 22/00148/LBC (Pages 47 - 64)</p> <p>Erection of dwellinghouse with garage/plant room and formation of new access; and ground work to Lade to facilitate new dwellinghouse. (Copy attached.)</p>
6.	<p>Appeals and Reviews. (Pages 65 - 70)</p> <p>Consider report by Chief Housing and Planning Officer. (Copy attached.)</p>
7.	<p>Any Other Items Previously Circulated.</p>
8.	<p>Any Other Items which the Chairman Decides are Urgent.</p>

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), J. Cox, M. Douglas, D. Moffat, A. Orr, N. Richards, S. Scott, E. Small and V. Thomson

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

MINUTE of Meeting of the PLANNING AND
BUILDING STANDARDS COMMITTEE held
in Council Headquarters, Newtown St.
Boswells on Monday, 13 June 2022 at 10.00
a.m.

Present:- Councillors S Mountford (Chairman), M. Douglas. A. Orr, S. Scott, E. Small,
V. Thomson.
Apologies:- Councillor J. Cox, D. Moffat, N. Richards
In Attendance:- Planning and Development Standards Manager, Lead Planning Officer (B.
Fotheringham), Solicitor (F. Rankine), Democratic Services Team Leader.

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 28 March 2022.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATION**

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

DECISION

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

3. **APPEALS AND REVIEWS**

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

DECISION

NOTED that:-

- (a) **an Appeal had been received in respect of the refusal of Listed Building Consent for replacement windows, 18-19 Slitrig Crescent, Hawick**
- (b) **Review requests had been received in respect of :-**
 - (i) **Replacement Windows, Craigard, Cannongate, Denholm;**
 - (ii) **Erection of dwellinghouse, Land South East of Hardens Hall, Duns;**
 - (iii) **Erection of dwellinghouse, Land North East of Woodend Farmhouse, Duns;**
 - (iv) **Replacement windows. 18-19 Slitrig Crescent, Hawick;**
 - (v) **Erection of dwellinghouse, Land South West of Windrush Highend, Hawick;**
 - (vi) **Erection of two dwellinghouses, Land North of Ivanhoe, Dingleton Road, Melrose**
 - (vii) **Erection of two dwellinghouses, Garden Ground of Greenrig, Blair Avenue, Jedburgh;**

- (viii) Change of use from agricultural store, alterations and extension to form dwellinghouse with garage, The Blue House near Swansfield Farm, Reston, Eyemouth; and
 - (ix) Change of use from Industrial (Class 4,5,6) to Fitness Studio (Class 11) (retrospective), Unit C, Whinstone Mill, Netherdale Industrial Estate, Galashiels.
- (c) the following reviews had been determined as shown:-
- (i) Erection of dwellinghouse, Land West of Causewayfoot Cottage Wolflee, Hawick – Decision of Appointed Officer upheld (terms of refusal varied);
 - (ii) Erection of new dwelling with garage (Approval of all matters specified in condition of planning permission 18/01632/PPP), Land North Of Old Manor Inn, Lanton - Decision of Appointed Officer Overturned (Subject to Conditions);
 - (iii) Change of use of amenity land to garden ground and erection of bike/log store (retrospective) - Decision of Appointed Officer upheld;
 - (iv) Erection of dwellinghouse with access, landscaping and associated works Site, Land South and West of Greywalls, Gattonside - Decision of Appointed Officer upheld;
 - (v) Partial change of use of shop and alterations to form manager's flat, shop 43 High Street, Hawick - Decision of Appointed Officer Overturned (Subject to Conditions);
 - (vi) Erection of pergola and boundary fencing (retrospective), 58 George Street, Peebles - Decision of Appointed Officer upheld;
 - (vii) Removal of Condition 2 of planning permission 18/01000/FUL pertaining to use as holiday let accommodation, Warlawbank Steading, Reston, Eyemouth - Decision of Appointed Officer upheld;
 - (viii) Change of use from Industrial (Class 4,5,6) to a Functional Fitness Gym (Class 11), Unit B, Whinstone Mill, Netherdale Industrial Estate, Galashiels - Decision of Appointed Officer Overturned (Subject to Conditions and informative); and
 - (ix) Demolition of steading and farmhouse and erection of two dwellinghouses, Land at Haughhead Farm and Steading Building, Innerleithen - Decision of Appointed Officer Overturned (Subject to Conditions and a legal agreement).
- (d) there remained two reviews previously reported on which a decision was still awaited when the report was prepared on 1 June 2022 relating to sites at:-
- Land East of Delgany, Old Cambus, Cockburnspath
 - East Lodge, Netherurd, Blyth Bridge, West Linton
- (e) there remained one Section 36 PLI previously reported on which a decision was still awaited when the report was prepared on 1 June 2022 relating to Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick

The meeting concluded at 10.30 a.m.

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

4 JULY 2022

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 22/00271/FUL
OFFICER:	Mr C Miller
WARD:	Tweeddale East
PROPOSAL:	Erection of new education building, extension to the existing Sports Pavilion, the partial demolition of the existing school buildings, the reconfiguration of car parking, playgrounds, soft landscaping, fencing, 3G sports pitches, lighting, CCTV cameras, amenity stores, sub-station and associated footpaths forming Community Campus
SITE:	Peebles High School And Associated Land Springwood Road Peebles Scottish Borders EH45 9HB
APPLICANT:	Scottish Borders Council
AGENT:	Stallan Brand

SITE DESCRIPTION

The site is located on the current Peebles High School campus, south of the River Tweed and adjoining the Craigerne Lane/Bonnington Road junction, with further access via Springwood Road. The school buildings currently occupy the eastern part of the site with a variety of buildings of different ages and temporary classrooms as a result of the recent fire damage. These include the original old school building (Science Block), modern extensions (including a 1970s four-storey block), the Millennium Wing and the most recent gym hall erected to the north-west of the buildings. The site also extends across the playing fields and all weather pitch that are located between the school and the housing developments to the west. These areas used by the school are currently allocated "Greenspace" under Policy EP11 in the Local Development Plan, noted as allocation GSPEEB014.

The site is not located within any landscape or cultural designated areas, although the Conservation Area lies to the eastern boundary of the site, running along Bonnington Road. No listed buildings exist on site but a number of Category B and C buildings outwith the site have intervisibility, especially in the Bonnington Road area. The Upper Tweeddale National Scenic Area lies outwith the site and settlement edge to the west whilst the Tweed Valley Special Landscape Area surrounds Peebles settlement boundary. The site to the south of Craigerne Lane also contains trees protected by SBC TPO31 "Craigerne and Tintah". There are also unprotected trees and groups of trees within the site north of Craigerne Lane, shown and categorised in the Arboricultural Assessment.

The site is surrounded by residential developments to all sides, the swathe of playing fields separating the current complex of buildings from the houses to the west and north-west. Public paths run down the western side of the playing fields, the John Buchan Way being contained within a woodland belt. A level change exists at the northern part of the site, dropping to the east.

The site is currently accessed via the bus lay-by and car park in Springwood Road, the car park off Bonnington Road (currently occupied with temporary classrooms) and a temporary car park off Craigerne Lane to the west of the Millennium Wing.

PROPOSED DEVELOPMENT

The application is submitted in full for the erection of a new school building, extension to the existing Sports Pavilion, partial demolition of existing school buildings, reconfiguration of car parking, playgrounds, soft landscaping, fencing, 3G sports pitches, lighting, CCTV cameras, amenity stores, sub-station and associated footpaths. The development is shown in detail on the various submitted drawings on Public Access and described in the Design and Access Statement.

All buildings will be demolished on the current campus with the exception of the original school building (known as the Science Block) and the Gym Hall. No future use has yet been decided for the Science Block, whilst the Gym Hall will be extended in matching materials to the north, but in single storey format to provide enhanced changing room facilities and dance studio. The main element is the new school building which is of two storey rectangular form, positioned on the rugby pitch which currently separates the existing school buildings from the Morning Hill residential area. The building is based on "county estate" form and layout with wide accentuated entrance to the east, sun-shades as part of the exterior architecture, strong vertical detailing and triangular atria on the flat/sedum roof.

The cleared site of the existing school buildings will also be landscaped with an avenue entrance to the new school incorporating outdoor spaces and learning areas. Whilst a number of individual trees and tree groups will be lost, a replacement planting ratio of 3:1 will be concentrated on the eastern avenue approach to the school and the Craigerne Lane/Bonnington Road junction. This will also include a structured footpath system with open space and seating areas. There will also be individual ornamental tree planting throughout the site, especially along the northern and southern facades of the main building and the northern edge of the site.

The only playing field that will be lost is the current rugby pitch for the new school building but this will be compensated by the relocated and enhanced outdoor sports facilities, further improved as a result of the representations made by interested parties including Sports Scotland. A new 3G all-weather pitch will be provided to the north of the retained existing all-weather pitch, with a further grass pitch to the north-east. A six-lane sprint track and associated long jump facility with twin pits will be positioned alongside the new 3G pitch with a further shot putt area adjoining. A 400m grass running track will also be marked out on the playing field south of Craigerne Lane.

The main car parking and bus pick-up/drop-off area at Springwood Road will be retained and enhanced with a restoration of car parking and enhancement of the number of spaces at the Bonnington Road entrance. Footpath links will connect these with the school entrance, together with links to the John Buchan Way and Craigerne Lane. The proposal also includes associated infrastructure in the form of lighting (for pitch and building), CCTV cameras, fencing, bin stores, outdoor storage and a substation.

The application is classed as a 'Major' development under the Hierarchy of Developments (Scotland) Regulations 2009. The Council, as applicants, publicised and held online and in-person public events prior to the application being submitted, as well as consultation with all Tweeddale Community Councils. The outcome of the public consultation exercise has been reported in a Pre-Application Consultation

Report submitted with the application. This lists identified issues including athletics provision, noise from the 3G pitch, traffic increase, loss of trees and greenspace, construction issues and retention of the old school and Millennium Wing. The requirements of the Development Management Procedure (Scotland) Regulations 2013 have been satisfied as a result of the pre-application community consultation.

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
- Planning Supporting Statement
- Design and Access Statement
- Landscape and Visual Appraisal
- Heritage Statement
- Noise Impact Assessment – Plant
- Noise Impact Assessment – Pitches
- Ambient Noise Report
- Lighting Impact Assessment
- Geo-Environmental Report
- Arboricultural Impact Assessment
- Drainage Strategy Report
- Flood Risk Assessment
- Ecological Assessment
- Transport Statement

PLANNING HISTORY

The Design and Access Statement details the history of the school complex which has seen numerous incremental additions over the years since the initial school on the site in 1880 – notable extensions occurring in 1912, 1945, 1970s, the Millennium Wing and the more recent Gym Hall in 2012. There have also been approvals in relation to the bus drop-off area, all-weather games pitch and associated floodlighting.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees:

Roads Planning: No objections after discussion with Safer Routes to School Team. Recommends omission of road build-outs in Transport Statement and installation of Puffin Crossing on Glen Road at Victoria Park. Also seeks prevention of using staff car park by cars picking up/dropping off pupils and removal of proposed pedestrian link to Craigerne Lane/Bonnington Road junction. These matters controlled by condition, together with a Traffic Management Plan for construction phase and electric car charging points in staff car parks.

Landscape Architect: No objections. Although the LVIA lacks full photomontages, agree that Viewpoint 2 shows the greatest impacts and that Viewpoint 6 from the John Buchan Way perhaps underestimates impacts, albeit reduced by the foreground trees. Accepts the findings of the Arboricultural Assessment which replaces 10 groups of trees and 13 individual trees with 322 trees and substantial planting proposals. Accepts the new planting plan will enhance the area but seeks further detail by condition regarding precise location of listed species, reconsideration of the new avenue along the building frontage with Craigerne Lane and further details of the tree planting to the northern boundary and throughout the site. Also seeks further maintenance details.

Heritage & Design: No objections. Sets out the legislative and guidance context in relation to nearby listed buildings, Conservation Area and the “green finger” of open space connecting Peebles with its rural surrounds. Welcomes retention of older part of school but seeks re-use details. Concerns over new building interrupting the continuous “green finger” and massing in context, albeit can be offset by landscaping to east of site and quality external materials controlled by condition. Conditions also for architectural detailing and service buildings/boundary treatment.

Flood Protection: No objections. There is a surface water flood risk to the area around Craigerne Lane and in the existing school location adjoining Craigerne Lane. Moving the main school to the west avoids this area and accepts the Flood Risk Assessment modelling. The main school floor level will be above the predicted 1 in 1000 year flood level with freeboard and the topography/SUDs strategy will attenuate and direct surface water away from existing and proposed buildings and adjoining houses.

Ecology Officer: No objections but further information requested. May be effects on the Tweed SAC during construction. Breeding birds would need replacement nesting boxes, avoidance of work in the breeding bird season and checking surveys. May be bat impacts from tree loss which will require detailed bat inspection and further checking pre-construction. Also lighting impacts on trees and bats to be further assessed with mitigation if necessary. Queries loss of a category A tree and compensatory planting with additional comments on planting mix and density.

Upon receiving further information, notes that whilst bats use the site, the tree selected for survey showed no roost signs, Recommends conditions for a Bat Protection Plan, breeding bird avoidance, Swallows Protection Plan, Biodiversity Enhancement Plan, a more detailed lighting scheme and a Construction Environmental Management Plan.

Access Officer: No objections. No rights of way through the site but John Buchan Way promoted path passes western edge of the site before heading west along Craigerne Lane. Local path also passes south of Craigerne Lane. No construction or development should obstruct these paths.

Archaeology Officer: No objections. No indications of likely finds on the site and the site has undergone many previous school developments which would have given opportunity for investigation if needed.

Environmental Health: No objections. Main issues are noise and lighting which need to be controlled by condition, including limits on plant/machinery levels, hours of pitch use and lighting being restricted 7am to 10pm and lighting being installed as per the Impact Assessment. Although they have no record of noise complaints, still seek scheme of mitigation to protect neighbours from noise from the proposed new games pitch.

Statutory Consultees:

Sport Scotland: Objection to the original submission. Sets out SPP requirements on loss or replacement of outdoor sports provision and sought details of existing and proposed sports provision. Upon receipt of details, consulted with sports governing bodies and expressed concern that athletics provision was not on a like for like basis as a minimum. Following consideration of revised athletics proposals, considers that

Scottish Planning Policy is met by the sports pitches and enhancements of the sprint track, long jump and throw area. Raises no objections subject to conditions ensuring construction by a registered specialist pitch contractor and outdoor sports facilities available no later than a year after school commencement.

Peebles Community Council: Endorse comments made on inadequacy of athletics provision by other residents. School proposals should improve childrens' health and success in sport but do neither and do not meet SportScotland requirements for at least comparable provision. Nearest full athletics provision is at Tweedbank.

Other Consultees:

Peebles Civic Society: Supports the replacement school as an improvement on existing complex, welcoming "Science Building" retention. Seeks resolution of concerns over athletics provision and lighting/tree loss resulting from new 3G pitch. Sustainability and energy efficiency in new building requires more detail.

REPRESENTATION SUMMARY

The application was advertised in the Peeblesshire News and statutory neighbour notification was also carried out. A total of 28 representations from separate households were received – 20 in objection, 3 in support and 5 making general comments. All these representations can be viewed in full on the Public Access Portal. The comments can be summarised as follows:

Objections

Athletics provision

- Inadequate provision for the size of school roll, catchment area and given the record of high local achievement despite 2014 facility downgrade
- Should be achieving gold, silver or like for like provision but does not even reinstate facilities lost in 2014
- Not even meeting status quo, failing Sport Scotland requirement for comparable replacement facilities
- Fails Government's "Active Scotland" objectives
- Enhancing provision more important since Covid
- Nearest full provision is a 90 minute return trip to Tweedbank
- Long jump should not be separate from sprint track nor away from prevailing wind axis
- Longer sprint training track needed
- Outdoor high jump needed
- Suggestions at pre-application stage not taken up, such as 300m training track and perimeter path round pitch
- Suggest realign long jump on E/W and position by sprint track; additional long jump pit; MUGA with high jump and training curve; shot putt circle; sprint track outwith fence; larger storage shed
- Suggested changes supported by Scottish Athletics Facilities Strategy.
- Complete new provision before loss of existing facilities

Other objections

- Loss of healthy trees and inadequate compensatory planting
- Green space not being increased
- Lack of noise impact assessment
- Increased noise from pitch and new school, needing screening
- Loss of privacy to Morning Hill, requiring screening from school and CCTV
- Overbearing height of school
- Construction pollution concerns
- Light spill
- Screening should be retained at Gym Hall
- Flood risk at edge of site next to "The Yett", SUDs pond should be relocated
- Traffic study out of date
- Increased traffic congestion and conflict
- Insufficient wet changing rooms
- Spectator areas need clarification
- Pitches south of Craigerne Lane should be used
- Gender segregation required to toilets
- Open plan learning disadvantages special needs pupils
- Insufficient individual classrooms

Support

- 3G/4G pitch needed and welcomed
- Adequate sporting provision needed, including after school hours
- Noise mitigation needs clarity
- 3G pitch level needs clarity

General

- Lack of noise assessment
- New pitch needs acoustic barriers
- Retain stone wall on northern boundary
- Transport issues need more detail
- Internal school issues such as narrow corridors, acoustics, fire safety and need for a further lift
- Inadequate athletics provision for size of school roll and catchment area

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016

PMD1 Sustainability

PMD2 Quality Standards

PMD3 Land Use Allocations

PMD5 Infill Development

IS1 Public Infrastructure and Local Service Provision

IS4 Transport Development and Infrastructure

IS5 Protection of Access Routes

IS6 Road Adoption Standards

IS7 Parking Provision and Standards

IS8 Flooding

IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

EP1 International Nature Conservation Sites and Protected Species

EP2 National Nature Conservation Sites and Protected Species

EP3 Local Biodiversity
EP4 National Scenic Areas
EP5 Special Landscape Areas
EP7 Listed Buildings
EP8 Archaeology
EP9 Conservation Areas
EP11 Protection of Greenspace
EP12 Green Networks
EP13 Trees, Woodlands and Hedgerows
EP15 Development Affecting the Water Environment
HD3 Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS

SESpian Strategic Development Plan 2013
Scottish Planning Policy 2014
Draft National Planning Framework 4 2022
Historic Environment Policy for Scotland
PAN 61 Planning and Sustainable Urban Drainage Systems 2001
PAN 65 Planning and Open Space 2008
PAN 75 Planning for Transport 2005
SPG Local Biodiversity Action Plan 2018
SPG Local Landscape Designations 2012
SPG Sustainable Urban Drainage Systems 2020
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 key planning issues are;

- Whether the proposal represents a suitable form of infill development.
- Whether the new school is of appropriate siting and design in context
- Whether the siting and design of the proposals respect the landscape, townscape, character and amenity of the surrounding area.
- Whether the development will cause the loss of designated greenspace and sport facilities without either justification or comparable replacement
- Whether safe vehicular and pedestrian access can be achieved
- Whether ecological impacts can be adequately mitigated
- Whether the development would adversely affect the amenity of neighbouring properties.

ASSESSMENT OF APPLICATION

Planning Policy

The need for the development and the options considered leading up to this submission are all detailed in the supporting Design and Access Statement. Members will be aware that the school was affected by fire damage in 2019 and that this has

accelerated the need for a new school and enhanced facilities for the benefit of the town and catchment area.

The Design and Access Statement explains the reasons why three other options for redevelopment of the campus were considered but rejected, one being on the site of existing school buildings and two others on the playing fields, north and south of the chosen site. Options were also presented to the community during pre-application procedures. Whilst three of the options faced challenges with regard to loss of greenspace, it is clear that the only option redeveloping the existing buildings in situ would have presented insurmountable phasing issues and impeded the continuing operation of the school. Option 4 was the chosen site, the Design and Access Statement commenting that it allowed:

“....a complete renewal of all teaching spaces, in the shortest possible time, with least possible disruption to the current operation of the school.....coupled with the benefits to buildability, cost, access and contextual response to the Peebles townscape”.

The application site is located within the Peebles Development Boundary designated within the Local Development Plan (LDP). Policy PMD5 of the LDP is generally supportive of infill development. The policy lists certain criteria that proposals should satisfy to secure the appropriate development of non-allocated sites within settlements. Policy PMD2 also contains locational advice about compatibility with surrounding land use and character. The playing fields which form the western part of the site are also allocated Key Greenspace within the Development Plan under Policy EP11 and this is discussed within the relevant section later in this report. The proposal also meets with several key outcomes in the Development Plan, including those which aim to provide enhanced infrastructure connections, including key education facilities.

A major policy requirement for proposed infill developments is to avoid conflict with the established land use of the area. This is also a requirement of Policy PMD2. Clearly, whilst the new school is being positioned on the rugby pitch and results in a loss of that particular area of greenspace (discussed later in the relevant report section), the school, gym hall extension, sports facilities and landscaping are all proposed within the existing school campus and, therefore, their compatibility and relationship with the surrounding residential area are already in existence and well established. Indeed, history shows that school use of the site pre-dates much of the housing development, especially to the north and west.

It is, therefore, considered that the development accords with the locational principles of Infill Policy PMD5, neither conflicting with the existing land use, nor detracting from the character and amenity of the area. The other criteria listed in the Policy are addressed later in this report, by reference to the more specific related Policies on open/greenspace, design, access, servicing and residential amenity.

Design and Layout

The design and layout of the development must comply principally with Local Development Plan Policies PMD2, PMD5, EP9, EP13, HD3 and IS4, together with the “Placemaking and Design” SPG. The development should comply with the terms of the Policies and criteria contained within them, aimed at ensuring compatibility and integration with the site surroundings, whilst representing high quality development with quality design, materials and acceptable impacts on residential amenity and services

The Design and Access Statement considers the design and layout of the development to be in compliance with Local Development Plan Policy and the requirements of Supplementary Guidance. It explains that whilst the main new school building will be developed on the rugby pitch, this allows for demolition of the lesser buildings on the campus and retention of the original “Science Block” building, together with an expanded Gym Hall. This allows for better appreciation of the Victorian architecture of the “Science Block” within a significantly enhanced landscape setting. The future use of the building will be clarified post-consent and can be controlled by condition.

The main school building will occupy part of the key greenspace allocated through Policy EP11 and compliance with that Policy is explained in a later section of this report. The rugby pitch is part of a continuous “green finger” that reaches into the settlement from the wider countryside to the south of the site. There is no doubt that the building will interrupt this greenspace and fill the gap between the existing school building complex and the housing at Morning Hill to the west. However, given that the building is of simple rectilinear form, two storey height with sedum roof and will also be provided with a substantial landscaped and greenspace entrance setting, the impacts of the interruption of the greenspace will be acceptably compensated. Previous design iterations displayed significantly higher buildings over additional storeys and concerns were expressed by the Department over the visual and landscape impacts within the greenspace setting.

Some of the objectors still consider the building too oppressive with high floor to ceiling levels for each storey. Whilst it is accepted that the building would be higher than a domestic two storey house at 10.27m (with atria adding a further 4.36m), it is considered that the height and massing of the building is integrated within its context, assisted by the proposed landscape setting, the retained greenspace north and south of the building and the height of surrounding trees, including the mature woodland adjoining the site and John Buchan Way to the west. The Design and Access Statement also makes the point that the building will now screen northward views of the 2G and 3G pitch fencing and lights from Craigerne Lane and houses to the south-east and south-west.

The Design and Access Statement explains the context and influences that have led to the final design of the building, ranging from the terraced context of houses in Peebles, through an orchard grid layout to a final “county estate” style of architecture. This evolved with an amendment to create a significant building entrance facing east towards the new landscaped open space, with full height glazing and canted sides. The building is also designed with accentuated solar shades at roof level, fluted cast stone panels and full depth windows in dark framing, to enable their impact to be reduced and recessed. The building will also have an external frame colonnade around all faces of the building to add interest, relief and architectural expression. The dominance and horizontal emphasis of the building mass is, therefore, successfully reduced and punctuated by the vertical features of the colonnade framing, cast stone panels and fenestration. This enables the building design to relate more sympathetically to the details of surrounding architecture which invariably demonstrates local vertical emphases in building detailing.

The roof of the main building will be flat with black membrane in the centre part containing the atria, with sedum edges to the north and south of the roof. The atria provide light into the building and are triangular in form with convex or concave faces depending on the angle of view. The externally visible faces of the atria will be glazed, thereby reducing their bulk and impact. The atria are also set back from the roof edges and are more visible only with longer range views of the building. They benefit the design by providing punctuation to what could otherwise be a flat featureless roof. They

also provide structured and designed screening to the rooftop plant although details will still need to be agreed by planning condition. Whilst it is accepted that the atria increase the overall height of the building, their presence and dual pitched design form reflect the roof context better in the area and do much more for the quality and form of the design than leaving the roof flat with fence screening to rooftop plant and machinery. A small improvement has also been made to the stairwells leading to the roof which had previously been glass flush upstands on the northern elevation. These have now been amended to take the shape of further angled atria, allowing the eaves line on the northern elevation to remain continuous and presenting a clad sloping face to the north, set back from the roof edge.

In summary, it is considered that the design and position of the new main school building is acceptable and imaginative in context. Subject to appropriate external materials and colours being reserved by condition, it is considered that the building design will relate sympathetically to its surroundings whilst using features and detailing to reduce mass and add architectural interest. Subject to those conditions, the building is considered to comply with Policies PMD2, PMD5, EP9 and HD3 in relation to design, layout and relationship with its surroundings.

As part of the proposals, the existing gym hall will also be extended in similar form and colours to the north, albeit at single storey level. The extension will provide a dance studio space and additional changing facilities. In terms of design and layout, the extension will be matching and subservient to the higher main hall. The main potential impact will be on the two houses immediately to the east of the building and there were objections received about the loss of the existing hedge and acoustic fence. However, the agent has confirmed these will remain and this should provide sufficient screening when combined with the garden trees also within the adjoining properties.

The amended sporting facilities are largely dominated by the new floodlit 3G pitch and running track, together with 3m/5m high chainlink fencing around the new pitch. There will be a visual impact to the properties surrounding the northern side of the fields, especially as the pitch requires to be built up in its eastern zone to compensate for falling levels. However, the colour of the chainlink will be reserved by condition to match the existing chainlink around the 2G pitch, with 5m sections only at the “goal” ends of the new pitch. There is also an existing tree and hedge boundary around the northern end of the pitch that will help mitigate the visual impacts of the pitches and fencing, augmented by new tree planting proposed for these edges. The impacts of the fencing will also be lessened as a result of the position of the new school building, screening from the south and providing a more urbanised context from the north.

Other elements of the layout are related to the landscape proposals which are discussed in the next section. These are designed to add emphasis to the approach to the main entrance of the school but with numerous seating and outdoor education/classroom areas as part of the structured open space within the easterly approach. The rest of the layout includes small storage buildings and ancillary compounds, the impacts being incidental to the overall development and integrated into the overall layout once the planting is developed. However, further details are still needed and can be reserved by condition.

The parking, road and footpath layout follows the current provision and is discussed more fully within the relevant section of this report. The Bonnington Road car park is resurrected with additional spaces and there are improvements to both the Springwood Road car park and bus pick-up/drop-off area. A number of new footpath links are proposed along the southern and eastern parts of the site, linking the car and bus parking with the school and addressing desire lines approaching the site from

Craigerne Lane, John Buchan Way and Bonnington Road. It is considered that the provision for vehicles and pedestrians follows a logical and integrated pattern within the overall layout, subject to the revisions requested by the Roads Planning Officer in the related conditions.

For the aforementioned reasons, it is considered that the design and layout of the development will result in a sympathetic, interesting and high quality redevelopment of the High School campus, in accordance with the relevant Policies and supplementary guidance.

Landscape and Tree Impact

The development should comply with the relevant Local Development Plan Policies on landscaping, especially PMD2 and EP13, but also with other relevant Policies such as PMD5 Infill development, EP4 National Scenic Areas, EP5 Special Landscape Areas, EP9 Conservation Areas, EP11 Greenspace, EP12 Green Networks and relevant supplementary planning guidance on placemaking, trees, landscape and development

The development has been submitted with an integral detailed landscaping scheme, backed by a Design and Access Statement, Landscape and Visual Impact Assessment and Arboricultural Assessment. The Design and Access Statement envisages the following:

“Our proposals situate the building within a formal landscape setting - an outdoor environment that can become an extension of the school. This outdoor environment takes the learning and social spaces within the school, and extends them into the outdoors.”

They list the following environmental attributes of the landscaping scheme as:

- Sensitive approach to levels
- Working with existing mature trees
- Significant number of new trees to enhance biodiversity
- Rain Gardens
- Integrated Drainage Strategy
- Growing Spaces
- Activity Spaces
- External Learning Spaces
- Spaces for socialising, relaxation and contemplation
- Secured by Design
- Pedestrian and Cyclist priority

The landscaping scheme is fully detailed within the supporting drawings together with Section D of the Design and Access Statement. This details the main elements of the substantial landscaped open space area proposed east of the new school building, as follows:

- Entrance plaza
- Avenues
- Steps
- Social Spaces
- Active Zones
- Quiet Rooms
- Growing Gardens

- SUDS
- Contemplation Area
- Exhibition Area
- Movement Space
- Outdoor Dining

It can be seen from the proposals that the intention is very much to extend the teaching areas into the outdoors and create an integral open space, soft and hard landscaped area, both functioning as a setting/entrance to the school but also as compensation for the greenspace lost as a result of the school building location. Tree planting is proposed in a formal grid and avenue pattern throughout the main entrance area, together with other shrub and more ornamental planting around different hard surfacing zones, paths and steps. Tree planting is also intended along other boundaries of the site, especially Bonnington Road, Haystoun Terrace/Avenue, Craigerne Lane and along the northern edge of the main building. More tree planting is also proposed within the site around the Science Block and east of the all-weather pitches.

The agent has stated that, in total, 110 trees will be removed but compensated by the planting of 323 new trees. The Arboricultural Assessment details the trees lost, retained and their different categories. Thirteen individual trees will be lost and ten tree groups. Some of the individual trees are the highest Category A but their loss is inevitable, given the other constraints of the layout and development. The agent has offered to attempt to keep tree T1 which is located to the south-western corner of the Science Block, depending on final levels in that area.

The application was also supported by a Landscape and Visual Impact Assessment which concluded that impacts would be limited from a small number of receptors but that, overall, the landscape and visual effects would be significantly improved by the removal of a mixed collection of discordant existing buildings and replacement with an integrated development of a single main building and substantial landscape network. Nine viewpoints were used to indicate the impacts from outwith and within the town, including viewpoints from designated landscape and Conservation Areas. The only significant adverse effects are experienced from close to the building in Craigerne Lane or on the John Buchan Way – and to a lesser extent from Craigerne Drive to the south.

The proposals have been fully considered by the Landscape, Heritage and Ecology Officers. They raise no overall objections, albeit there are some issues of particular detail relating to certain trees, precise location of listed species, reconsideration of the new avenue along the building frontage with Craigerne Lane, further details of the tree planting to the northern boundary/throughout the site and full maintenance details. These matters can be satisfactorily addressed by appropriate planning conditions, given that there are no fundamental issues. The conditions will also ensure that the planting is completed within a specific timeframe, once the new school is operational.

Although there remain third party objections over tree loss and inadequate compensatory planting, the support of the above consultees suggests that the development is fully acceptable in landscape and visual amenity terms. The compensation for tree loss is a ratio of 3:1 which is ample and which will produce, in time, a substantial landscape framework and context for the new development that will integrate it into its surroundings. The application is, therefore, considered to be in compliance with Policies relating to landscape and visual impact, including PMD2, PMD4, EP4, EP5, EP9, EP11, EP12 and relevant supplementary planning guidance on placemaking, trees, landscape and development.

Greenspace and Sporting Provision

The issue of comparable replacement greenspace and sports provision has, more than any other issue, resulted in the largest number of objections to the proposals. These have been received both from local residents but also from athletics groups, Community representatives and, initially Sport Scotland. Members will note the details of all of the objections lodged which are included in full on Public Access and also summarised elsewhere in this report. Whilst there is objection to the amount of replacement greenspace being inadequate compensation for the loss of the rugby pitch, there is particular objection to the perceived drop in level of outdoor athletics provision.

The main Local Development Plan Policy to be considered is Policy EP11 and the associated allocation GSPEEB014 which protects the playing fields west of the school buildings, north and south of Craigerne Lane. EP11 is discussed in detail in the Planning Statement submitted with the application and its dialogue and findings are that the proposal does result in the loss of allocated greenspace but more than compensates with the clearance of the existing school complex and creation of additional landscaped greenspace.

EP11 seeks to protect key greenspaces from loss within settlements. However, it also states that proposals which protect and enhance that greenspace will be supported. It also goes on to state that any loss would only be permitted if, after consultation with user groups:

- There is social, economic or community justification for the loss
- The need for the development outweighs the need for the retention of greenspace
- Where appropriate, comparable or enhanced open space should be provided elsewhere, as an adequate and acceptable replacement

This Policy is supported by Policy PMD2 Quality Standards and EP12 Green Networks, together with the advice within several SPGs, including the Green Spaces SPG. The latter does not identify the allocated greenspace as being valuable parkland but does recognise its contribution to sporting facilities in Peebles. Furthermore, there is specific advice within Scottish Planning Policy relating to outdoor sports provision, which sets as a minimum, that any outdoor sports facility lost should be replaced on a comparable basis at least.

The issue is whether there is any “loss” of greenspace as defined by the Policy and guidance. The school building will certainly be developed on an allocated Key Greenspace area occupied by a rugby pitch but, as explained in the Planning Statement and submitted drawing, this is more than compensated in quantity and quality terms by the new landscaped greenspace and enhanced sports provision, principally through the 3G pitch. The Planning Statement also contends that the proposals will

- be attractive to additional groups in the community and particularly teenagers, rectifying existing deficiency,
- offer greater choice as new formal playing fields will be providing, offering different sporting facilities
- offer greater choice as new (hard and soft) landscaped area will be provides for more informal recreation

- allow for new connections through the open space improving greenspace networks
- be higher quality / newer space.

A comparison between the existing and proposed greenspace provision is shown in diagrammatic form to represent a loss of 1.03HA which is 16.3% of the existing playing fields. However, this is replaced by 1.95HA of landscaped open space on the site of the demolished buildings, meaning that 6.32HA of existing playing fields will become 7.24HA of playing fields and open space, despite the 1.03HA loss.

In terms of the quantity and quality issue, it is accepted that the proposals meet the terms of Policy EP11, providing comparable and enhanced greenspace provision. There is demonstrably not an overall net “loss” and it is also clear, pre-application, and during the processing of the application, that user groups have been consulted on the issue as required by EP11 – the Policy does not require agreement with those groups. Furthermore, the Policy allows for greenspace loss to be justified and outweighed by any proposals that are in the public interest. There can be no doubt that a replacement high school for Peebles is of pressing need and significant community benefit, given the fire damage in recent years.

Whilst this position has been challenged by some objectors, it is particularly the quality of athletics provision that has resulted in greatest objection, some claiming that the provision is not an adequate replacement for what existed and does not meet the standards required for the school roll, catchment area or allowing the maintenance of the high achievement standards in recent years. Sport Scotland were also initially of the same opinion, expressing sufficient concerns to constitute an objection. Had that objection been sustained, then notification of the application to the Scottish Ministers would have been necessary if the Committee had been minded to approve the application.

Members will have seen the issues raised by the objectors, the Community Council, Civic Society and Sport Scotland which have been considered further by the agent and discussed with Peebles High School and user groups. Amendments have now been made to the proposals as follows:

- Additional lane on the sprint track
- Realignment of long jump with additional sandpit
- Shot putt area
- Lined 400m grass running track south of Craigerne Lane

These amendments are in addition to the initially proposed sports enhancements which include the new 3G pitch, additional changing rooms, dance studio and indoor storage.

The agent also states:

“Whilst there is National Guidance through Sports Scotland for Secondary School provision, Sports Scotland & Scottish Planning policy has a minimum requirement to replace the existing provision on a like for like basis. It recognised that schools’ grounds have a wide variety of constraints, and it is not always possible to deliver a consistent national standard of sports provision. For instance, a recent 1300 pupil High school in the centre of Edinburgh has a single 7-aside pitch on the roof. The sports proposals for Peebles are comparable with other schools delivered in the Scottish Borders in the last 15 years....”

Whilst it is appreciated that objectors required more enhanced facilities than now offered, the proposal must be considered against what exists at the site rather than what may have existed up to 2014. Sport Scotland have clearly stated that the proposals now meet the national requirement to be comparable and like-for-like with what facilities currently exist. They have confirmed no objection provided the facilities are secured using accredited specialist designers by condition and the sports facilities are operational within a year of site start on the school. The agent has confirmed that the new sports facilities will be completed first before the school – but a detailed phasing condition can still secure control over the different elements whilst reflecting the requirements of Sport Scotland.

The response from Sport Scotland is further confirmation that the proposals meet the thresholds set by Scottish Planning Policy and Local Development Plan Policy EP11. In terms of greenspace and sports facilities, the proposals will match and deliver enhancement to the current facilities and critically, deliver the curriculum requirements of the pupils of Peebles High School. The proposal is also considered to comply with Policy EP12 Green Networks in providing enhanced compensatory open space provision and linkages to the green network within and on the periphery of Peebles

Cultural Heritage Impacts

The proposal is required to comply with Local Development Plan Policies EP7 on Listed Buildings and EP9 on Conservation Areas, together with Government guidance such as the relevant parts of Scottish Planning Policy and Historic Environment Policy. Although the site is not within the Conservation Area nor contains any listed buildings, there is close proximity to both at the northern and eastern edges of the site, determining that indirect impacts on setting must be carefully considered to ensure no unacceptable adverse impacts on character of the cultural heritage receptors.

A Heritage Statement was submitted with the application which considered the location and number of receptors, identifying at page 6 where the Conservation Area boundary and nearest statutory listed buildings are located. This identified that the relocation of the main school building away from the boundary of the Conservation Area and the majority of the nearest listed buildings was a positive action. Together with the substantial landscaped open space that would then intervene between the school building and these receptors, it is agreed that the cultural heritage impacts of the large single rectangular block building will be more than sufficiently offset by the detached location and planting. There will also be significant improvements through the loss of modern and temporary buildings and classrooms, allowing the original Victorian school building to be better appreciated in a landscaped and less congested setting

The Council's Heritage Officer was consulted on the application and has responded with no objections. She welcomes retention of the older part of school but seeks re-use details by condition. She also recognises that any concerns over new building massing can be offset by the substantial landscaping proposals to the east of the site. She also recommends that quality external materials are chosen and greater detail is provided of building features, junctions and service buildings/boundary treatment – all secured by conditions. Subject to those conditions, it is considered that the development will not have any adverse impacts on the setting or character of the Conservation Area nor adjoining listed buildings, thus complying with Local Development Plan Policies EP7 and EP9.

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, there is a requirement for development to be appropriate to its surroundings in scale, massing and height. There should also be compatibility with the neighbouring uses and built form. Policy HD3 is more specific and refers to protection of amenity for predominantly residential areas, which surround the site on three sides. It seeks to avoid adverse impacts, such as loss of open space, scale, nature of use, privacy, daylighting, traffic impacts and overall visual impacts. There have been third party objections in relation to these elements.

In terms of the compatibility of the use and scale in relation to its surroundings, the impacts have to be tempered by the fact that this is currently an active school campus and new buildings/sports facilities are not being developed outwith the envelope of the campus. The positioning of the main building on a rugby pitch does represent loss of open space in itself but the comparability and appropriateness of that and replacement provision is debated elsewhere in this report.

Some residents, especially in Morning Hill and on part of Craigerne Lane, will experience greater visual impacts as a result of replacing the open space with the main school building. It is also accepted that stating the building is two storey does not accurately reflect the fact that each storey is high, combined with the added height of the roof atriums. Nevertheless, the impacts are significantly reduced by the presence of the mature woodland dividing the site from Morning Hill and the John Buchan Way, albeit screening at lower levels is less effective. In addition, the houses facing the site around the Bonnington Road and Craigerne Lane junction will experience a major and immediate improvement in their amenity as a result of replacement of existing mixed buildings (one of which is four storeys in height) and replacement with a substantial area of planting and open space. So whilst there will be greater visual and residential amenity impacts for some, it is considered that those impacts are still acceptable and are also offset by the improvements in residential amenity for others - outweighed in the overall planning balance, when taking into account the major public and community benefits of the replacement school. This also applies to daylighting and privacy issues, the woodland to the west being particularly important both in terms of screening and also affecting the degree to which sunlight/daylight impacts would be noticed by houses west of the trees.

The application has accepted that residential amenity will also be affected by the additional, more structured, use of the playing fields for outdoor sport. Whilst neighbouring proprietors may be less affected by the visual impacts of the enhanced sports facilities when compared to the new school building, there will still be impacts principally from noise and lighting. The noise impacts from both the plant/machinery on the building roof and the use of the new 3G fenced all-weather pitch have been addressed in the submitted Noise Impact Assessments. Similarly, a Lighting Impact Assessment has also been submitted in relation to the proposed 12 lighting columns around the new pitch and along the running track.

There have been several third party objections relating to noise and light impacts, especially from the 3G pitch proposal, also referring to the details of what screening is intended. All the submitted assessments have been considered by Environmental Health and they have raised no objections subject to various conditions drawn from the assessments. The conditions are aimed at reducing residential amenity impacts to acceptable levels, including the following:

- Plant and machinery on site/buildings not to exceed certain day and night levels

- No commencement until a scheme to prevent noise breakout from the 3G pitch submitted for approval, based upon the Noise Impact Assessment report proposed mitigation
- No use of the sports pitches between 10pm and 7am daily
- Floodlighting for the pitches not to be used during those hours
- All lighting installed as per the details of the Light Impact Assessment

The agent has confirmed that the actual hours of usage for the pitch and lighting would not be before 9am, nor after 9.30pm weekdays and 6pm weekends. In addition, the agent has now confirmed columns will be reduced to 16m height (from 18m), that shielding will be used to the lighting (designed to limit light spread to bat habitat) and that dimmer switching will occur by timer in external areas around the school. A combination of these conditions and additional measures should ensure that noise and lighting impacts are kept to acceptable levels. It is appreciated that there may be visual impacts arising from whatever mitigation scheme is agreed to reduce noise breakout from the 3G pitch. Consequent impacts on neighbours will be taken into account when the scheme is submitted for consideration.

Whilst the residential amenity impacts of the presence and operation of the development have to be considered, so must the construction impacts however temporary they may be. Standard advice on hours of construction are always attached to any consent notice issued by the Council which reflect the general controls available to Environmental Health for working on building sites. There will be a more detailed and additional safeguard in this instance due to the request for a Construction Traffic Management Plan by the Roads Planning Team. This will aim to minimise the impacts caused by construction traffic on the public road system which will also be likely to benefit local residents.

As a result of the design and layout of the development and subject to the aforementioned conditions, there is, therefore, no evidence to suggest that the development would cause insurmountable adverse impacts on residential amenity. It is concluded that the development provides sufficient safeguard and mitigation protecting residential amenity in compliance with Policies PMD2, HD3 and the relevant Supplementary Planning Guidance.

Transport and Access

Policies PMD2, IS4, IS5 and IS7 require safe access to and within developments, which should also protect existing access routes, all in accordance with the guidance in “Designing Streets” and various other relevant Government publications and Guidance Notes. As required by Policy IS4 and although the development is a replacement school on the same campus, it was still envisaged to generate significant travel demand which required the submission of a Transport Statement.

The Statement identified that as the school capacity was only being increased by a small amount (from a roll of 1350 to 1400), a formal Traffic Assessment was not justified but a Statement submitted instead. Although based on Travel Plan information dating from 2008 (which has been criticised by some objectors), the consultants consider that the 56-59% of pupils using public transport will continue, with 38% walking and only 3% being dropped off and picked up by car.

However, a survey of the operation of the existing campus access and parking in October last year, raised a number of issues which are identified in the Statement. These included drop-off/pick-ups, parking on Springwood Road and waiting buses

interfering with bus movement and causing manoeuvring issues. Difficulties were also noted for buses at the Glen Road/Springwood Road junction. The survey informed the proposed site layout which is augmented by the details in Appendix B of the Transport Statement. The proposals include maintaining and enhancing a 45 space car park off Springwood Road, restoring a new car park of 61 spaces off Bonnington Road and providing new footpath links. There are also a series of traffic management suggestions including pavement build-outs on Springwood Road and Glen Road and a raised table pedestrian crossing.

Members will note the response from the Roads Planning Team who have no objections and have accepted the Transport Statement, subject to a series of conditions. They have discussed the proposal with the Council's Safer Routes to School Team, who have extensive knowledge of the school and how it operates. In summary, they require the following amended proposals, secured by conditions and plan amendments:

- The buildouts on Glen Road and Springwood Road, as shown in the Transport Statement, are to be removed.
- A "Puffin" crossing should be installed at the crossing from Victoria Park, on Glen Road, with the provision of some localised footway widening on the west side.
- Measures to be put in place to ensure drivers transporting pupils to school do not use the staff car park to the west of the bus drop off area for dropping off and collecting pupils.
- The pedestrian link in the south east corner which links onto Bonnington Road/Craigerne Lane junction to be removed (amended plan received).
- A Traffic Management Plan (with regards to construction traffic), will be required for the demolition and construction phases
- Provision of infrastructure for electric charging within the staff car parks.

Although there have been third party objections in relation to the age of the Travel Plan and potential increased traffic congestion and conflict, the Roads Planning Team are supportive of the proposal subject to the above amendments and, given the school capacity is only being increased by 50 pupils, it is considered that the additional car parking and general traffic management improvements will result in a development capable of acceptable and safe access in accordance with Policies PMD2, IS4 and IS7 of the Local Development Plan.

Policy IS5 requires public access routes to be maintained unless appropriate alternative routes are provided. In this instance, the development site does not include any rights of way or claimed paths through it but is bordered by two such paths as shown in the Access Officer's consultation response – the John Buchan Way down the western side of the site and the path down the western edge of the playing fields south of Craigerne Lane. Given the proximity of the paths to the development site and the risk of construction impact in particular, it would be justifiable to attach a standard condition to ensure the paths are not obstructed at any stage in the development. Subject to that, the development can be considered to be in compliance with Policy IS5 of the Local Development Plan.

Flood Risk, Water and Drainage

Local Development Plan Policies IS8 and IS9 are the most relevant in consideration of the impacts of development of this site on the water environment. Policy IS8 relates to flood risk and IS9 to Waste Water Treatment Standards and Sustainable Urban

Drainage. Policy IS8 requires development not to be at risk of flooding but also not to materially increase the risk of flooding elsewhere. Policy IS9 seeks preferential connection to the public drainage systems and the use of best SUDs practice.

Mains water supply and foul drainage are proposed. Given a school already exists on the site, the capacity of the school will be similar to existing and as the site is located within the development boundary, it would seem reasonable to consider that mains water and foul drainage connections for the new school would not be an insurmountable issue. Discussions will need to continue with Scottish Water regarding public connections as the development progresses.

The application was supported by both a Flood Risk Assessment and Drainage Strategy Report. The Assessment identified a surface water ponding issue either side of Craigerne Lane and recommended no land raising in that area. The finished floor level for the school has been informed by the Assessment and other suggestions made include site run-off attenuated to greenfield levels and directed to both Springwood Road and swales off Craigerne Lane. The flooding issues identified were all in relation to surface water and not from any fluvial source.

In terms of the drainage proposals, these include a partial green roof on the building, SUDs provision, permeable surfacing, swales, flow control and peak attenuation. Areas of wetland and appropriate planting are shown throughout the site, although one such area led to objections from the adjoining occupant. The drawings have now been revised to remove that area and also provide an attenuation tank under the ground to the north of the gym hall extension. Existing and proposed levels remain incorrectly annotated on the drainage drawings, however, and will need to be rectified.

The flood risk and drainage proposals were considered by the Roads Planning Officer and the Flood Risk Officer. They have raised no objections. The latter considers that moving the main school to the west of the existing complex avoids the flood risk area and he accepts the Flood Risk Assessment modelling. The main school floor level will be above the predicted 1 in 1000 year flood level with freeboard and the topography/SUDs strategy will attenuate and direct surface water away from existing and proposed buildings and adjoining houses.

Some of the minor revisions and correction of existing and proposed levels will necessitate a new drawing which can be controlled by condition. Subject to the condition, the drainage and flood attenuation proposals are 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 around 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 application was supported by an Ecological Assessment carried out in August last year. This identified no significant impacts on the River Tweed SAC and a typical habitat in terms of flora and fauna. Potential bat habitat was identified over the loss of four trees but not in relation to the building demolitions. It was recommended that a bat roosting survey be carried out and a sensitive lighting scheme adopted. Badger, hedgehog and breeding birds were also discussed and appropriate conditions/checking surveys recommended. It also recognised the importance of enhancing habitat through the landscaping proposals.

The Council Ecology Officer was consulted over the proposals and raised no objections but requested further information. She discussed potential effects on the Tweed SAC during construction and also identified that breeding birds would need replacement nesting boxes, avoidance of work in the breeding bird season and checking surveys. She also identified that there may be bat impacts from tree loss which would require detailed bat inspection before the application is determined and further checking pre-construction. She also raised queries over lighting impacts on bat habitat within the trees, the loss of a category A tree and compensatory planting with additional comments on planting mix and density.

Her queries have been considered and the agent has responded with comments in an email on Public Access dated 6 June, including a more detailed bat report of a particular tree that was identified as having roost potential. Two nocturnal surveys of the tree were carried out and no roosts were identified. He also states that efforts will be made to retain a particular Category A tree (T1) and provides details of how the lighting will be softened in relation to potential impacts on bats. This includes selection of levels of illumination, dimming of amenity lighting and shielding of the floodlights.

The revised submissions and comments have been sent to the Ecology Officer and she has responded by accepting the submissions, recommending conditions for a Bat Protection Plan, breeding bird avoidance, Swallows Protection Plan, Biodiversity Enhancement Plan, a more detailed lighting scheme and a Construction Environmental Management Plan.

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.

Other Material Issues

The Archaeology Officer raises no objections to the application after considering the site and proposals against Local Development Plan Policy EP8. Although there have been some archaeological finds in the vicinity, there have been no indications of finds on the site despite the site having undergone many previous school developments which would have given opportunity for investigation if needed. It is concluded that the proposals would not conflict with Policy EP8 and there are no conditions or informatives necessary.

A number of objectors have also raised issues in relation to the interior of the proposed school. These range from the school not having enough classrooms, insufficient lifts or gender-based toilets to the open-plan nature of the interior, fire separation or width of corridors. These matters have been raised with the agent and the responses are detailed in the email dated 6 June 2022 on Public Access. Whilst the matters have been considered and responded to, they are not considered to be matters that are the responsibility of the planning system to ensure or regulate, as they relate to the interior and are regulated by other legislation such as the Building Regulations. It is, therefore, suggested that less weight is attached to these matters in the determination of the planning application.

CONCLUSION

The proposed development represents a significant investment in the improvement of education and community facilities for the benefit of Peebles and its surrounding catchment, the need for which had become more urgent as a result of the recent fire at the campus. The development is contained within the existing school site and allows education to continue unimpeded whilst the new facilities are constructed. The building represents an innovative and interesting design, being a suitable form of infill development respecting the landscape, townscape and character of the surrounding area. Although the siting results in the loss of greenspace and a number of trees, this is replaced on a comparable and enhanced basis with new landscaped open space, replacement sporting facilities and tree planting on a 3 to 1 basis.

The building and sports facilities are closer to some residential properties but conversely further away from others. As a result of the existing/proposed tree screening, restricted building height and limitations on pitch/lighting operation, the impacts on residential amenity can be mitigated to acceptable levels, especially when considered against the significant community benefits arising from the overall proposal. Similarly, impacts on road safety, ecology, drainage and site services are appropriately addressed by the proposals, together with the recommended conditions

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 all other relevant material factors.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

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

Conditions

1. No development shall commence except in full accordance with the scheme of phasing agreed under Condition 9, in relation to samples of materials and colours for all external materials relating to the main proposed school building and gym hall extension have firstly been submitted to and approved in writing by the Planning Authority. This should also include large scale detailing for key junctions/features around the main building. The development shall be carried out in accordance with the approved samples and detailing.
Reason: To ensure external materials are visually appropriate to the development and sympathetic to the surrounding area.
2. The new school building not to become operational until a scheme of details for the re-use of the "Science Block" is submitted to, and approved in writing by, the Planning Authority. The use of the "Science Block" then to be implemented in accordance with the approved scheme, including an agreed timescale for the works.
Reason: To safeguard the historic and architectural interest of the building and ensure integration with the development of the remainder of the site.
3. No development to be commenced until further details of all ancillary buildings, compounds and associated boundary wall/fence screening have been submitted to, and approved in writing by the Planning Authority. The development shall then be carried out in accordance with the approved details.
Reason: To ensure ancillary buildings and compounds are integrated within the development and are sympathetic to the surrounding area.

4. No development to be commenced except in full accordance with the scheme of phasing agreed under Condition 9, in relation to further details of all rooftop plant and machinery for the main proposed school building and any associated screening have been submitted to, and approved in writing by the Planning Authority. The development shall then be carried out in accordance with the approved details.
Reason: To ensure rooftop plant is integrated into the design of the main school building and is sympathetic to the surrounding area.
5. The new synthetic and grass pitches will be designed and constructed by a recognised (e.g. SAPCA* registered) specialist pitch contractor(s), details of contractor(s) and pitch specification shall be submitted for the written approval of the planning authority prior to the commencement of development.
*SAPCA is The Sports and Play Construction Association (www.sapca.org.uk)
Reason: To ensure appropriate quality of replacement facilities
6. The new synthetic running straight, jumps and throws will be designed and constructed by a recognised (e.g. SAPCA* registered) specialist pitch contractor(s), details of contractor(s) and specification shall be submitted for the written approval of the planning authority prior to the commencement of development.
*SAPCA is The Sports and Play Construction Association (www.sapca.org.uk)
Reason: To ensure appropriate quality of replacement facilities
7. The outdoor sports facilities will be fully operational and available for use not later than 1 year after the commencement of construction of the new school.
Reason: To ensure timely construction of replacement facilities
8. No development shall commence until details of the precise colour and design of fencing around the outdoor sports pitches have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure fencing is visually appropriate to the development and sympathetic to the surrounding area and nearby residential properties.
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 the main elements within the development – the school building, gym hall extension and outdoor sports facilities (reflecting Condition 7). Once approved, the development then to be carried out in accordance with the approved scheme.
Reason: To ensure the development is carried out in a structured and orderly manner which ensures minimum disruption to educational and sporting facilities on site.
10. No development to be commenced until details of all existing and proposed site, building and sports pitch levels have been submitted to, and approved in writing by, the Planning Authority. The development shall then be carried out in accordance with the approved levels, which shall not include any site raising adjoining Craigerne Lane
Reason: To ensure levels within the site achieve a sympathetic visual appearance, avoid flood risk and make satisfactory provision for surface water drainage.

11. All trees marked for retention as shown on Site Plan Drawing No. PHS- OOB-ZZ- XX- DR- L- 0001 Rev P14 and within the submitted Arboricultural Assessment, to be retained both during construction and thereafter, unless permission is sought and obtained in writing from the Planning Authority for any further tree removals. The development shall remain outwith the Root Protection Area of the trees identified, the trees to be protected in accordance with BS5837 during construction work.

Reason: To safeguard existing trees within the site.

12. No development shall take place until further details of all hard and soft landscaping works on the site have been submitted to and approved in writing by the Planning Authority. The details shall include (as appropriate):

- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
- ii. all existing and proposed walling to be retained and erected, including retention of the stone walling and pillars on Springwood Road
- iii. retention of fencing and hedging alongside and east of the gym hall
- iv. all surfacing materials for the footpaths, steps and all other hard surfaces
- v. precise location of all new trees, shrubs, hedges and grassed areas
- vi. schedule of plants to comprise species, plant sizes and proposed numbers/density, including details of the native tree planting north and east of the pitches, all ornamental planting within the site and the alignment of new tree planting along the southern frontage of the main school building with Craigerne Lane
- vii. comprehensive programme for completion, establishment and subsequent long term maintenance, completion being no later than the end of the concurrent or next available planting season to the new school building becoming operational.

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

13. No development hereby permitted shall commence except in full accordance with the scheme of phasing agreed under Condition 9, in relation to precise details for all hard landscaped areas, car parks and pedestrian access routes from the public road into the development site, have been submitted to the Council for approval. Details to include construction makeup, drainage, dimensions, gradients etc. Thereafter the approved details shall be fully implemented prior to the new school becoming operational.

Reason: To ensure the development is constructed in an appropriate manner.

14. No development hereby permitted shall commence until the detailed design for a Puffin crossing, at the entrance to Victoria Park from Glen Road adjacent to the tennis courts, and localised footway widening on the west side of Glen Road has first been submitted to, then approved by the Council. Thereafter the approved details shall be fully implemented in accordance with the timescale within the scheme of phasing agreed under Condition 9.

Reason: To improve pedestrian safety during and post construction phase of the development.

15. No development hereby permitted shall commence until precise details for restricting access to the staff car park to the west of the bus drop off area, to ensure the car park is not used as an informal drop-off area for parents, have been submitted to the Council for approval. Thereafter, the approved details shall be fully implemented in accordance with the timescale within the scheme of phasing agreed under Condition 9.

Reason: To ensure the safety of the users of the school from external traffic movements.

16. No development hereby permitted shall commence until a Traffic Management Plan, relating to construction traffic, has been submitted in writing to the Council for approval. The Traffic Management Plan shall include details such as delivery routes, access routes, compound location, staff parking and mitigation measures to lessen the impact of these works on the public road network. Thereafter the works will proceed in accordance with the approved Traffic Management Plan.

Reason: To ensure the safety of all road users during the construction phase of the development.

17. No development hereby permitted shall commence until a scheme of details for the provision of electric charging points has first been submitted to, then approved by the Council. Details shall include number, location, layout and associated infrastructure. Provision shall also be included for increasing the number of charging points to meet future demand.

Reason: To ensure the development hereby permitted caters for sustainable travel modes of transport.

18. A Travel Plan shall be submitted to and agreed with the Council within 12 months of the new school becoming operational. Thereafter the agreed Travel Plan shall be fully adhered to unless otherwise agreed in writing.

Reason: To ensure the school operates in a sustainable manner with regard to travel and transport.

19. The development not to obstruct, either during construction or operation, public promoted and local paths running down the western boundaries of the site/playing fields as highlighted in red and yellow on the drawing accompanying the Access Officer's consultation reply to the planning application dated 15 March 2022.

Reason: To safeguard public access through and adjoining the site.

20. No development to be commenced except in full accordance with the scheme of phasing agreed under Condition 9, in relation to a detailed surface water drainage drawing is submitted to, and approved in writing by the Planning Authority, reflecting all existing and proposed levels, flow routes, attenuation measures and other SUDs features, based upon the drawings submitted with the Drainage Strategy and updated to reflect revisions, corrected contours etc.

Reason: To ensure surface water is discharged without flood risk to either the site or surrounding properties.

21. Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason: To safeguard on-site amenity and surrounding residential amenity.

22. All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason: To safeguard on-site amenity and surrounding residential amenity.

23. All lighting shall be installed and operated to achieve the levels specified in the submitted light impact assessment by Atelier Ten ("Peebles High School Lighting Impact Assessment Revision 00 dated 10/2/22"), subject to any further mitigation as identified in Condition 31.
Reason: To safeguard surrounding residential amenity.
24. The hours of operation of the sports pitches and associated floodlighting shall be restricted to 07:00 to 22:00, daily.
Reason: To safeguard surrounding residential amenity.
25. The new outdoor sports facilities not to become operational until the completion of a scheme designed to protect neighbouring residential dwellings from noise break-out from the proposed games pitch, which has firstly been submitted to, and approved in writing by, the Planning Authority. The scheme should be designed in accordance with the mitigation measures proposed in the New Acoustics Noise Impact Assessment – Rev 01, Report no. 7373-01-01, dated 24th March 2022.
Reason: To safeguard surrounding residential amenity.
26. Prior to commencement of development on site, a Bat Protection Plan shall be submitted to and approved in writing by the Planning Authority. Thereafter, the Bat Protection Plan shall be implemented as approved.
Reason: To ensure that the development is carried out as proposed and to mitigate and compensate for the disturbance of a European Protected Species.
27. Vegetation clearance should be carried out outside the bird nesting season (March – August inclusive). Should it be necessary to clear ground during the bird nesting season the land shall be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3
28. No building demolition works shall be undertaken during the breeding bird season (March to August inclusive), unless in strict compliance with a Species Protection Plan for Swallows, which shall be submitted to and approved in writing by the Planning Authority. Thereafter, the Protection Plan for Swallows shall be implemented as approved.
Reason: To protect the ecological interest of the site in accordance with Local Development Plan policies EP2 and EP3
29. No works shall commence until a Biodiversity Enhancement Plan for the site has been submitted to, and approved in writing, by the Planning Authority. The scheme shall include the provision of compensatory nest boxes for swallows and details on the compensatory tree planting. The development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.
Reason: To protect the ecological interest of the site in accordance with Local Development Plan policies EP2 and EP3
30. No development shall take place until a construction environmental management plan, has been submitted to and approved in writing by the planning authority. The CEMP shall include the following.
- i. Risk assessment of potentially damaging construction activities.
 - ii. Identification of "biodiversity protection zones".

- iii. Method Statements to avoid or reduce impacts during construction, the location and timing of sensitive works to avoid harm to biodiversity features and the use of protective fences, exclusion barriers and warning signs.
- iv. The times during construction when specialist ecologist need to be present on site to oversee works.
- v. Responsible persons and lines of communication.
- vi. The role and responsibilities on site of Ecological Clerk of Works (ECOW) or similar competent person.
- vii. A Drainage Management Plan
- viii. A Site Waste Management Plan
- ix. The approved CEMP shall be implemented throughout the construction period and operational phase, as appropriate, strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure all construction operations are carried out in a manner that minimise their impact on the environment and to ensure compliance with Local Plan Development Policies EP1, EP2 and EP3.

31. No development shall commence until details of the lighting scheme for the site, during construction and operation, have been submitted to and approved in writing, by the Planning Authority. This shall include a reduction in the height of the new sports pitch floodlights to maximum 16m height, confirmation that the height reduction still complies with the light impact assessment by Atelier Ten ('Peebles High School, Lighting Impact Assessment, Revision 00', dated 10/2/22) and further mitigation in the form of lighting hoods/baffles for the floodlights, bat-aware bulb selection and details of the amenity lighting around the building and entrance area, including dimming and lighting hours.

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

Informatives

- 1. All work within the public road boundary must be carried out by a contractor first approved by the Council.
- 2. The applicant is reminded that, under the Wildlife and Countryside Act 1981, (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. If nesting birds are discovered after works commence, such works must stop and a competent ecologist must be contacted for advice.
- 3. The applicant is reminded that it is an offence to disturb, kill, injure or otherwise harm species protected by national and international law, such as badgers. Planning consent for a development does not provide a defence against prosecution in accordance with protected species legislation.

DRAWING NUMBERS

Site Location Plan
 Landscape Site Plan
 Site Plan Area around Buildings
 Boundary Treatment Strategy
 Sports Provision

PHS-SBA-SI-R-DR-A-00003 Rev P0
 PHS-OOB-ZZ-XX-DR-L-0001 Rev PO3
 PHS-OOB-ZZ-XX-DR-L-0002 Rev PO3
 PHS-OOB-ZZ-XX-DR-L-0005 Rev PO3
 PHS-OOB-ZZ-XX-DR-L-0006 Rev PO3

Existing and Proposed Contours	PHS-OOB-ZZ-XX-DR-L-0010 Rev PO6
Circulation Strategy	PHS-OOB-ZZ-XX-DR-L-0020 Rev PO3
Planting Strategy	PHS-OOB-ZZ-XX-DR-L-0030 Rev PO3
Site Sections	PHS-OOB-ZZ-XX-DR-L-0040 Rev PO3
Sports Block Existing Plan	PHS-SBA-PE-00-DR-A-00050 Rev P2
Sports Block Proposed Plan	PHS-SBA-PE-00-DR-A-00100 Rev P4
Sports Block Existing Sections	PHS-SBA-PE-ZZ-DR-A-00200 Rev P1
Sports Block Proposed Sections	PHS-SBA-PE-ZZ-DR-A-00210 Rev P3
Sports Block Existing Elevations	PHS-SBA-PE-ZZ-DR-A-00300 Rev P1
Sports Block Proposed Elevations	PHS-SBA-PE-ZZ-DR-A-00310 Rev P3
School First Floor	PHS-SBA-SC-01-DR-A-00101 Rev P7
School Second Floor	PHS-SBA-SC-01-DR-A-00102 Rev P6
School Roof Plan	PHS-SBA-SC-01-DR-A-00104 Rev P6
School Bay Study	PHS-SBA-SC-01-DR-A-00120 Rev P3
School Ground Floor	PHS-SBA-SC-ZZ-DR-A-00100 Rev P7
School Sections	PHS-SBA-SC-ZZ-DR-A-00300 Rev P7
School Elevations	PHS-SBA-SC-ZZ-DR-A-00410 Rev P0
School Elevations	PHS-SBA-SC-ZZ-DR-A-00411 Rev P0
School Elevations	PHS-SBA-SC-ZZ-DR-A-00412 Rev P0
School Elevations	PHS-SBA-SC-ZZ-DR-A-00413 Rev P0
Key Green Space	PHS-SBA-SI-R-DR-A-00002 Rev P1
Proposed Roof Plan 1:500	PHS-SBA-SI-R-DR-A-00101 Rev P2
Proposed Roof Plan 1:1000	PHS-SBA-SI-R-DR-A-00106 Rev P0
Existing Roof 1:500	PHS-SBA-SI-R-DR-A-00121 Rev P1
Existing Roof Plan 1:1000	PHS-SBA-SI-R-DR-A-00126 Rev P0
Demolition Plan	PHS-SBA-SI-R-DR-A-00130 Rev P0

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.

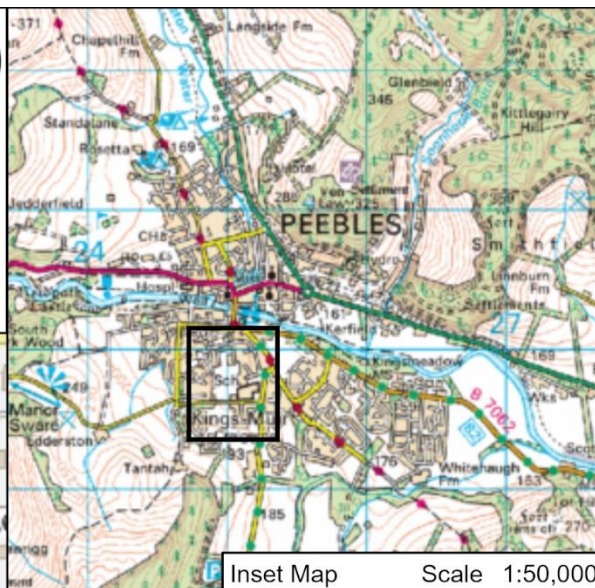
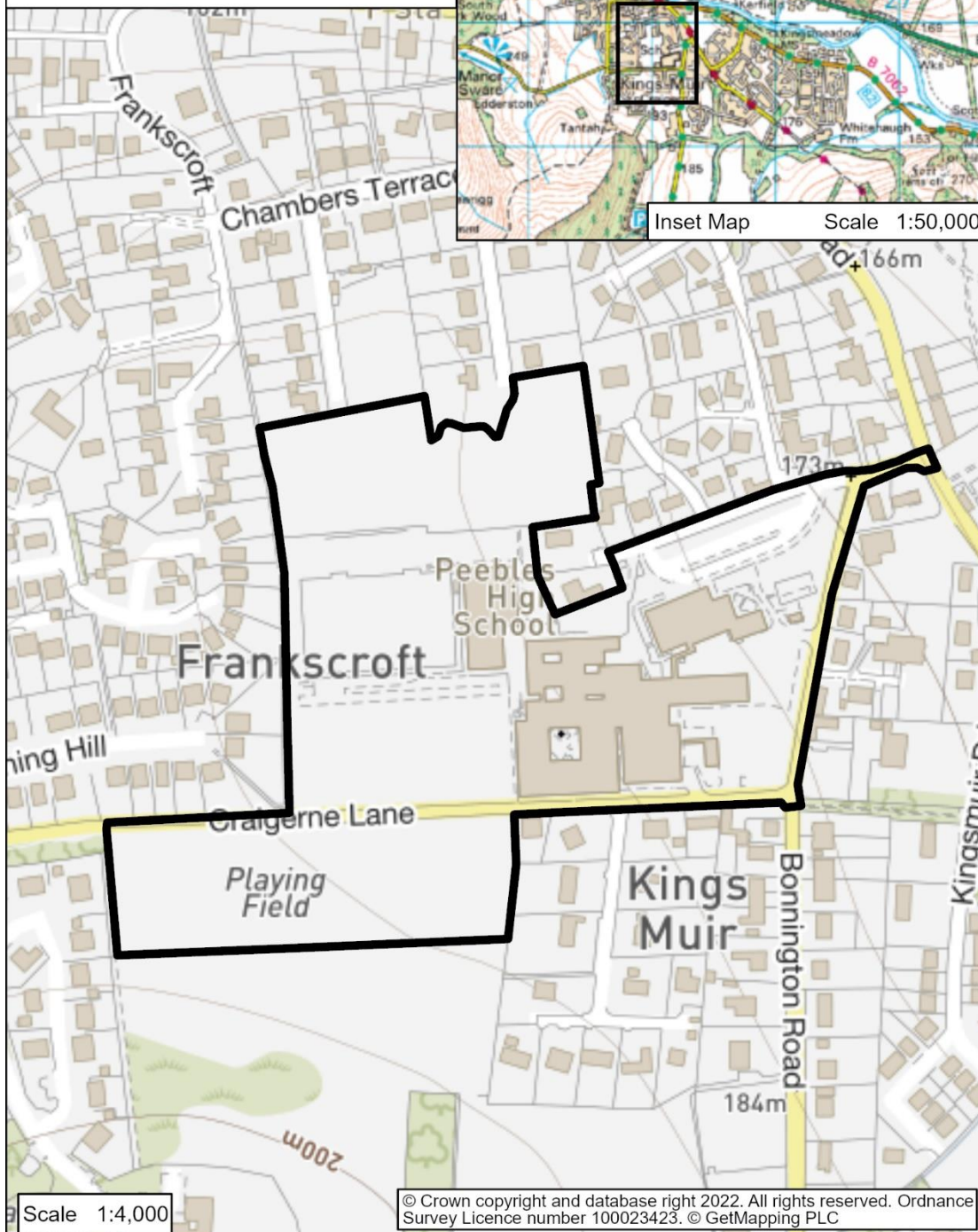
Author(s)

Name	Designation
Craig Miller	Principal Planning Officer



22/00271/FUL

Erection of High School
Peebles



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

4 JULY 2022

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 21/01302/FUL
OFFICER:	Carlos Clarke
WARD:	Hawick and Denholm
PROPOSAL:	Erection of dwellinghouse
SITE:	Land South West Of West Lodge, Minto
APPLICANT:	David Anderson And Prof. Gary Haw
AGENT:	None

SITE DESCRIPTION

The site is at the south-easterly end of Minto, alongside two new-build houses recently constructed under 20/00893/FUL to its north-west. It fronts an open space area to the north-east, beyond which is the public road, which also runs adjacent its south-easterly boundary. The site is undeveloped, having formerly been agricultural land on which trees were subsequently becoming established. Beyond the road to the north-east is West Lodge, a residential property at the entrance to Minto Golf Club. The site is not within the village's Conservation Area, though it is within an SBC-designated designed landscape.

PROPOSED DEVELOPMENT

Full Planning Permission is sought for a single detached house, with access from the public road via that serving the two adjacent new-build houses. The proposal was initially for a two-storey dwellinghouse but, during the processing of the application, it was reduced in height and now incorporates dormers. The roof would be naturally slated, with the walls clad in timber, wet dash render and random coursed sandstone. A parking and turning area would be formed within the site.

PLANNING HISTORY

Of relevance to this application and the matters raised in representations:

- 19/00588/FUL Erection of three dwellinghouses – Withdrawn June 2019
- 19/00947/FUL Erection of two dwellinghouses – Approved January 2020
- 20/00893/FUL Erection of two dwellinghouses (change of house type previously approved under planning consent 19/00947/FUL) – Approved December 2020
- 20/00015/MOD75 Discharge of planning obligation pursuant to planning permission R188/92 – Approved February 2020

REPRESENTATION SUMMARY

Twenty objections have been received in response to the application. All are available to view in full on *Public Access*. A summary of the key issues raised is:

- An initial application for three houses was rejected. Previous objections/concerns are being ignored
- A Section 50 previously applied to avoid unsuitable overdevelopment
- The two approved houses have been subject to several changes
- A third house would compound the existing ribbon and overdevelopment of the two identical houses approved on disproportionately small plots; be of inappropriate density, diminishing the separation between existing houses (including gate lodge), and be inappropriate to the spatial pattern of the village
- Scale and height, design and a suburban character of development that would be inappropriate as a 'gateway' to the village and to the character and appearance of the Conservation Area, being architecturally incompatible and not following the building line.
- Contrary to the Local Development Plan (including Policies PMD2 and PMD5)
- Privacy loss/overlooking
- Parking and road safety impacts
- Tree impacts, including relocation of existing trees
- Surface water run-off
- Using an existing septic tank is inappropriate, contrary to EP15 and IS9
- Bin stance location not appropriate
- Damage, noise and disruption from construction works
- Health and safety concerns
- Insufficient information, including measurements; heritage statement, drainage impact assessment, tree survey, ecological appraisal, swept path analysis
- Zero carbon claims are challenged

APPLICANT'S SUPPORTING INFORMATION

The initial application was supported by a Design Statement. A Tree Survey and Arboricultural Impact Assessment and Tree Protection Scheme, were also subsequently submitted

During the processing of the application, the applicant submitted responses to the objections raised, and to heritage and landscape consultees. The full text of these can be reviewed on *Public Access*. Key points raised, amongst others, include:

- The Section 50 was not ignored - the 2019 applications were determined in accordance with the Local Development Plan
- This is the first planning application for this site – the 2019 planning consent was for the adjoining site. This site has never had an application withdrawn or refused
- The site is ample in size; there are only five larger plots in the village; and the site has the lowest elevation of any house in Minto.
- The site does not adjoin the Conservation Area; is within the village boundary; follows the original spatial pattern; the Local Development Plan does not stipulate the size of house or plot ratio, and the design reflects the context
- There would be no overlooking of the lodge's living/dining room, the lodge being over 45 metres distant
- There is sufficient parking and the driveway meets standards

- The proposed house has its own SEPA-registered septic tank.
- Roots and stumps were established to protect biodiversity; there has been no pre-emptive felling; trees have been successfully relocated; and all trees and necessary fencing are shown in the Tree Protection Plan
- Zero carbon credentials are independently tested

The original submission was also supported by 3D visuals, and the amended proposal now being considered is expected to be subject to the same. These are expected to be submitted by the applicant in time for the Committee's review.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Council Local Development Plan 2016

PMD1 – Sustainability
 PMD2 – Quality standards
 PMD5 – Infill Development
 HD3 – Protection of residential amenity
 EP1 – International nature conservation sites and protected species
 EP2 – National nature conservation sites and protected species
 EP3 – Local biodiversity
 EP5 – Special Landscape Areas
 EP9 - Conservation Areas
 EP10 – Gardens and Designed Landscapes
 EP13 – Trees, woodlands and hedgerows
 EP15 - Development Affecting the Water Environment
 EP16 – Air Quality
 IS2 – Developer Contributions
 IS5 – Protection of access routes
 IS7 – Parking provision and standards
 IS9 – Waste water treatment standards and SUDS

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

Development Contributions (2011) Updated 2022
 Landscape and Development (2008)
 Local Landscape Designations (2012)
 Sustainable Urban Drainage Systems (2020)
 Trees and Development (2020)
 Waste Management (2015)
 Placemaking and Design (2010)
 Guidance on Householder Development (2006)

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: No objections in principle. A private access can serve up to four houses. The main concern was lack of on-street parking, with no allowance for visitors. Parking on the public road would be undesirable. The RPS sought further information on how visitor parking and turning on the private track could be accommodated. Two spaces and turning were sought.

Following these initial comments, a scheme of visitor parking and turning has been submitted and the RPS confirms they are content with it.

Landscape Architect: The Tree Survey is satisfactory and as far as it goes, is accurate. Assume the removal of trees that is evident in piles of roots and stumps was carried out some time ago. The Arboricultural Impact Assessment is inadequate with regard the plan information supplied, especially Fig 3 - Tree Protection Plan (TPP) showing the trees and the proposed house footprint – but not access and patios etc. The base plan should be a topographical site survey or at the very least the Tree Survey Plan with all trees together with RPAs and should show the development footprint accurately, including access, patios, fencing etc in the context of the trees. It should include protective fencing to all the retained trees and tree group boundaries, and not just to the two places where the development is immediately adjacent. Any works in the RPA of retained trees should be clearly shown.

The Landscape Architect is not confident that the four existing trees can be successfully moved. The replacement of any relocated trees that do not survive should be a condition of consent. It remains her opinion that this proposal is located in what, in time, would have been an attractive woodland. However, due to tree clearance works to date, a dwelling might be accommodated on site – the TPP will confirm or refute this. Subject to no further tree removal (beyond those already proposed for relocation); remaining trees on site being properly protected as per BS5837:2012, retained and managed; and a landscaping scheme, including a hedge to the entire north east boundary, she has no objection.

Outdoor Access Officer: The site is in the same location as 19/00947/FUL. The boundary now additionally appears to include a section of the road verge up to the tarmac, not included previously. Has no objection subject to conditions requiring roads planning assessment and conditions to be followed in relation to both vehicular and non-vehicular use of the road and road verges in this area. Refers to promoted Minto Hills path in the Paths Around Hawick booklet. Path users on foot, cycle, or horse would be on the grass verges or on the road.

Education and Lifelong Learning Service: No reply

Heritage and Design Officer: There is no uniformity to the layout of buildings in the village, however it is generally of low density with predominantly 1 or 1 1/2 storey houses. The proposal is for two storeys, a larger footprint and longer elevation than the majority of the Conservation Area. It would be more appropriate for it to follow the character of the village and of the Conservation Area. The density does not increase to create a nucleus within the village per se, the scale and layout of the church and former school do provide this central focal point. The area beyond the church and to the southern extent is predominantly green and less dense than the remainder, signifying the outskirts. In contrast, the new development adjacent to the site provides a higher degree of density, compounded by its greater height and footprint. Remaining open, or being of a scale and design reflective of the Conservation Area would be most appropriate. However, given the separation between the site and Conservation Area including two existing dwellings, the impact on the character and appearance of the Conservation Area is minimal, and could be further mitigated by landscaping and use of high quality materials and detailing. Does not object

Statutory Consultees

Denholm and District Community Council: The original Section 50 was for only one house. The first application in 2019 for three identical houses was withdrawn at the

planning officers' recommendation, because it was considered unacceptable, and subsequently submitted for two. The developer built these in much closer proximity, clearly leaving space for another property. Garages were permitted retrospectively. The remaining area of the plot is now the site for the proposed larger house.

It would appear that it will totally upstage the two properties already built. Rather than be in keeping, it is intended to be a modern house. In the opinion of many residents, the style and size of this third property is not the 'gateway' to a traditional Conservation village, and is of a character that should never be considered and does nothing to maintain the character and appearance of the Conservation Area.

The second house affects the privacy of West Lodge. Distance from the new development from Fiaray and West Lodge should also be clarified.

The height (quoted as 10.8 metres) should be confirmed and considered for acceptability/restriction on maximum height not being vulnerable to retrospective approval.

A small access corridor appears to be planned for vehicles to the third house, which diminishes the turning/parking area for the original two houses. Access to the road for three properties on the site would make this problem even more difficult and the likelihood of cars having to reverse onto the Minto Road increased, adding to the potential road safety risks.

The history of this development is already well documented. Some residents are reluctant to believe that this third application will not simply be a "tick in the- box" exercise to be approved, or even that the developer will comply with approved plans. There is reluctance to be bothered to put pen to paper, when comments and objections appear to have been totally ignored. This is not a sign of progress.

Scottish Water: No objection. There is sufficient capacity at Robertson Water Treatment Works. Capacity at Minto Waste Water Treatment Works is unable to be confirmed. The nearest waste water infrastructure is approximately 280m from the site and across private land. Capacity at either works cannot be reserved.

KEY PLANNING ISSUES:

The key planning issues are whether the proposed development constitutes appropriate infill in accordance with the Local Development Plan 2016, particularly as regards the siting, scale and character of the proposed development; potential impact on the village's Conservation Area; road safety; tree impacts; and whether it can be adequately serviced.

ASSESSMENT OF APPLICATION:

Principle

The site is within the settlement boundary as identified in the Local Development Plan 2016 (LDP), excepting only the verge (which is not to be developed). The principle of development is supported by Policy PMD5, and it is not considered that the site needs to be safeguarded in principle. The LDP notes that developments should be limited to small-scale infill. This proposal is for one house, so falls within that parameter. Even accounting for the two houses recently built alongside it, this constitutes small-scale infill development.

The history of this site is a material consideration. Albeit the location plan boundary for previous applications (as noted above) incorporated this site, the proposals themselves (which eventually led to the two houses now recently built) did not. It is incorrect to assert that three houses were originally proposed on this site and then reduced to two. The withdrawn application for three houses was on the site of the two recently built houses only. This proposal is, in effect, a new development for an additional house within a part of the site not previously considered or proposed for development.

The fact also a legal agreement was previously concluded for the site in relation to an application for one house (R188/92) is, however, immaterial since a) the house was never built and b) the application to build on this site now must be treated on its own merits. The legal agreement was discharged and cannot be considered a relevant material consideration.

Matters relevant to PMD5, and other relevant policies of the LDP and advice within Supplementary Planning Guidance, are accounted for further in this assessment.

Services

There is capacity for a mains water supply. A condition should require confirmation that Scottish Water have approved a connection.

The two recently-built houses are served by a private drainage arrangement. This proposal for a private means of drainage to service the proposed house is, therefore, also acceptable in principle. It is, however, a matter for the Building Standards as to the technical suitability of the proposal (which is to use an existing septic tank). A condition can secure further details before development commences, which would effectively require that the applicant obtain a Building Warrant for the drainage, thus ensuring the proposed house can be adequately serviced.

Provided surface water is managed within the site, there are no concerns in this regard.

Ecology

There are no designations at risk. A Preliminary Ecological Appraisal for the two approved houses identified no badger or bats, though recommended a breeding bird check and hedge planting to compensate for tree loss. Here, the site is of no more ecological value than it was then, and no mature trees or substantial planting is being removed (see later). Given existing disturbance associated with recent construction, an informative rather than a planning condition should refer to breeding bird risks, as this is the responsibility of the applicant regardless.

Trees, landscaping and boundaries

A tree survey, arboricultural impact assessment and protection scheme have been submitted. These identify risk to the large Oak tree to the east; a requirement to relocate four trees (proposed on the north-eastern boundary) and a relatively small encroachment into the existing grouping to the south. Mitigation includes protective fencing and a specific foundation design for the end of the house encroaching into the root protection area of the Oak. Our Landscape Architect has queried aspects, and the applicant has responded in turn to question elements of her assessment. However, fundamentally, the proposal should (with further clarity on levels/groundworks, foundation design and more protective fencing) allow for existing trees of value to be retained. Albeit the applicant challenges the views of the landscape architect, it is

considered that further information on the above aspects are required to provide maximum protection to existing trees and planting of value. Relocated trees may well succeed but, if they do fail, their replacement can be regulated by condition.

As regards boundaries, the site plan includes reference to existing and proposed fencing and planting. More clarity is required on new fencing and more hedging required on the north-eastern boundary in addition to the four relocated trees, in order to ensure the boundaries are treated as sympathetically as possible. Regulation of the effects of the access link and visitor parking can also be applied to cover any impacts on existing/proposed planting there, should there be any.

Placemaking and design

The Conservation Area does not include this site, nor is the development adjacent it. The designation stops at the boundary of Fiaray. The potential for development on this site to undermine the character and appearance of the Conservation Area is, from the outset, very limited, and the proposal as now submitted will not lead to adverse effects in these regards. Concerns regarding the development's scale, form and design have been carefully considered. However, as noted above, this site was never previously considered as part of the three original houses that were withdrawn in favour of the approved two. Developing towards the edge of any village will almost inevitably change the sense of place of that part of the settlement, however, the issue is whether the resulting change will have adverse consequences. In this case, (accounting for the existing pattern of house plot sizes, house footprints, orientations and building lines within the village), it is not considered that this proposal would stray from the existing townscape or spatial pattern in such a manner that it would have adverse consequences for the character and sense of place of the village. The proposal would be set behind existing and new landscaping, back from the road and alongside two houses which it would be visually complementary with as regards general form and specifications, but which it is clearly not replicating. The design approach fundamentally achieves a balance between being sympathetic to, without being repetitive of, the existing buildings.

That said, the original proposal was for a two-storey house on a relatively long roofline, whereas two-storey houses are not a characteristic of the village. To address this concern, the applicant has responded positively, by reducing the height of the proposal and incorporating dormers. The proposal retains a horizontal emphasis generally, but the amendments are considered to tackle the fundamental concern regarding the height and form of the building. The dormers assist to break the roofline, and the house will also benefit from high quality materials (as noted below). The proposal will be no higher than the two existing houses, and it is expected it will be on a lower floor level (subject to confirmed levels). Further to this, the frontage has been adjusted to present a gable, rather than side elevation/roof slope, of the bedroom projection towards the road. It is considered this is more visually complementary to the frontage.

Fundamentally, therefore, while concerns regarding this proposal for a third house within a relatively short space of time are understandable, it is not considered that this proposal would have visually unsympathetic implications for the village as a whole. Within time, and with complementary landscaping/boundary treatments, it will settle into the village's established townscape without any adverse consequences, including on the SBC-designated designed landscape.

Materials

The proposals include a natural slate roof, natural stone, wet dash render and timber and, in those regards, it reflects the approach taken for the two new-build houses alongside it. Conditional approval can regulate details and ideally the colours of finishes would achieve some complementary variation from the two existing houses, thus reinforcing the individuality of the proposal.

Neighbouring amenity

Construction noise and disturbance are all understandable concerns, though for a development of this scale, they are sufficiently regulated under environmental protection powers available to the Environmental Health Service. Construction health and safety concerns are not planning matters.

The development will relate comfortably to the two recently-built houses alongside it as regards privacy, daylight, sunlight and outlook. Also, it is not considered the proposal would have adverse effects in any of the above regards on any other neighbouring property, including that of the West Lodge, that would be in any way unreasonable for this context.

Road safety and parking

The proposal will provide for two parking spaces within the site and, in response to the RPS's concern regarding visitor parking, will also provide two spaces for that purpose to the front of the two existing houses. The RPS raises no concerns with the capacity of the site to safely accommodate the development, which will use the access approved for the two existing houses. The verge that falls within the site boundary need not be undermined and a condition can regulate this.

Air quality

The proposal includes a chimney, potentially serving a stove. It is at high level so raises no concerns in principle regarding emissions. A standard informative note is recommended.

Waste storage

There is no dedicated storage within the site, though reference is made to bin storage to the front of the two approved houses, which was not consented under the application for those. The applicant was asked to clarify the visual appearance of the bin storage (since siting it within a frontage area is not recommended, albeit there will be roadside planting, so it may be acceptable). At the time of writing, no response has been received. Ultimately, this is a matter for the consent for the two existing houses, and dedicated bin storage should be provided within this plot, unless and until the bin storage referred to in front of the two approved houses is considered acceptable for all three.

Energy efficiency

The proposal is described in the Design Statement as carbon-neutral, in excess of Building Standards, and includes features such as PV panels to the rear. Ultimately, its energy efficiency credentials are regulated under the Building Standards at the Building Warrant stage, and any visually sympathetic proposal that allows those

standards to be exceeded is welcome. This proposal raises no concerns in this regard, subject to the panels being dark framed.

Contributions

A legal agreement will be necessary to secure a financial contribution to Denholm Primary School in order to comply with Policy IS2.

CONCLUSION

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

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

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

1. The development shall be implemented in accordance with the plans and drawings approved under this consent, subject to the site plan scale being calibrated with the approved floor plans and elevations, unless otherwise agreed in writing with the Planning Authority
Reason: To ensure that the development is carried out in accordance with the approved details.
2. No development shall commence until evidence confirming that a mains water connection has been approved by Scottish Water and until further details of the foul drainage have been submitted for the written approval of the Planning Authority. The development shall be serviced only using the approved mains water and foul drainage arrangement, unless otherwise agreed in writing with the Planning Authority. All surface water shall be managed in a manner that maintains run-off from the site at pre-development levels
Reason: To ensure the development is adequately serviced and manages surface water drainage
3. No development shall commence until the dwellinghouse floor level, proposed ground levels and existing ground levels, related to an off-site datum, have been submitted for the written approval of the Planning Authority. The development shall be implemented only in accordance with the approved levels.
Reason: To ensure the development has a sympathetic visual and landscape impact and to inform tree protection requirements in Condition 4.
4. The development shall be implemented in accordance with the Tree Protection Plan specified in Figure 3 of "Arboricultural Impact Assessment and Tree Protection Scheme to BS 5837:2012" subject to the plan incorporating the following:
 - a) All hardstandings and underground services
 - b) Ground level changes
 - c) Additional protective fencing
 - d) Further information on the foundation designDetails of the above shall be submitted for the written approval of the Planning Authority prior to development commencing. Development shall only be

implemented in accordance with the Tree Protection Plan incorporating the above requirements that have been approved in writing by the Planning Authority. No trees or planting, including hedging, shall be felled, lopped or otherwise disturbed during or subsequent to the development, excepting only the permitted incursion into G03 to the south and the relocation of trees 14, 16-18 in accordance with Condition 5

Reason: To safeguard trees, hedging and planting of value to the landscape setting of the site

5. Trees 14, 16-18 shall be replanted in accordance with Figure 2 of "Arboricultural Impact Assessment and Tree Protection Scheme to BS 5837:2012" within the first planting season following completion of the development. If any of the relocated trees fail within five years of being planted, they shall be replaced with the same species during the first planting season following their failure. Replaced trees shall be subject to the same requirement to replace should they fail

Reason: To ensure the development has a sympathetic landscape and visual impact

6. Storage of bins associated with the dwellinghouse shall be provided within the site in a location agreed in writing with the Planning Authority prior to occupancy of the dwellinghouse, notwithstanding any references on the approved plans to off-site storage, unless further details of the off-site storage have been agreed in writing with the Planning Authority

Reason: To ensure the visually sympathetic and accessible storage of bins and because the specified off-site bin storage has not been demonstrated to be visually sympathetic

7. The access and parking area specified on the approved site plan and visitor parking area specified on "Minto – Oakwood Visitor Parking" shall be implemented prior to the occupancy of the dwellinghouse in accordance with construction details that match those for parking approved under 20/00893/FUL, and shall be retained free from obstruction for the movement and parking of vehicles. If the access and visitor parking area require adjustment to the landscaping scheme approved under 20/00893/FUL details of the adjustments shall be first agreed in writing with the Planning Authority and the adjusted landscaping implemented in accordance with the approved details during the first planting season following completion of the development

Reason: To ensure the development is adequately accessed and serviced in a manner that safeguards road safety and is visually sympathetic

8. The development shall be implemented in accordance with the external material specifications approved under this consent, subject to the slate, timber cladding, stonework and external dormer elevations, eave and verge materials matching those of the two existing houses (20/00893/FUL) unless otherwise agreed in writing with the Planning Authority and subject to the colour of wet dash render, timber cladding and external timber features, and window and door framing being agreed in writing with the Planning Authority prior to these parts of the development commencing. The PV panels and rooflights shall be black-framed, and the rooflights fitted flush to slates, unless otherwise agreed in writing with the Planning Authority. The development shall be implemented only in accordance with the approved details.

Reason: To ensure the development has a sympathetic visual impact

9. Further details of the boundary treatments specified on the approved site plan, including fence height and design, and planting, which shall include a scheme of hedging for the north-easterly boundary, shall be submitted for the written approval of the Planning Authority prior to development commencing. The boundary treatments shall be implemented only in accordance with the approved details, and planting shall be implemented during the first planting season following completion of the development. Notwithstanding the site boundary referenced on the approved plan, the existing verge shall be retained and shall not be altered, enclosed or incorporated into the dwellinghouse's garden curtilage

Reason: To ensure the development has a sympathetic visual impact and to safeguard the verge alongside the public road

Informatives

1. Removal of vegetation should be carried out outwith the breeding bird season unless the site has first been checked for breeding birds and mitigation undertaken accordingly. It is the developer's responsibility to ensure breeding birds are not disturbed during the implementation of the development, to comply with the Wildlife and Countryside Act 1981 (as amended).
2. If a solid fuel stove is intended, this should be specified as being under 45kw. If specified to be larger, a screening assessment will be required in liaison with the Council's Environmental Health Service to ensure there is no risk of a statutory nuisance from emissions. Solid fuel heating installations can cause smoke and odour complaints and Planning Permission for this development does not indemnify the applicant in respect of nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted Planning Permission. It is recommended, therefore, that:
 - a. the flue should be terminated with a cap that encourages a high gas efflux velocity.
 - b. the flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.
 - c. the appliance should only burn fuel of a type and grade that is recommended by the manufacturer.
 - d. if you live in a Smoke Control Area you must only use an Exempt Appliance (www.smokecontrol.defra.gov.uk) and the fuel that is approved for use in it.
 - e. in wood burning stoves you should only burn dry, seasoned timber. Guidance is available on www.forestry.gov.uk
 - f. treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel. Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

DRAWING NUMBERS

Proposed Site Plan - Rev 1.5.22

Proposed Plans Rev - 1.5.22

Proposed Elevations – Elevations 1

Proposed Elevations – Elevations 2

Other – Arboricultural Impact Assessment and Tree Protection Scheme

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.

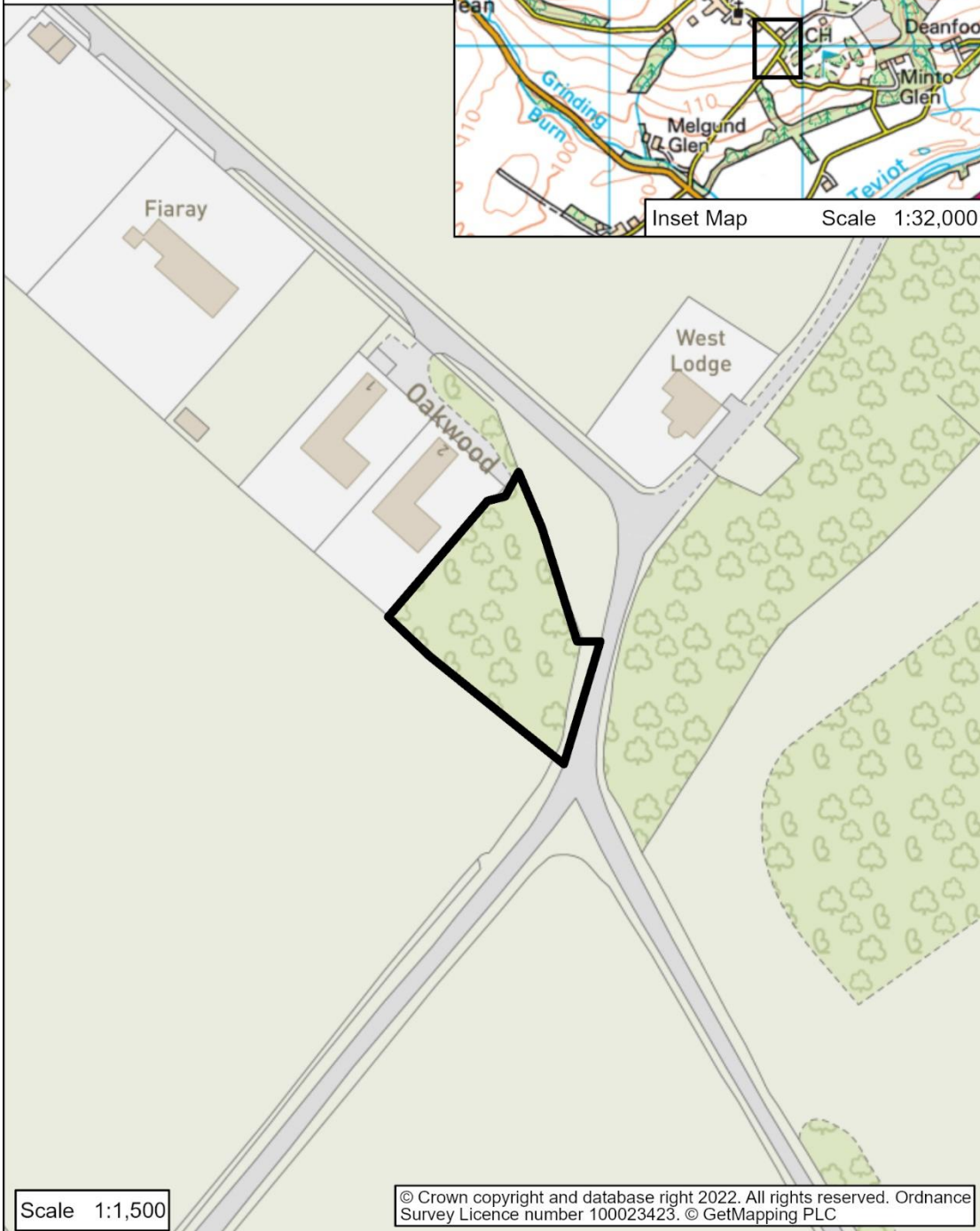
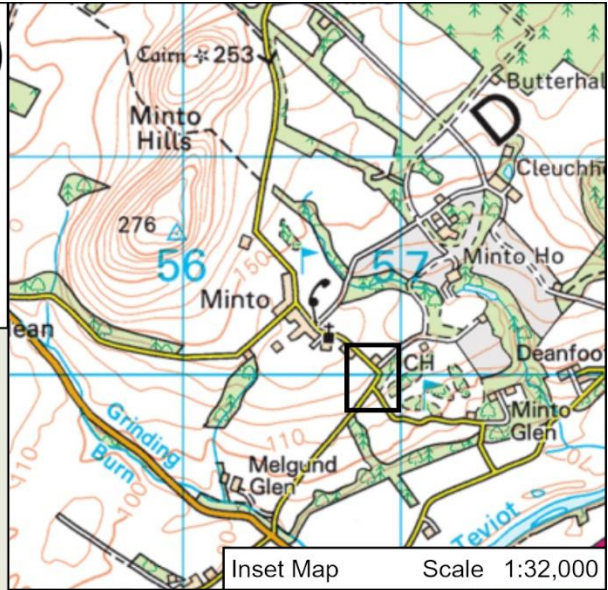
Author(s)

Name	Designation
Carlos Clarke	Team Leader



21/01302/FUL

Erection of Dwellinghouse
Minto



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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

4 JULY 2022

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 22/00147/FUL & 22/00148/LBC
OFFICER:	Carlos Clarke
WARD:	Tweeddale East
PROPOSAL:	Erection of dwellinghouse with garage/plant room and formation of new access; and ground work to Lade to facilitate new dwellinghouse
SITE:	Land North Of Pirn View, Leithen Road, Innerleithen
APPLICANT:	Mr Alan McMath
AGENT:	Ericht Planning

SITE DESCRIPTION

The site comprises an area of woodland at the northerly end of Innerleithen, adjacent the Leithen Road. Through the site is a Category C Listed lade. There are residential properties to east, beyond the public road, and south.

PROPOSED DEVELOPMENT

Full Planning Permission is sought for a detached 1 ¾ storey house and detached garage, to be accessed from the Leithen Road. A related Listed Building Consent application has also been submitted for ground works to the C-Listed lade, though there are no direct alterations to the lade itself that require LBC. This report covers both applications.

DETERMINATION BY PLANNING AND BUILDING STANDARDS COMMITTEE

The planning application (22/00147/FUL) requires to be determined by the planning committee because it is subject to an objection from the Scottish Environment Protection Agency due to flood risk.

PLANNING HISTORY

Applications 21/00897/FUL and 21/00898/LBC sought consent for a similar development but were withdrawn in July 2021

REPRESENTATION SUMMARY

One representation has been submitted which can be viewed in full on *Public Access*. The main issues raised are:

- The plans are unclear regarding works to repair and ensure the lade over spilling occurrences are reduced/negated. Any restoration should be in keeping. Clarity would enable support

- The lade breaches in three places when running full
- The Council periodically clears the lade grill of debris, though the application does not recognise that local residents undertake this more regularly. Improved access would allow easier maintenance

APPLICANT'S SUPPORTING INFORMATION

In support of the application, the following were submitted:

- Planning Statement
- Lade structural report
- Flood Risk Assessment (updated during processing of application)
- Ecological assessment (and red squirrel update)
- Design statement
- Commercial plantation report
- Restocking Direction variation
- Tree Survey
- Lease terms for off-site planting

During the application, a tree protection plan was also submitted

DEVELOPMENT PLAN POLICIES:

Scottish Borders Council Local Development Plan 2016

PMD1 – Sustainability
 PMD2 – Quality standards
 PMD5 – Infill Development
 HD3 – Protection of residential amenity
 EP1 – International nature conservation sites and protected species
 EP2 – National nature conservation sites and protected species
 EP3 – Local biodiversity
 EP5 – Special Landscape Areas
 EP7 – Listed Buildings
 EP11 – Protection of Greenspace
 EP13 – Trees, woodlands and hedgerows
 EP15 - Development Affecting the Water Environment
 EP16 – Air Quality
 IS2 – Developer Contributions
 IS5 – Protection of access routes
 IS7 – Parking provision and standards
 IS8 - Flooding
 IS9 – Waste water treatment standards and SUDS
 IS13 – Contaminated Land

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

Development Contributions (2011) Updated 2022
 Green Space (2009)
 Landscape and Development (2008)
 Local Landscape Designations (2012)
 Sustainable Urban Drainage Systems (2020)

Trees and Development (2020)
Waste Management (2015)
Placemaking and Design (2010)
Scottish Borders Woodland Strategy (2005)
Guidance on Householder Development (2006)

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: No objections. The plans show appropriate parking arrangements and junction visibility. The only thing missing from the plans is the construction specification for the proposed access over the existing unmade road verge. A condition and informative is recommended.

Landscape Architect: A number of surveys have been undertaken in support of this application:

The Tree Survey identifies that the trees on site have been managed for commercial timber production, the lower eastern half which is broadleaves, previously managed as coppice rotation for firewood, with the western half beyond the mill lade predominantly a conifer plantation of three separate species in relatively distinct areas. The tree survey identifies the majority of the broadleaved trees as Category C – of low quality and value, while recognising they have amenity value. It recommends the removal of the northernmost two thirds of the now mature commercial woodland to the west of the mill lade for safety reasons if the site is developed and suggests the majority of the coppiced trees to the east of the lade are of an acceptable condition and could be retained subject to a programme of management.

A Condition Statement and Woodland Management Report is restricted to the northernmost two thirds of commercial woodland on the west side of the mill lade. The consultant identifies that the woodland is mature, are beginning to display stability issues with windblown stems evident and that parts of the woodland are suffering from a notifiable pest infestation. The recommendation is for these parts of the woodland to be felled and suggests this would remain the recommendation whether the site is developed or not. The surveyor also identified evidence that red squirrel use the site.

A Red Squirrel Survey identifies evidence of red squirrel activity within the woodland and a red squirrel was noted during the survey. It acknowledged the Condition Statement and Woodland Management Report and made recommendations for ecological mitigation including obtaining a licence for disturbance of red squirrels, and protection of nesting birds during breeding bird season. Their recommended future mitigation for removal of commercial woodland included replanting the whole felled area (west of lade) with broadleaves and Scots pine and the installation of bird, bat and squirrel boxes therein.

The Landscape Architect does not disagree with the finding of the surveys and reports or the engineers report on the mill lade and the necessity to remove trees along the edge of the lade. The development should aim to limit adverse impacts on biodiversity value, ensure appropriate replacement planting and adhere to any planning agreements sought to enhance the woodland resource.

It is noted that the planning statement identifies that the applicant wishes to maintain good woodland cover over the site other than the area being developed for the house and garden ground. A Tree Protection Plan (TPP) as per BS5837:2012 is required,

clearly showing the development footprint, all trees that require to be removed to accommodate the development and all trees to be retained (based on the tree survey and showing Root Protection Areas.) To date none of the Site Plans show the proposed tree removals or differentiate between trees retained or removed. This will clarify how much tree cover can be retained on site to mitigate the visual effects of the development and help settle the house into the landscape.

If a tree management plan is a condition of consent, and demonstrates an appropriate strategy for successional woodland management and replacement to be undertaken, while maintaining a woodland structure, particularly at the outset of the development, she would have less concern about this development and would support a strategy of longer term enhancement of this woodland.

Outdoor Access Officer: There are no claimed rights of way on this area of land. Members of the Innerleithen community contacted the Council regarding activity on this site at the beginning of March. One of the matters that was brought to their attention was the existence of the path from Leithen road up and alongside the mill lade. The existence and promotion of route 3 in Paths around Innerleithen and Walkerburn does not affect evidence of use of the path by the mill lade. The Paths Around series promotes a selection of routes around settlements; they are not a comprehensive mapping of all routes that are used. Has no objection in principle, however, it would appear that the red dashed line in the site layout depicts the planning application boundary. If this is correct then the line of the path and the mill lade will fall within this boundary; it would be better if the application boundary was round the house and garden area only and the line of the path shown on the plans outside the house and garden boundary. The development boundary is in excess of land that is required to provide *sufficient adjacent land to enable persons living there to have reasonable measures of privacy* (LRSA ch2. S6(b)(iv)). Therefore, if people wish to exercise their responsible access rights then it is likely that, as the access Authority, the Council would seek to uphold these access rights. Clarification of garden boundary would, in the access officer's opinion, resolve potential issues that may arise.

Ecology Officer: No reply

Education and Lifelong Learning Service: No reply

Environmental Health Service: No reply

Contaminated Land Officer: The above application proposes the redevelopment of land which appears to have been associated with St Ronans Mill. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. Recommends a condition requiring investigation, and remediation where required.

Flood Officer: In response to the initial application and supporting flood risk and lade report:

The site is at risk from a flood event with a return period of 1 in 200 years. Hydraulic modelling was produced for SBC as part of the Innerleithen Flood Study which demonstrates that the proposed development lies out with the 1 in 200 year (0.5%) inundation outlines for the Leithen Water. A Flood Risk Assessment shows that the site is at risk of flooding from the mill lade, caused by overtopping. The main flow path created as a result of overtopping is south of the proposed dwellinghouse, around the area of the proposed soakaway along the site boundary with the road south-east of the building. The highest flood depths in that area are expected to reach 0.05m to

0.15m. A small area in the North-West corner of the proposed building is also at risk of flooding, with modelled flood depths shown as 0.01m 0.04m. This could be mitigated with appropriate Finished Floor Levels and the use of water resilient construction methods for the floor and external walls

The FRA was produced using a site plan with different ground levels to the ones proposed. The site plan in the FRA shows a ground level immediately south of the dwellinghouse as 52.12. The 'Detailed Site Plan with Flooding' shows ground levels to the south of the proposed family room as 51.10. For reference, the area modelled to have the greatest flood depth is shown in the FRA as having ground levels of between 50.61 and 51.14. As it appears that the topography of the site is to be altered to create a lower, more level garden area, it can be expected that the flood depths south of the proposed dwellinghouse will be deeper than those modelled in the FRA. This means the flood envelope shown on the 'Detailed Site Plan with Flooding' is likely be inaccurate to some extent and flood waters could reach the southern part of the proposed dwelling during a 1:200 year event. Given the indicated change in proposed ground levels of approximately 1m, the FO would require the Finished Floor to be raised to at least 51.70m and would strongly recommend the soakaway is moved to outside the main flow path through the site to avoid it being choked or damaged during flood events.

A mill lade structural report was also submitted in support. The report states that the rubble wall which form the banks is in poor condition, including due to trees/invasive roots but complete or permanent removal of the vegetation on the banks is not recommended as the existing roots can help stabilize the banks. It further states that despite the need for repairs, the structure is sound and the proposal is possible without significant risk to the mill lade. The report identifies several areas within the application boundary where flow is obstructed due to minor slippages of the banks. The FO would strongly recommend the applicant repairs the identified slippages to reduce the risk of flooding to the site. Should approval be given, the FO would also ask for conditions to be attached to ensure that;

- The mill lade remediation is submitted to the Planning Authority for approval
- The retaining wall is waterproofed

The FO would also recommend that, to receive flood warnings from SEPA, the applicant signs up to FLOODLINE.

Following the above comments, and the submission of an updated Flood Risk Assessment, the FO advises that their position does not change significantly:

The site is at risk of flooding, from a flow path from the road. The levels of flood water are relatively low to ensure that a finished floor level provides a freeboard of at least 300mm above the 1 in 200 + Climate Change level, which is a suitable level to protect the property from flooding. The flood does extend round the house, with the land lowering proposed. However, the flood depths around the house are anticipated to be between 0 – 0.15m; the maximum depth adjacent to the house is shown to be 0.16m on the southern side. The FO floor level to be 51.7m as previously recommended, to ensure a suitable freeboard allowance.

With regards to compensatory storage, this is being provided in a suitable, pragmatic way and the FO has no issues with their proposal. The storage, given the low levels on site, taken up by the house and garage are very low, 1.32m². The FO does note that the reduction of levels within the existing functional flood plain is not the recommended way to provide storage but in this case, he deems it appropriate (SEPA have objected on these grounds).

With regards to safe access and egress, the depths around the property are relatively low and the depths on the road are shown to be 0.15m, with a velocity of 0.8m/s; emergency vehicles could access the site through this level of flood water and a safe route to the other side of the road on foot is available; this is a route that will be lower than 0.3m in depth of flood water. There still exists a flood risk from the Mill Lade above though from any potential structural breach. This remains a concern for the FO but this should be picked up through the Building Standards process.

As previously outlined, the FO would look for conditions such as remediation plans for the lade to be submitted to the Planning Authority for approval and waterproofing of the lade to be submitted. However, he would be content if this type of detail was being picked up in Building Standards work as this may negate the need for any condition. On the soakaway point previously raised, it is considered this would be a sensible idea.

Heritage and Design Officer: Originally objected. Raised concerns including a substantial retaining wall that comprised a heavy engineered approach; the scale of the development; its proximity; the large and relatively complex form. A reduction in scale, and more naturalistic approach to levels was recommended.

Following submission of a revised proposal, the Heritage and Design Officer advises that the amendment provides greater separation. The retaining wall and more developed character of the site remains, though the scale of development is reduced, particularly to the rear. On balance, the development can be considered acceptable from a heritage perspective. Repair and maintenance of the lade should be conditioned, and details of the retaining wall.

Statutory Consultees

Innerleithen Community Council: No reply

Scottish Environment Protection Agency: Originally objected in principle on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. The flood risk principle of paragraph 255 of Scottish Planning Policy promotes a precautionary approach to flood risk and flood avoidance. Paragraph 256 further states “the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity”.

The new buildings and the land around them are shown to be at risk of flooding based on the information submitted in support of the application. The proposed development will require some form of flood mitigation which is not sustainable and may increase flood risk to downstream properties. The hydraulic modelling undertaken shows that the downstream properties are already at risk. There are also uncertainties regarding maintaining the mill lade throughout the developments life and there will not be any safe, flood free access and egress to the proposed development.

Given the location of the proposed development within the functional floodplain SEPA do not consider that it meets with the requirements of Scottish Planning Policy and their position is unlikely to change. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance.

The site is partly within the functional floodplain based on SEPA maps. The outputs of the flood risk assessment demonstrates that the proposed development is within the functional floodplain. It is also stated within the FRA that if the proposed development

were to cut into the hillside this would increase the flood depth around the property. It has been described within the FRA that there has been damage to the Lade, A separate report recommends a maintenance regime. There is no information on who owns the lade or responsible for maintenance. The FRA demonstrates multiple overtopping locations, one just south of the development. No breach analysis has been undertaken. The current flood extent is along Leithen Road and within the building footprint. There is no safe flood free access or egress. They have records of flooding from the lade in June 2018.

Following submission of an updated Flood Risk Assessment, SEPA maintain their objection in principle for the reason given above, advising in response to it that:

The new buildings and the land around them are shown to be at risk of flooding based on the information submitted in support of the application. The proposed flood mitigation is not sustainable and contrary to Scottish Planning Policy (SPP) and SEPA guidance. There are also uncertainties regarding maintaining the mill lade throughout the developments life and there will not be any safe, flood free access and egress (on foot) to the proposed development. Given the location of the proposed development within the functional floodplain they do not consider that it meets with the requirements of Scottish Planning Policy and their position is unlikely to change.

The new 'highly vulnerable' residential development and the land surrounding the plot are shown to be at risk of flooding based on the information submitted in support of the application. There is no safe, flood free access/egress to the proposed development for persons on foot and a freeboard allowance of 600mm is not provided. They would only consider a development at this location for a lower vulnerability and would strongly suggest an alternative location outwith the functional floodplain is used. The outputs of this FRA demonstrates that the proposed development is still within the functional floodplain. The FRA has been updated with the proposed ground levels of the development. Within the FRA it is demonstrated within all scenarios that the proposed development is within the functional floodplain and will be surrounded by flood waters. It is demonstrated that there are multiple overtopping locations, one of which is just to the south of the proposed development. Previously they detailed that they hold a record of flooding due to a breach of the Mill Lade. Within the updated FRA a breach analysis has been undertaken that shows during this scenario the site is at an increased risk from the baseline scenario.

The current flood extent is along Leithen Road and within the building footprint. With the mill lade to the west and flooding along the road there is no demonstration of safe (dry), flood free access egress to the proposed development. It is detailed within the updated FRA that emergency vehicles can attend the proposed development. However, this is a matter for the Council to comment on. It is also detailed that the proposed balcony onto the mill lade could be used as a potential alternative route. However, this will lead onto the mill lade which may also be at flood risk. They do not feel this is acceptable and safe flood free access/egress must be provided for new developments.

Within the updated FRA compensatory storage is proposed. This does not deliver a neutral or better effect as this relies on 'floodplain excavation' i.e. excavating a hollow in the floodplain below the level of the development. It is likely that this would not replicate the characteristics of the floodplain and offer no storage potential. This is contrary to SPP which states that "Where built development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome". It is also not in accordance with SEPA Technical Guidance: Chapter 9. The proposed finished flood levels do not

provide the required 600mm above the 1 in 200 year flood extent. It is stated within the FRA that the maximum freeboard is currently 370mm.

Non Statutory Consultee

Architectural Heritage Society of Scotland: No reply

KEY PLANNING ISSUES:

The key planning issues are whether the proposed development constitutes appropriate infill in accordance with the Local Development Plan 2016, particularly as regards the siting, scale, form and design of the development; flood risk and compensatory storage; loss of woodland; effect on statutory access rights; and, impact on the Category C Listed lade.

ASSESSMENT OF APPLICATION:

Principle

The site is within the settlement boundary and not designated. Policy PMD5 allows for the principle of residential infill development and, aside from access issues (noted below), there are no land use conflicts. The site does function as open space to an extent and its woodland has landscape value. However, as noted further below, there are balancing considerations that would reasonably lead to the conclusion that the principle of residential development is acceptable.

Built Heritage

The lade is C Listed. There are no alterations specifically proposed to it, so there is no specific need to apply for Listed Building Consent to build a house and retaining wall alongside it. Structural reports submitted with the application suggest the development should not undermine the structural integrity of the lade (subject to, for example, the retaining wall being properly designed, sequential construction, removal of trees damaging it and its future repair). Fundamentally, it is for the Building Warrant process to ensure the lade is not undermined, though the information provided here suggests this is feasible. A planning condition would reasonably establish the overarching requirement to protect the lade, however, as well as ensure tree removal is carried out with the same intention.

As noted by the Heritage and Design Officer, it is reasonable to ensure the future repair and maintenance of the lade for various reasons, including flood risk, and to balance out the visual effect of building a house alongside it which will have some impact on its setting (as noted below). A condition is recommended to secure a scheme. Granting the Listed Building Consent (albeit without specific works proposed to the lade at this stage) will allow for the implications of any repair proposals to be authorised under that consent.

The impact on the lade's setting is considered further in Placemaking and Design below.

Flood risk

The site is at risk of flooding from overtopping of the lade. The proposal includes raised floor levels and alterations to ground levels in order to provide for compensatory storage that would exceed that lost to the development. The original submission

included a Flood Risk Assessment that generated an objection in principle from SEPA. A further FRA again generated an objection from SEPA, as noted above. Their key concerns appear to be that the house and site will be at risk of flooding and the proposal does not provide appropriate freeboard; the flood mitigation comprises excavated storage within an area at risk of flooding in itself; there is no safe access and egress on foot; and, the long term maintenance of the lade is uncertain.

Our Flood Officer, however, considers the floor levels provide appropriate freeboard. The compensatory storage (which has since been confirmed on a subsequent plan) is also considered acceptable by the FO. It will provide for pooling of flood water that would otherwise have gone onto the road. As regards access and egress, the FO notes that the levels are low enough that emergency vehicles can access, and a safe pedestrian route across 0.15m of flood water is available. There is still a risk of flooding from structural breach of the lade but, as noted elsewhere in this report, the lade appears capable of being retained structurally intact despite the development and, a planning condition can secure a programme of repair and long term maintenance. Further to this, the soakaway should be placed outwith the flood area, and a condition should be imposed that provides the Council, as flood risk management authority, with unhindered access to maintain the lade grille. In that regard, it is entirely for the owners to determine whether the public would also have access to do the same.

Fundamentally, therefore, the development will be at risk of flooding, but that risk is capable of mitigation. There would be no increase in run-off to other properties. Though SEPA's concerns with sustainability are noted, it is considered that ensuring the mill is repaired and maintained in the long term, with storage provided within the site to reduce run-off to the road, is a more sustainable outcome than the current situation of leaving the site and lade as it is. It is not considered, therefore, the proposal will conflict with Policy IS8. If the committee is minded to approve the planning application, however, the application will be required to be referred to Scottish Ministers for potential call-in as a result of SEPA's objection.

Public access

There is no formal public right of way through the site, though a path alongside the lade has been used by the public previously. Incorporating this into the site is not ideal, as it will undermine statutory rights of public access, and the concerns of the Access Officer are noted. The path would be in close proximity to the house and would be within the site boundary, though it would not be directly affected and would not fall within the retained area forming the usable part of garden ground. There would be a clear risk of conflict in any case between users and the house occupants, and a path so close to the house is not acceptable to the applicant. There is a public path on the other side of the road that would provide for the same access to the lade further north. Albeit that route will not provide the same experience as that alongside the lade, this proposal as it stands will achieve long term protection for the lade by securing its repair and maintenance. It will also provide for long term management of the woodland. Neither of these elements would be achieved as a result of maintaining public access alone, and it does not seem particularly practical for both the access and the development to co-exist. Ultimately, it is for the statutory process under the Land Reform Act to examine if there would remain a right to use the route but, as regards this application, it is considered that other factors balance out those rights being determinative.

As noted earlier, there would be a separate requirement to maintain access to the lade grille for the Council as flood risk management authority.

Services

A condition should secure evidence of mains water and foul drainage connections. Surface water drainage proposals refer to rainwater harvesting and a soakaway. The details of the drainage is ultimately for the Building Standards, though a condition could regulate the development to ensure no increase in run-off. Ensuring the soakaway is not at risk of flooding is recommended by the Flood Officer.

Ecology

A Preliminary Ecological Appraisal identifies no risk to bats or other protected species. Conditions can reflect its recommendations. A report has also been submitted that identifies that the Spruce trees to the west provide habitat for red squirrels, though the woodland requires felling due to infestation in any case, and will need a license as a result. The matter of woodland removal and replacement is covered further below but, as regards ecological impacts, given the woodland needs removal regardless of this development, the value of it as squirrel habitat does not have a direct bearing on the application, and its replacement with a better quality woodland would provide a long term benefit. Conditions are recommended.

Trees, landscaping and boundaries

Trees already removed from the site have been subject to a Restocking Direction issued by Scottish Forestry. However, a legal agreement has been concluded by the applicant to provide for replacement planting off-site, and this has satisfied Scottish Forestry.

The application is supported by a tree survey that identifies only five trees are intrinsically of value. The rest is effectively commercial woodland and there are immediate and long term requirements to fell and restock, including as a result of damage to the lade and infestation of the Spruce woodland to its west. The applicant proposes doing so on a phased basis. Infestations, wind throw and shading all count against the development being successfully implemented within the existing woodland, and compensatory flood storage requirements also add to the removal requirements. Following the original submission, a tree protection plan now identifies that the development itself will require 42 trees to be removed, though all are low category trees. Trees will be retained to south and north, thus keeping the wider integrity of the site on approach from those directions on the public road. The Spruce woodland to the west would be removed, though that would occur in any case. The five large trees of value would also be retained. The TPP is not superimposed on the development layout, and our landscape architect has not commented on its submission, though it does appear consistent with it and limits the level of tree loss.

Ultimately, the proposal will have an immediate impact on the woodland within the site. However, the wider landscape impact will be localised, and planning conditions can secure a better quality woodland in place of the Spruce and 42 trees lost; as well as long term management of the remaining trees such that it can eventually be phased felled and replanted with a better quality, more biodiversity-valuable woodland that does not pose such a risk to the lade. Conditions should regulate all matters, allowing for early removal of the Spruce woodlands due to infestations.

Aside from rebuilding the stone wall to the front, no other boundary treatments are proposed. This is not a concern, though a condition should control Permitted Development rights for further means of enclosure, particularly alongside the road and the lade given the site layout and location of the lade.

Placemaking and design

The site is large in comparison to neighbouring plots; woodland will require removal to facilitate the development; and garden ground will be either side rather than behind. To some extent, a house in this location does not fit firmly into the townscape pattern. However, there are benefits that can be derived from a better quality woodland (as noted above), and from the repair and maintenance of lade; and control over Permitted Development rights for the garden ground would limit the visual impact from the exposed garden.

The proposed house and garage have been amended during the processing of the application in order to address design concerns, particularly as regards potential impact on the Listed lade. The house has been set further back, with design changes to its dormer and porch, and the garage has also been amended. These follow changes already made since the previously withdrawn application such that, ultimately, the proposed house and garage will relate comfortably to the existing townscape, and will not have an unreasonable impact on the setting of the lade or wider landscape designation. Any harm that may result is balanced out by the benefit of securing a long term programme for the lade's repair and maintenance and better long-term woodland. The western elevation onto the lade is the least satisfactory elevation, but its screening from the public road renders it acceptable.

The house and garage will have relatively high floor levels to address flood risk, which is not ideal visually, but the consequences for the public realm will be minor. The development will be retained to the rear by around 2 metres, with the main garden (which comprises compensatory storage), retained by boulder banking to the west, with a slightly higher section between it and the road, to prevent water escaping. Fundamentally, the proposal will have localised and minor visual implications, though more detail is required on the boulder banking to ensure it is as visually sympathetic as possible, and the same for the retaining wall and garden level along the roadside.

Materials

Materials include a slate roof, stone and render, all of which will be appropriate in this setting, subject to conditions.

Neighbouring amenity

The proposals will not adversely affect neighbouring properties to a determinative degree as a result of privacy, daylight, sunlight or outlook loss. A condition can regulate plant noise (e.g from the biomass boiler)

Road safety and parking

The access, parking and visibility splays are all satisfactory and the RPS raises no concerns. Conditions can regulate these aspects.

Air quality

The proposals include biomass and a solid fuel stove. The Environmental Health Service raised no concerns, through emissions though the operation of these elements are for the applicant to ensure no nuisance results. A standard informative is recommended,

Waste storage

Bin storage is proposed to the rear and is acceptable

Energy efficiency

The proposal includes a biomass boiler and reference is made in the design statement to PV panels on the roof, sheep's wool insulation and that the render system is one of the most sustainable available. Ultimately, the extent of energy efficiency is for the Building Standards, though the proposals are agreeable generally. A condition should secure more detail of the PV panels as they are not illustrated on the drawings.

Contaminated Land

The Contaminated Land Officer recommends a condition given the historic use.

Contributions

A legal agreement will be necessary to secure financial contributions to Peebles High School and St Ronan's Primary School in order to comply with Policy IS2.

CONCLUSION

Subject to a referral to Scottish Ministers of 22/00147/FUL, a legal agreement and compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions. 22/00148/LBC will not detract from the special architectural and historic interest of the Listed Building subject to conditions.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

22/00147/FUL

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

1. The development shall be implemented in accordance with the plans and drawings approved under this consent, including finished ground and floor levels and site layout on drawing number 2021/02/103/E, unless otherwise agreed in writing with the Planning Authority or otherwise required by any other condition in this schedule. The development shall be implemented in a manner that safeguards the Listed lade from damage resulting from the development.
Reason: To ensure that the development is carried out in accordance with the approved details and to safeguard the special architectural and historic interest of the Listed lade
2. No development shall commence until evidence confirming that a mains water and foul drainage connection have been approved by Scottish Water has been submitted for the written approval of the Planning Authority. The development shall be serviced only using the approved mains water and foul drainage services, unless otherwise agreed in writing with the Planning Authority. All surface water shall be managed in a manner that maintains run-off from the site at pre-development levels and, notwithstanding any reference otherwise, the soakaway shall not be sited within the compensatory storage area.

Reason: To ensure the development is adequately serviced and manages surface water drainage

3. No development shall commence until a scheme for the repair and future maintenance of the lade has been submitted for the written approval of the Planning Authority. The repair and maintenance scheme shall be implemented in accordance with the approved details. The scheme shall include works for the repair and long term maintenance of the lade, in addition to a scheme for providing unhindered access by the Council as Flood Risk Management Authority to maintain the lade grille at the southern end of the site

Reason: To safeguard the special architectural and historic interest of the Listed lade and minimise the potential risk of flooding to the development

4. The development shall be implemented in accordance with the Tree Protection Plan TPP0522 with retained trees protected with fencing in accordance with BS5837:12 during the development. Only those trees specified for removal shall be removed and all trees to be retained shall be so retained unless otherwise agreed for removal under the terms of Condition 5. Trees shall be removed in a manner that safeguards the Listed lade from any damage resulting from their removal.

Reason: To safeguard trees of value to the landscape setting of the site and safeguard the Listed lade

5. The removal of Woodlands 2 and 3 shall not be commenced until evidence has been provided in writing to the Planning Authority that a license has been obtained from NatureScot for the disturbance of red squirrel habitat or that a license is not required.

Reason: To protect the ecological interest of the site in accordance with Local Development Plan Policies EP2 and EP3

6. No tree felling referred to in the Tree Protection Plan TPP0522 shall be carried out (excepting the removal of Woodland 2 and 3 which shall be permitted to commence prior to part (b) being satisfied) until the following have been submitted for the written approval of the Planning Authority.

- a) A compensatory planting scheme for all trees proposed for removal within the Tree Protection Plan, including location, schedule, timescale for implementation and an aftercare scheme
- b) A long term management and maintenance scheme for all remaining trees, in addition to that of the compensatory planting provided to satisfy part (a). This shall include long term management, maintenance and successional/replacement planting.

All tree felling, planting, management and maintenance shall be implemented in accordance with the approved details. Trees shall be removed and new trees planted in a manner that safeguards the Listed lade from any damage.

Reason: To ensure the development has a sympathetic landscape and visual impact and to maximise the biodiversity value of the woodland in the long term

7. Any noise emitted by plant and machinery on the premises shall not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.

Reason: To protect the amenity of neighbouring residential properties

8. The approved access, parking area and visibility splays specified on the approved plans shall be implemented prior to the occupancy of the dwellinghouse. The parking area shall be retained free from obstruction for the parking of vehicles and visibility splays shall be maintained in perpetuity, with rebuilt stone walling constructed so as not to obstruct the splays. The first two metres of the access must be constructed to the following specification, unless otherwise agreed in writing with the Planning Authority - 75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.
Reason: To ensure the development is adequately accessed and serviced in a manner that safeguards road safety
9. The development shall be implemented in accordance with the external material specifications approved under this consent, subject to natural slate roofing being grey in colour; the natural stone specification and details of solar PV panels, which shall be black framed, being first agreed in writing with the Planning Authority; external flues being matt black in colour; and, rooflights on the east elevation of the dwellinghouse being black framed and fitted flush with the slates, all unless otherwise agreed in writing with the Planning Authority
Reason: To ensure the development has a sympathetic visual impact
10. Further details of the retaining wall, boulder banking, and compensatory storage levels alongside the eastern boundary, shall be submitted for the written approval of the Planning Authority before development commences. The development shall be implemented only in accordance with the approved details, and all ground alterations within the site required to achieve the approved compensatory storage area shall be implemented prior to occupancy of the dwellinghouse, grass-seeded during the first seeding season following completion and kept free from obstruction thereafter.
Reason: To ensure the development has a sympathetic visual impact and provides appropriate compensatory flood storage
11. Notwithstanding the terms of the General Permitted Development (Scotland) Order 1992 (as amended) or any subsequent revision or replacement Order, there shall be no further development within the application site, unless a planning application for the same has been submitted to and approved by the Planning Authority.
Reason: To safeguard the special architectural and historic interest of the Listed lade, to ensure the development has a sympathetic visual impact, and to safeguard the future maintenance of the compensatory storage area
12. No building operation or vegetation clearance works shall be undertaken during the breeding bird season (March to August inclusive), unless in strict compliance with a Species Protection Plan for birds, which shall be submitted for the approval in writing of the Planning Authority prior to commencement of the development. The Species Protection Plan shall be implemented as approved.
Reason: To protect the ecological interest of the site in accordance with Local Development Plan Policies EP2 and EP3
13. No development shall commence until the following have been submitted for the written approval of the Planning Authority
- a) A scheme for the provision of bird, squirrel and bat boxes within the site
 - b) Details of the lighting scheme demonstrating compliance with BCT guidance on artificial lighting and bats.

The lighting of the site shall comply with the approved scheme and boxes shall be implemented in accordance with the approved details prior to occupancy of the dwellinghouse

Reason: To protect the ecological interest of the site in accordance with Local Development Plan Policies EP1, EP2 and EP3

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

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

Informatives

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

If a solid fuel stove is intended, this should be specified as being under 45kw. If specified to be larger, a screening assessment will be required in liaison with the Council's Environmental Health Service to ensure there is no risk of a statutory nuisance from emissions. Solid fuel heating installations can cause smoke and odour complaints and Planning Permission for this development does not indemnify the applicant in respect of nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted Planning Permission. It is recommended, therefore, that:

- a. the flue should be terminated with a cap that encourages a high gas efflux velocity.
- b. the flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.
- c. the appliance should only burn fuel of a type and grade that is recommended by the manufacturer.
- d. if you live in a Smoke Control Area you must only use an Exempt Appliance (www.smokecontrol.defra.gov.uk) and the fuel that is approved for use in it.
- e. in wood burning stoves you should only burn dry, seasoned timber. Guidance is available on www.forestry.gov.uk
- f. treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel. Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

The biomass boiler should also be managed in a manner that limits the potential for emissions to cause a statutory nuisance.

22/00148/LBC

I recommend the application is approved subject to compliance with the schedule of conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. There shall be no alterations to the lade to facilitate the development of planning reference 22/00147/FUL or satisfy its schedule of conditions unless in accordance with a scheme of details that has first been submitted for the written approval of the Planning Authority. The alterations shall only be carried out in accordance with the approved details

Reason: To safeguard the special architectural and historic interest of the Listed Building

DRAWING NUMBERS

2021/02/101/A	Location Plan
2021/02/102/G	Proposed Site Plan
2021/02/103/E	Proposed Site Plan
2021/02/104/E	Proposed Plans
2021/02/105/E	Proposed Plans
2021/02/106/E	Proposed Elevations
2021/02/107/E	Proposed Elevations
2021/02/109/E	Proposed Plans & Elevations
SHEET 1 OF 1/A	Topographical Plan
TPP0522	Tree Protection Plan

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.

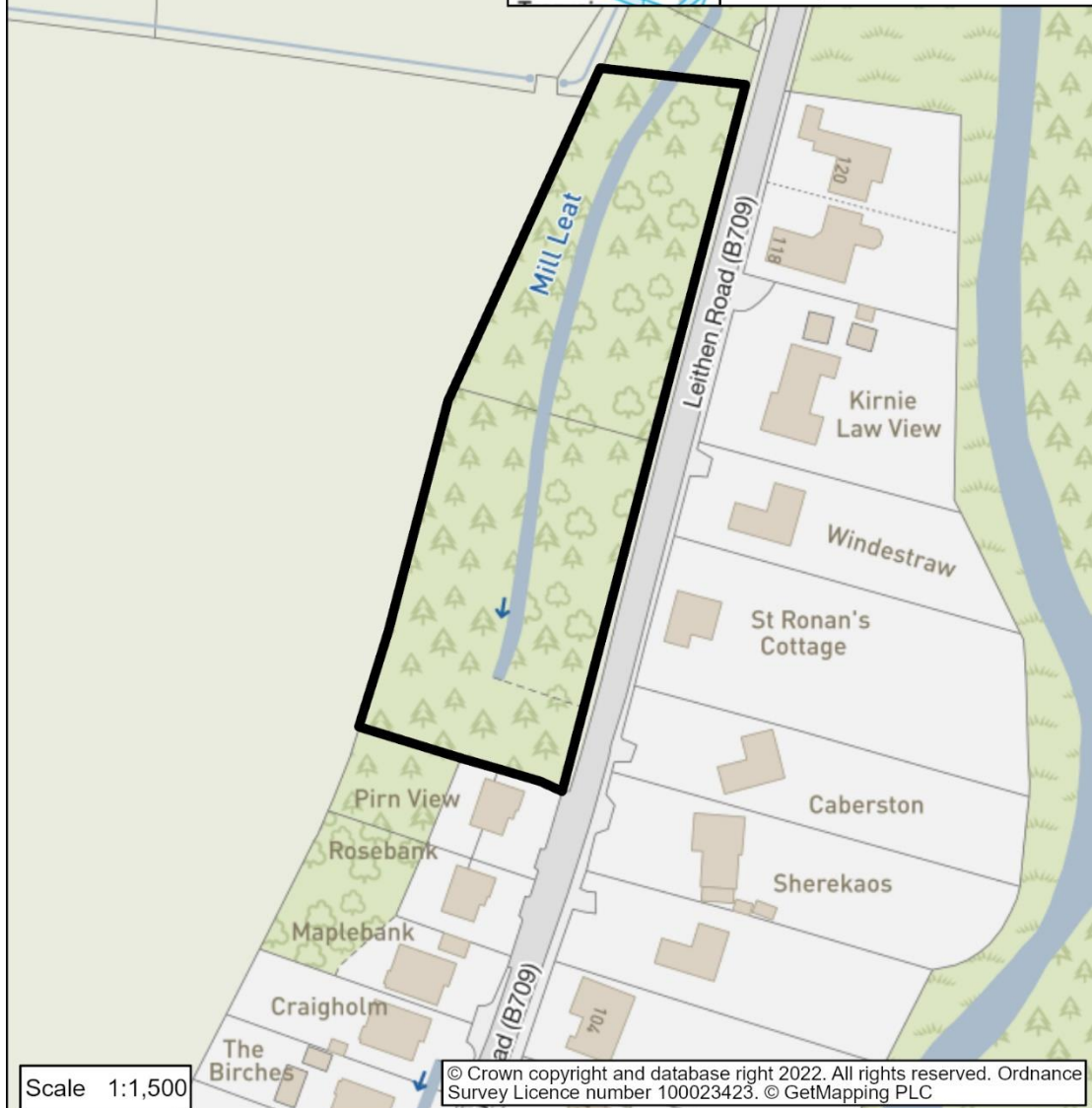
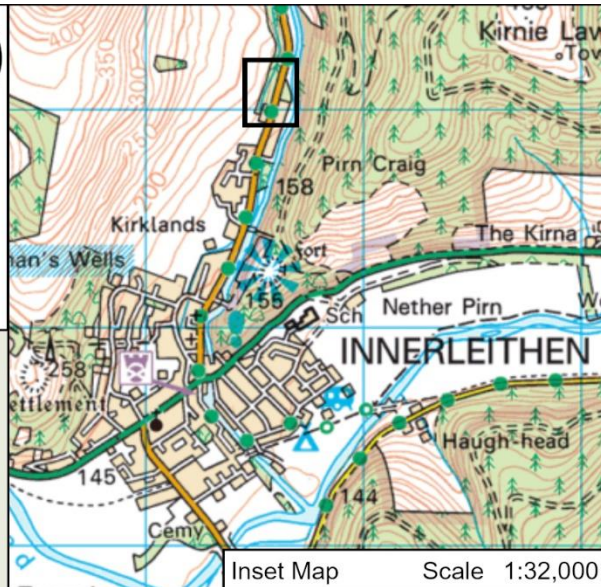
Author(s)

Name	Designation
Carlos Clarke	Team Leader



22/00147/FUL / 22/00148/LBC

Erection of Dwellinghouse
Leithen Road
Innerleithen



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PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning & Housing Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

4th July 2022

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 one appeal previously reported on which a decision was still awaited when this report was prepared on 23rd June 2022. This relates to a site at:

- | | |
|------------------------------------|---|
| • 18 - 19 Slitrig Crescent, Hawick | • |
|------------------------------------|---|

5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 21/00706/FUL
 Proposal: Erection of dwellinghouse
 Site: Land South of Stable Cottage (Plot 4), Westcote, Hawick
 Appellant: Mr Drew Glendinning

Reason for Refusal: The development is contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would not relate well to the existing building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, there is no overriding economic justification to support the development. Material considerations do not outweigh the resulting harm.

- 5.2 Reference: 21/01625/PPP
 Proposal: Erection of dwellinghouse and formation of new access
 Site: Land East of The Garden Cottage, South Laws, Duns
 Appellant: Mr and Mrs Jerry and Shona Ponder

Reason for Refusal: The proposed development fails to comply with Policy HD2 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance, New Housing in the Borders Countryside 2008, as it would not relate well to the existing building group, it would break into an undeveloped field, outwith the building groups's sense of place, and it would result in ribbon development along the public road, which would adversely impact upon the composition and quality of the landscape character. Furthermore, the proposed development fails to comply with Policy ED10 as it would result in the permanent loss of prime quality agricultural land.

- 5.3 Reference: 22/00093/PPP
 Proposal: Erection of dwellinghouse and associated works
 Site: Land East of 16 Hendersyde Avenue, Kelso
 Appellant: Mr James Hewitt

Reasons for Refusal: 1. The proposal would be contrary to Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 in that it would result in development that is out of character with the existing development pattern and would represent over-development and town cramming to the detriment of the amenity of potential occupants and to the amenity and character of the surrounding area. 2. The proposal would be contrary to Policy EP13: Trees, Woodlands and Hedgerows of the Local Development Plan 2016 and the Supplementary Planning Guidance on Trees and Development 2020 as the

development would result in a loss or harm to the woodland resource to the detriment of the visual amenity of the area and it not been demonstrated that the public benefits of the development outweigh the loss of this landscape asset. 3. The proposal would be contrary to Policy EP11: Protection of Greenspace of the Local Development Plan 2016 in that it has not been demonstrated that there is a social, economic or community benefit for the loss of open space or that the need for the development outweighs the need to retain the open space. No comparable replacement or enhancement of existing open space has been provided to mitigate the potential loss. 4. The proposal would be contrary to Policy IS8: Flooding of the Local Development Plan 2016 as the site is potentially at risk from surface water flooding, to the detriment of persons and property, and no evidence has been presented to evaluate the potential impacts.

6 REVIEWS DETERMINED

- 6.1 Reference: 21/01068/FUL
 Proposal: Replacement windows
 Site: Craigard, Canongate, Denholm
 Appellant: Mr & Mrs M J Fox

Review against non-determination of Application.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

- 6.2 Reference: 21/01439/FUL
 Proposal: Replacement windows
 Site: 18 - 19 Slitrig Crescent, Hawick
 Appellant: Mr Bryce Crawford

Reason for Refusal: The proposed replacement windows would be contrary to Policy EP9 of the Local Development Plan 2016 and SPG Replacement Windows and Doors 2015 in that their material, opening method and specifications would detract from the special character and appearance of the Conservation Area.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

- 6.3 Reference: 21/01588/FUL
 Proposal: Erection of dwellinghouse
 Site: Land South West of Windrush Highend, Hawick
 Appellant: Mr Hamad Aloswadain

Reason for Refusal: The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the proposal is not well related to an existing building group of at least three houses and no overriding economic case has been made that a house is required in this isolated location for essential rural business purposes.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

7 REVIEWS OUTSTANDING

7.1 There remained 8 reviews previously reported on which decisions were still awaited when this report was prepared on 23rd June 2022. This relates to sites at:

• Land East of Delgany, Old Cambus, Cockburnspath	• East Lodge, Netherurd, Blyth Bridge, West Linton
• Land South East of Hardens Hall, Duns	• Land North East of Woodend Farmhouse, Duns
• Land North of Ivanhoe, Dingleton Road, Melrose	• Garden Ground of Greenrig, Blair Avenue, Jedburgh
• The Blue House near Swansfield Farm, Reston, Eyemouth	• Unit C, Whinstone Mill, Netherdale Industrial Estate, Galashiels

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 23rd June 2022. This relates to a site at:

• Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick	•
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Approved by

Ian Aikman
Chief Planning & Housing Officer

Signature

Author(s)

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

Background Papers: None.

Previous Minute Reference: None.

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

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

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