

# Public Document Pack



## PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 5 SEPTEMBER, 2022

A BLENDED MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS on MONDAY, 5 SEPTEMBER, 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,

29 August 2022

<b>BUSINESS</b>	
1.	<b>Apologies for Absence.</b>
2.	<b>Order of Business.</b>
3.	<b>Declarations of Interest.</b>
4.	<b>Minute.</b> (Pages 3 - 4) Consider Minute of the Meeting held on 1 August 2022 for approval and signature by the Chair. (Copy attached.)
5.	<b>Applications.</b> Consider the following applications for planning permission:
	(a) <b>Land North And East Of And Incorporating Galashiels Academy And Swimming Pool - 22/00518/FUL</b> (Pages 5 - 30) Demolition of the existing school and swimming pool, erection of a community campus, external sports provision, including covered tennis facility, service access, car parking and landscaping. (Copy attached.)
	(b) <b>Land North East Of The Lodge Philiphaugh Mill, Ettrickhaugh Road, Selkirk - 22/00019/AMC</b> (Pages 31 - 46) Erection of 6 no. dwellinghouses (approval of all matters specified in planning permission 19/01687/PPP). (Copy attached.)
	(c) <b>Bowhill House Estate, Bowhill, Selkirk - 22/00372/FUL</b> (Pages 47 - 58) Erection of ticket booth, access gates, and overflow carpark. (Copy attached.)

6.	<b>Appeals and Reviews.</b> (Pages 59 - 64) Consider report by Chief Planning and Housing Officer. (Copy attached.)
7.	<b>Any Other Items Previously Circulated.</b>
8.	<b>Any Other Items which the Chairman Decides are Urgent.</b>

**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

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**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**

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Council Chamber, Council Headquarters, Newtown St. Boswells on Monday 1 August, 2022 at 10.00 am

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Present:- Councillors S. Mountford (Chair), J. Cox, M. Douglas, D. Moffat, A. Orr, N. Richards, S. Scott, E. Small and V. Thomson

In Attendance:- Principal Planning Officer, Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D. Inglis), Solicitor (F. Rankine), Democratic Services Team Leader, Democratic Services Officer (W. Mohieddeen).

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1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 4 July 2022.

**DECISION**

**AGREED to approve the Minute for signature and approval by the Chairman.**

2. **APPLICATIONS.**

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 of this Minute.**

3. **APPEALS AND REVIEWS.**

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

**DECISION**

**NOTED that:**

(a) **An appeal decision had been received in respect of Replacement Windows at 18-19 Slitrig Crescent, Hawick – Dismissed.**

(b) **Review requests had been received in respect of:**

(i) **Erection of dwellinghouse, Plot 1, Land North of Belses Cottage, Jedburgh;**

(ii) **Erection of dwellinghouse, Plot 2, Land North of Belses Cottage, Jedburgh;**

(iii) **Erection of dwellinghouse, Land West of Cavers, Hillhead, Cavers, Hawick; and,**

(iv) **Change of use of barn and alterations and extension to form dwellinghouse, Land North of Carterhouse, Jedburgh.**

- (c) The following reviews had been determined as shown:
- (i) Erection of dwellinghouse, Land South East of Hardens Hall, Duns – Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement);
  - (ii) Alterations and extensions to dwellinghouse and formation of access, East Lodge, Netherurd, Blyth Bridge, West Linton – Decision of Appointed Officer Overturned (Subject to Conditions and Informatives);
  - (iii) Erection of dwellinghouse, Garden Ground of Greenrig, Blair Avenue, Jedburgh – Decision of Appointed Officer Overturned (Subject to Conditions); and,
  - (iv) Change of use from agricultural store, alterations and extension to form dwellinghouse with garage – Decision of Appointed Officer Upheld.
- (d) There remained seven reviews previously reported on which decisions were still awaited when this report was prepared on 25 July 2022 which related to sites at:

• Land East of Delgany, Old Cambus, Cockburnspath	• Land North East of Woodend Farmhouse, Duns
• Land North of Ivanhoe, Dingleton Road, Melrose	• Unit C, Whinstone Mill, Netherdale Industrial Estate, Galashiels
• Land South of Stable Cottage (Plot 4), Westcote, Hawick	• Land East of The Garden Cottage, South Laws, Duns
• Land East of 16 Hendersyde Avenue, Kelso	

- (e) There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when this report was prepared on 25 July 2022 which related to a site at: Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.

*The meeting concluded at 11.20 am.*

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**5 SEPTEMBER 2022**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** **REFERENCE NUMBER:** 22/00518/FUL

**OFFICER:** Scott Shearer  
**WARD:** Galashiels And District  
**PROPOSAL:** Demolition of the existing school and swimming pool, erection of a community campus, external sports provision, including covered tennis facility, service access, car parking and landscaping

**SITE:** Land North And East Of And Incorporating Galashiels Academy And Swimming Pool  
Galashiels

**APPLICANT:** Scottish Borders Council  
**AGENT:** JM Architects

**PLANNING PROCESSING AGREEMENT:**

A Planning Processing Agreement is in place for the determination of the application at the 5<sup>th</sup> September 2022 Planning and Building Standards Committee.

**SITE DESCRIPTION**

The application site extends across the existing Galashiels Academy campus, Scott Park to the east, the existing swimming pool site to the north and a strip of woodland on Gala Hill to the south. Woodland encloses the site to the north, west and south. Fingers of planting extend into the site and enclosing the Galashiels Academy Annex and Janitors House towards the south and elsewhere in Scott Park. The central and western part of the site is reasonably flat. The land slopes away to the north and east, and rises up towards Gala Hill along its south eastern boundary.

The site is well connected with various points of access from surrounding roads and paths to the north and east, including from Scott Crescent, Livingstone Place and Elm Row.

Scott Park is allocated as Key Greenspace ref; GSGALA010 in the Local Development Plan 2016 (LDP). Its gatepiers, gate lodge and boundary walls and gates are listed Category C. The wooded Gala Policies that enclose the site to the north and west are also considered Key Greenspace, ref; GSGALA009. The policies contain a network of paths connecting the town to the hills to the west. The Tweed, Ettrick and Yarrow Confluences Special Landscape Area (SLA) extends along the southern boundary of the site.

Residential properties are located on neighbouring streets surrounding the site. Waverley Residential Home is located next to the Old Parish and St Pauls Church on the south eastern boundary of Scott Park. Oakwood Park residential accommodation is located to the north east. St Margaret's Primary School and Focus Centre are located to the north. The remains of Gala House are located to the west.

## **PROPOSED DEVELOPMENT**

The application is submitted in full for the erection of a community campus, external sports provision, including covered tennis facility, service access, car parking and landscaping. The development is shown in detail on the various submitted drawings on Public Access and described in the Design and Access Statement.

All existing buildings will be demolished on the current campus with the exception of the Janitors House. The existing swimming pool and tennis centre and 56 trees across the site will be removed. The submitted plan titled Existing Site Plan Showing Removals details all proposed removals.

The new community campus building is to be positioned on the flat area to the western part of Scott Park. The building is of a contemporary design with a combination of two storey elements set under an over-hanging canopy roof. Flat roofed 3 storey elements are positioned towards the back of the building (to east and west). The new swimming pool and gym forms part of the main campus building.

The external sports pitches which include a 2G synthetic hockey pitch, a 3G synthetic rugby and football pitch, a grass football pitch with 200m athletics oval, a 6-lane 100m sprint track with long jump pit and a 3-court covered tennis facility are located to the west of the building in place of the existing campus. The main carpark is located to the north in place of the existing swimming pool. Existing vehicular access from Elm Row is being retained. Within Scott Park new play facilities are to be added with the campus annex building making way for a new area of open parkland. Improved woodland area is to be added to south of existing site. The proposal also includes associated infrastructure in the form of lighting (for pitch and building), 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 Galashiels and District Community Councils. The outcome of the public consultation exercise has been reported in a Pre-Application Consultation Report submitted with the application.

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

- Planning Statement
- Pre-Application Consultation Report
- Transport Assessment
- Flood Risk Assessment
- Geotechnical Design & Environmental Report
- EIA Screening Opinion Response
- Ecological Appraisal
- Noise Impact Assessment
- Lighting Impact Assessment
- Air Quality Impact Assessment
- Archaeological Assessment
- Construction and Traffic Management Plan
- Tree Survey and Arboricultural Constraints Report

## **PLANNING HISTORY**

The Design and Access Statement details the historic context of the site. The main building of the Galashiels Academy was developed in the 1960s. The current Janitor's House and store is a former stables which served New Gala House. In 2017 planning consent was granted for a small extension to the school.

## **REPRESENTATION SUMMARY**

Representations of objection and support have been received. These comments are available in full on *Public Access*. A summary of the comments are noted below.

### **Objection**

Twenty one separate letters of objection have been received, including objection from Friends of Scott Park group.

#### Scott Park

- Park gifted to Galashiels as a pleasure park in 1939. Development of school conflicts with spirit of gift in title.
- Potential loss of Common Good land.
- Loss of Key Greenspace allocation in LDP (ref; GSGALA010) in direct conflict with Policy EP11.
- Limited other open space available in town. Scott Park remains most natural and welcoming public park in Galashiels, free from allotments, gardens or sports facilities
- The park has been neglected by SBC and not enhanced as per The Green Spaces Supplementary Guidance and Strategy and Facilities and Pitches Strategy 2011.
- Fail to meet park design standards of PAN65
- Re-provided green space is poorly connected, sloping, unsafe, wooded and at risk of flooding. These are not useable areas.
- No new facilities are being provided in the park, instead existing facilities are being relocated.
- Proposals fail to improve the park.
- Use of the park lost during construction period.

#### Other Objections

- SBC is making this application to itself. The application should be notified to Scottish Ministers, (Notification Direction, 2009, Schedule, Para 1)
- Online PAC process was not accessible to all
- Failure to fully consider other viable sites
- Contrary to local plan
- Poor design
- Poor landscape design
- Noise disruption
- Layout of proposal and lack of perimeter fence allows for antisocial and criminal behaviour
- Flood risk
- Detriment to residential amenity
- Litter

- Detrimental to environment
- Inadequate boundary/fencing
- Inadequate screening
- Road safety
- Traffic congestion
- Ecological impacts

### **Support**

2 comments of support are provided. These view the chosen site to be central, accessible and a site where there is already a school. Existing use of Scott Park is low, development will not impede existing use which is primarily by dog walkers. Sufficient green spaces within local area which can compensate for loss of part of the park. Green space loss is not outweighed by positive educational and sporting benefits provided.

### **DEVELOPMENT PLAN POLICIES:**

#### **Scottish Borders Council Local Development Plan 2016**

PMD1 – Sustainability  
 PMD2 – Quality Standards  
 PMD5 – Infill Development  
 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  
 EP8 – Archaeology  
 EP11 – Protection of Greenspace  
 EP12 – Green Networks  
 EP13 – Trees, Woodlands and Hedgerows  
 EP15 – Development Affecting the Water Environment  
 EP16 – Air Quality  
 HD3 – Protection of Residential Amenity  
 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

### **OTHER PLANNING CONSIDERATIONS:**

SESplan Strategic Development Plan 2013  
 Scottish Planning Policy 2014  
 National Planning Framework 3 2014  
 Draft National Planning Framework 4 2022

Historic Environment Policy for Scotland 2019

*Planning Advice Notes;*

PAN 61 Planning and Sustainable Urban Drainage Systems 2001



PAN 65 Planning and Open Space 2008  
PAN 75 Planning for Transport 2005

*SBC Supplementary Planning Guidance;*  
Biodiversity 2005  
Guidance on Householder Development 2006  
Trees and Development 2008  
Landscape and Development 2008  
Green Space 2009  
Placemaking and Design 2010  
Local Landscape Designations 2012  
Waste Management 2015  
Local Biodiversity Action Plan 2018  
Sustainable Urban Drainage Systems 2020

Other

Survey of designated landscapes – Annex 3 – Peter McGowan Associates, “Borders Designed Landscape Survey: Schedule of Identified Sites”

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Archaeology Officer:** No objection. Satisfied with the desk based archaeological assessment which has been carried out. Sites of regional interest were identified across the development area with the proposal found to pose direct impacts on three sites (the curling pond and clubhouse, the rig and furrow and the earthwork). Lack of previous development in the area raising potential for other features. Further archaeological investigations required. An acceptable Written Scheme of Investigation (WSI) for the initial examination of sites and watching brief has been provided. Implementation of its methodology and reporting are still required.

**Ecology Officer:** No objection. Surveys for bats, red squirrels and birds are required and pending findings mitigation including protection plans for each species and bat boxes. No site clearance works should be carried out during bird breeding seasons. Note orchard trees are proposed to be planted too close together and further details on tree species are required. Encourage reducing light spill to minimise ecological impact.

**Environmental Health:** No objection. Consider the proposal could impact the amenity of an existing dwelling adjacent to the site. The affected building is tied to the site and conditions are recommended covering the use of outdoor sports facilities and associated floodlights.

**Flood Risk and Coastal Management:** No objection. South west/west section of the site which includes proposed grass football pitch and 3G pitch is within 1 in 200 year flood plain but this is recognised by SEPA to be a “water compatible use”. No part of the school is at risk of flooding. Recommend that;

- 3G pitch is raised 300mm to reduce flooding potential and damage
- No building/synthetic pitch is located over any culverted Moss Burn watercourse
- The existing manhole of the culverted Moss Burn to be retained/suitably moved
- Access maintained to the Moss Burn trash screen to the West of the site and any Moss Burn culvert alterations are agreed with SBC Flood Team

- Drainage is designed to ensure no flooding at a 1 in 200 year plus 30% climate change flood event and attenuation of surface water flows into the Bakehouse Burn

**Heritage and Design:** No objection. Through Preapp greater relief has been provided to the building, particularly the long east and west elevations. Principle of design is supported subject to securing high quality materials and detailing. Question suitability of design form and timber and brick material palate of ancillary structures. Minimisation of boundary treatments helps integrate proposal into its surroundings. The entrances to the park including the listed gates and gate lodge should be improved as part of the proposals to ensure an appropriate sense of arrival. Any signage should be sensitively designed.

**Landscape Architect:** No objection. The development maintains access to the adjacent countryside although its location reduces size of Scott Park and its value as amenity space within a relatively high density part of Galashiels. But wider historic use of site as a place for learning and benefits for whole Galashiels population are acknowledged. Proposals do make efforts to retain as much of landscape character of area as possible. Concerns are raised about the loss of 3 Cat A trees to accommodate the 3G pitch and associated infrastructure. Final details of tree removals and tree protection (as per BS5837:2021) should be required to be agreed. Positioning of vehicle access to west side alongside external social space is unfortunate and may potentially require greater physical separation than otherwise necessary if it was pedestrian. Detailed planning plans will be required which be linked to campus building and Scott Park.

**Neighbourhood Services:** No objection.

**Roads Planning Service:** No objection. Development is unlikely to cause significant increase in traffic movements. Should school reach its capacity there will be an increase in traffic flow but this will not pose any unacceptable impacts to the surrounding road network. A Traffic Management Plan can address construction/demolition traffic impacts. Details points are raised in response to the submitted Transport Assessment. The following points are required to be addressed;

- Details of pedestrian crossing point in vicinity of Scott Place/Livingstone place junction.
- Anticipated traffic volumes for construction and demolition phases including swept path analysis.
- EV charging point provision
- Cycle parking provision
- Engineering details of new/repared footpaths and parking areas
- A School Travel Plan

### **Statutory Consultees**

**Community Council:** No objection. Previously agreed location for development in Scott Park. Operational queries of management and operation of swimming pool, hydrotherapy pool, closure of Queens Centre Campus. Desire for larger sports hall and extra tennis courts. Doubts that insufficient number of parking spaces provided. Wish for fire evacuation plans and signage in place before school opens. Lighting needs to be minimised to reduce biodiversity impact on Policies. Entrance gates should be renovated.

**NatureScot:** No comment.

**Scottish Water:** No objection. Advise that their mains water and waste water infrastructure will serve the development and the applicant should complete formal development enquiry proposals.

**SEPA:** No objection. Satisfied that the school is located above the 1 in 1000 year flood plain of the Bakehouse Burn which flows west to east across the northern extent of the site and there is safe pedestrian access and egress from the site to the east and south in a flood event. Note development will have negligible impact on air quality but advice that best practice measures should be used to further reduce emissions.

**SportScotland:** No objection. Despite providing fewer sports pitches the redevelopment provides a betterment to existing sports facilities through the inclusion of a 100m track, long jump as well as full size multi uses pitches and courts catering for rugby football, hockey and tennis. Would wish to see areas for throwing and high jump provided. Additional information confirming dimensions and retention and reusing of existing pitches has been welcomed. Recommend conditions covering floodlights, surfacing requirements suitable for rugby use and tennis court markings.

#### **KEY PLANNING ISSUES:**

- 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 result in the loss of Key Greenspace or protects and enhances the quality of existing Key Greenspace.
- 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.
- Whether the development poses flood risk.

#### **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 and submitted background paper on the Informal Community Consultation.

The Background Paper summarises the four sites which were assessed in 2018 to have potential to accommodate a new high school. At this initial assessment stage, Option C - Langlee Complex and D – Town Centre were ruled out on grounds of scale and a range of other constraints making these sites unviable. Following further studies Option B – Netherdale was deemed unsuitable due to high flood risk which would not be appropriate for this development type. Option A – Scott Park was chosen as the preferred option. Detailed studies were then undertaken to establish the most appropriate area to locate the new school and associated facilities. 'Area 3' (the application site) was determined to be the most viable in terms of functionality, community value, cost and minimise disruption to the existing Galashiels Academy.

The application site is located within the Galashiels 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 proposal places the community campus building into Scott Park which is allocated Key Greenspace under Policy EP11, the impact of the development on Key Greenspace is discussed within the relevant section of this report.

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. The positioning of the new school will result in the loss of part of Scott Park. The existing school already has a strong relationship to the park. The development is proposed within part of the town where the existing school campus, playing fields, tennis courts and swimming pool already exists, and, therefore its compatibility and relationship with surrounding uses is already well established.

The development of new educational facilities meets several key outcomes of the LDP 2016, in particular Key Outcome 6 which seeks to address strains faced by existing education facilities. While not yet a material consideration, cognisance should also be taken of the Proposed Local Development Plan which following examination will replace the current LDP. The Proposed LDP gives support to the development of a new school on the proposed site, recommending that;

*“The Council has also agreed to replace the existing high school and plans for this are progressing for a new secondary campus which is expected to be located on the site currently occupied by Galashiels Academy.”*

It is, therefore considered that the proposed development aligns with the locational principles of Policy PMD5 of the LDP and overarching principles of the LDP. Detailed consideration of the impact on Key Greenspace is required but that aside, the proposal is not considered to conflict with existing land use or the character and amenity of the surrounding area. The phasing of the development, including removal of existing buildings will be an important point to manage, nevertheless this matter can be addressed by planning condition. The other criteria listed in the Policy are addressed later in this report, by reference to the more specific related Policies on, 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 layout of the proposal has been informed by an analysis of the physical site constraints, this is illustrated by the Existing Site Constraints graphic on page 41 of the Design and Access Statement. The constraints, include flood risk around the western and northern boundary of the site which would significantly restrict the development of a school building in these locations owing to the high vulnerability of the use. Steep slopes particularly to the north and south eastern edges of Scott Park, the woodland environment where trees within and surrounding the site are protected by Tree Preservation Orders and associated shading from these trees. There is also the challenging of continuing to provide a school with its required facilities while the new

campus is being developed. The siting of the proposed campus building takes advantage of a plateau immediately to the east of the existing Galashiels Academy, which responds to the identified physical site constraints. Moving the building to the east brings it closer to the town.

The existing Galashiels Academy building is very much of its 1960s era and now appears dated. The architectural context is varied in the surrounding townscape, where there is no one overriding form. The proposal is of a contemporary design. This approach compliments other exemplar new educational facilities which have been developed within the Scottish Borders. The footprint of the campus building is large. Its increased footprint has to be balanced against the loss of the separate swimming pool and annex accommodation which is now to be accommodated as part of the 'one building' campus approach.

The proposed design has been developed through pre-application discussions. Its massing has been carefully considered to help minimise its scale with the three storey elements positioned toward rear areas so that the building does not appear too dominant on its main approaches. The over-sailing canopy cover to the east helps ground the structure. Where the building does extend up to three storeys, the use of light aluminium cladding can minimise its scale. A recess is provided on both east and west facing elevations, which does help to break up their expanse. In the case of the east elevation, its opening is shaped on prominent existing mature trees to draw the park in to the building, recognising its setting. The projecting fins and pergola to the east give this elevation depth and detail. Large areas of glazing allows the elevation to appear light which is important in the backdrop to Scott Park. When close to the building, the use of masonry cladding at ground floor level will give the structure a human scale.

The vertical detailing of the aluminium cladding and fenestration at the upper parts of the western elevation give the three storey boxes verticality. A warm grey-white for the aluminium cladding would be appropriate to complement the sandstone. The introduction of green copper cladding is carefully used to provide a contrast, add colour and interest around the building. The inclusion of picture windows on the copper clad elevations to the north and west relate to the geometric form of the building while also some playfulness. To the north, the large canopy roof which projects out from the key arrival point helps to draw people to this point. The pergola structure has a similar effect on the southern elevation and helps to active this elevation.

Angled roof lights punctuate the long flat foot expanses. Their copper tone allows them to become identifiable. Two plant screens are located to the western side of the building, they are pushed back from the edge of the roof and some care will still need to be taken that their material finish corresponds to the material pallet of the proposal so they appear integral to the building design.

Although the building is stepping forward of the existing Galashiels Academy building and occupies a larger footprint, it offers a more organic design approach. There is sufficient relief across the building which is also provided by the careful chosen materials. The scale, design and appearance of the proposal is considered to integrate within the parkland context of its immediate surroundings. The proposed material finishes are acceptable in principle, however agreement of their precise detail is still necessary, this can be handled by planning condition. The interface of key junctions of different materials will be an important aspect to handle to ensure the composition of the building looks right. This matter also be handled by a planning condition.

The layout of the sports facilities to the rear of the school replicates current arrangements and pose no design issues. SportScotland are satisfied with the provision of facilities which are being provided. The matters they have raised on floodlight design, inclusion of a shock pad as part of the 3G pitch to ensure it is suitable for rugby use and tennis court markings on the Gen2 sports pitch can be covered by condition.

The tennis courts are enclosed in a rounded roof structure. It is of a simple design and its appearance is clearly associated with sport facilities. Care would need to be taken to ensure that the material finishes do help the structure not to appear to visually apparent on approach from Livingstone Place, especially as the roof membrane cladding is noted as being coloured white.

Other smaller structures such as the substation, external plant store, bin store are positioned towards the back of the campus building. Their form and timber cladding may not specifically relate to the design of the new school, however the simplicity of their appearance ensures they are appreciated as ancillary structures. The agents have also confirmed that this material palette will align with landscape furniture which is currently being developed. This will assist with linking these structure to the landscape design of the wider development and has addressed this observation from the Heritage and Design Officer.

In summary, it is considered that the design and position of the new school building is acceptable and creative 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. SportsScotland's detailed comments on the design and layout of the sports facilities can also be addressed by condition. Subject to the agreement of these matters, the proposals is considered to comply with Policies PMD2, PMD5, EP9 and HD3 in relation to design, layout and relationship with its surroundings.

### 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, EP5 Special Landscape Areas, EP11 Greenspace, EP12 Green Networks as well as relevant supplementary planning guidance on placemaking, trees, landscape and development.

There are limited public locations from out with the application site which provide clear inward views of the site. Despite the site occupying a sensitive location on the edge of the Tweed, Ettrick and Yarrow Confluences SLA, its inconspicuous location within the wider landscape coupled with the demonstration that the development can be successfully accommodated within the site provides comfort that the proposal will not detract from the character or setting of the SLA.

The site is located within the Gala House, Designed Landscape. This is a SBC designation and not a formal Garden and Designed Landscape, protected under Policy EP10 of the LDP. This site already contains a modern school building which this proposal will redevelop. The proposal will have an impact on part of Scott Park, but having considered the effect on the Gala House Designated Landscape, the proposal is not considered to have a significant adverse impact on its significance or overall appreciation. The potential effects of the proposed new school on the landscape designations are reduced by the fact that the of the existing school is located in the

designated area and the proposals plan to retain part of the park. It is noted that the Landscape Architect has not objected to the development on grounds of its impact on the Gala House Designated Landscape.

All trees within the site are covered by a Tree Preservation Order. The proposals have been informed by a detailed Tree Survey. The layout have has attempted to avoid and retain key trees, including three specimen trees within Scott Park that have been identified as having high amenity and biodiversity value. An Arboricultural Impact Assessment can be prepared to establish the precise location of protective fencing to safeguard trees proposed for retention. This can be controlled by a planning condition. The layout would result in the loss of two Cat A trees (Tree 101 and 102) at the eastern corner of the 3G pitch and new path. The loss of these trees is regrettable but the agent has advised that other site constraints do not give scope to move the pitch or reduce its size (this would conflict with SportScotland's requirements).

The Landscape Architect's concerns about introducing vehicles to the west of the building are understandable, visually this route could segregate the campus and social space from the sport facilities. Once completed, this route is limited to vehicles requiring accessible parking and servicing/deliveries only. Its volume of use should be low. From a visual perspective a suitable surface treatment, possibly block paving could differentiate it from other access routes allowing it to contribute sensitively to the landscape layout. The final surface treatment of road and all other surfaces can be handled by planning condition.

Site landscaping is being actively used to provide a series of social, wild, activity and growing spaces around the campus. This encourages outdoor learning while enhancing the environment of the development. It is important that the proposed landscape treatment of the development, particularly to the east, responds sensitively to the historic character of the Gala House Designated Landscape and setting of Scott Park. A total of 72 new trees are to be planted across the development. This is welcomed and can compensate for trees required to be removed. There may be scope for additional tree planting across the site but this needs to be balanced against the existing landscape character of Scott Park which sees areas of trees located within open grassland. More details on the planting proposals are still required, but this can be addressed by planning condition.

The proposals seeks to limit boundary fences where possible. The boundary with Scott Park will be handled in a natural manner with dished topography and longer grass to give some distinction between the school and the parkland, without the development turning its back on the park. Secure fencing is required around the Enhanced Provision garden to the south eastern corner, but this will be screened with long grasses to help soften its impacts on the park. The sports pitches to the west are enclosed by standard mesh fencing. The means of boundary enclosures appear to have been well considered in order integrate the proposals with its setting. Their precise treatment can be handled by planning condition.

While there are concerns about the impact of the development on some protected trees and the resultant impact on the host landscape, the public benefits of the proposal carries significant weight. No objection has been raised by the Landscape Architect and the siting and design of the development is considered to be, on balance acceptable in landscape and visual amenity terms. Through the development of detailed tree protection plans and proposed landscape details, the proposal will in time integrate it into its surroundings. The application is, therefore, considered to be compliant with Policies relating to landscape and visual impact, including PMD2,

PMD4, EP5, EP11, EP12 and relevant supplementary planning guidance on placemaking, trees, landscape and development.

### Impact on Key Greenspace

A key issue posed by this proposed development is the potential impacts of the new campus building on Scott Park – an allocated Key Greenspace within the LDP 2016, (allocation reference; GSGALA010). Policy EP11 of the LDP is relevant. The impact of the development on Scott Park has been a principal ground of objection from third parties, including the Friends of Scott Park Action Group. Objections consider Scott Park provides important open space for the community, and this development will result in the loss of this space contrary to EP11. It is considered in objections that the compensatory greenspace is inaccessible and in the case of new sports facilities does not compensate for the loss of the open parkland.

The application has been supported by a Planning Statement, specifically assessing its impact on Scott Park against Policy EP11.

Scott Park is maintained as a public park. It provides open space for the community, set within mature woodland grounds. Play equipment is also provided. Its allocation as Key Greenspace in the LDP recognises that the park offers high amenity value within a relatively densely populated part of Galashiels. 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 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, or
- 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

The issue regarding whether the proposal results in the “loss” of Key Greenspace requires consideration. Scott Park currently extends to 3.8ha of open parkland. The proposals still retains 1.94Ha of the eastern part of the existing park as open parkland. This area is nearest to the town and includes important mature woodland tree cover to the north east which separates the park from the more urban environment to the east.

It is considered that the proposals do not result in the wholesale loss of Scott Park. Recognising that the development would remove part of the park, additional parkland provision and new facilities as part of the applicants “reorientation” of the greenspace is proposed. This includes;

- Bringing the upper park terrace (area where the annex accommodation is being removed) back into public use
- Extend the park to the west of the new playing fields as the Lower park
- Extending Scott Park to the south into the foot of Gala Hill
- A new perimeter parkland loop around the new extended park area and link into Gala Policies and Gala Hill
- New play space to the north of the avenue access
- Orchard Space

The proposed development would increase Scott Park from 3.8Ha to 6.7Ha. Based on area alone, the extended Scott Park is more than comparable to the existing area. The quality of the new space is however more difficult to measure. The new area still provides a parkland which is available for members of the public. That said, it does not



appear to provide as much open, and less shaded open grass land space close to residential properties. Due to the constraints of the site and the need to provide new and improved sports facilities which will be of the benefit to the wider community, providing identical compensatory greenspace is difficult to deliver.

These applicants have through the PAC process engaged with the local community about the impact of the development on the existing Scott Park as required by Policy EP11. In this case the loss of part of the park will facilitate a new community campus, for which there is an identified need. The community campus will improve the Council's education facilities which is identified as a Key Outcome of the LDP as well as providing new sporting facilities. Appropriate weight must also be given to these benefits as part of the planning balance. The proposal will serve the entire Galashiels and District catchment area and while some people will benefit more than others, the development will provide clear social, community and economic benefits. Where a development results in the loss of Key Greenspace, this proposal is seen to meet the exemptions listed in criteria d) and e) of Policy EP11.

From the objection comments received, it is clear that the reorientation of the park does not meet the expectations for everyone within the local community. The applicants have sought to provide compensatory parkland space which also provides improved pedestrian and bicycle connectivity and new play facilities. Part f) of Policy EP11 considers the provision of comparable or enhanced open space. It does suggest that it may be possible to provide new open space at a different locations or make financial contributions. The new space may not be a clear "like for like" swap, but it will provide space which can be used in the same general manner and location as the space which is being removed. This is judged to be a better arrangement than seeking to provide other comparable space in a different part of Galashiels and retains the historic provision of public parkland space within this part of the town.

The wooded Gala Policies Key Greenspace, GSGALA009 adjoin the site. No loss of this greenspace is proposed. The improved connectivity being provided as part of this proposed development is considered to be an enhancement of this greenspace.

In summary, it is accepted that the proposals will result in the loss of part of Scott Park. However, its loss will allow for a new education facility, community campus and modern sporting facility to be developed for the benefit of the wider community. The proposal has recognised its impact on Scott Park and sought to provide new parkland space along with new and improved facilities to offset the loss of part of Scott Park. The impact of the development on the existing Scott Park is an unfortunate effect of the proposed development. Following consideration of the merits of the proposals the proposal does not result in the full loss of the greenspace which Policy EP11 seeks to protect. Where part of the park is being lost, there is a clear justification that the benefits of development in this case outweigh the need to retain part of Scott Park where the campus building is being located and the proposed compensatory open space (as well as planned sporting facilities) help mitigate the loss of key greenspace. It is worth noting that whilst Policy EP11 seeks to protect areas of key greenspace, the proposals demonstrate that there is social, economic and community justification for the loss of open space and the need for a new school campus (with enhanced community facilities) is judged to outweigh the need to retain the open space. Comparable and enhanced open space is being proposed that will provide adequate an acceptable replacement open space. Policy EP11 also recognises that in some cases, recreational provision may be a suitable alternative provided it is equally accessible and is judged to compensate for the loss of the open space resource. On balance, the proposed development does not conflict with the requirements of Policy EP11.

Turning to the potential impacts on Green Networks, the provision of enhanced compensatory open space and linkages to the existing green network on the periphery of Galashiels is considered to comply with Policy EP12 Green Networks.

### Cultural Heritage and Archaeology

The proposal is required to comply with Local Development Plan Policies EP7 on Listed Buildings, EP8 on Archaeology and EP9 on Conservation Areas together with Government guidance such as Scottish Planning Policy and Historic Environment Policy.

The site includes the Category C Listed Scott Park boundary walls, gates and gatepiers. The associated gate lodge is out with the site boundary but intrinsically linked to the listed structures. These are important historic features which provide access to Scott Park and make a positive contribution to its setting. No changes are proposed to these structures and no mature tree around the entrance are to be removed. The development still provides access to Scott Park from this point which does not impact on the integrity of these listed structures. General repair and maintenance works include repainting of railings, cleaning stone work and relocation of miscellaneous non listed equipment such as bins, furniture are proposed. This will make a positive contribution and enhance this aspect of the setting of Scott Park.

Other listed structures are located to the east of the development, including the Category A Listed Old Gala House and B Listed Old Parish and St Pauls Church. The Church is the closer of the two buildings and the one potentially more affected. The campus building will move closer to the church but it remains sufficient distant from the church so it does not adversely affect its setting. No concerns have been raised by the Heritage and Design Officer that the development will adversely impact on the character, integrity or setting of any surrounding listed buildings.

The application has been accompanied by a desk-based archaeological assessment. The development is not found to impact on any Scheduled Monuments. A number of archaeological and historic sites have been noted in the assessment. In particular three historical sites which are located within the development boundary and relate to the former Gala House are identified to have potential direct impacts arising from the development. The Archaeology Officer has not considered that these sites are potentially of national significance. The applicants have already progressed a Written Scheme of Investigation (WSI) for evaluation and watching brief of the development on the identified historic features. The Archaeology Officer considers the proposals within the WSI to be acceptable and therefore can mitigate impacts on these assets in accordance with Policy EP8. The implementation of this methodology and reporting would still need to be controlled by any permission.

The site is not within the Galashiels conservation area. The new campus will creep closer to the conservation area, however the proposal is still far enough removed from the designation that it poses no direct impact on its character or setting. The development complies with Policy EP9.

Mitigation is required to secure the proposed enhancements to the entrance to Scott Park and ensure preservation and/or recording of any archaeological interests discovered during development works. These matters can be addressed by planning condition. Subject to those conditions, it is considered that the development will not have any adverse impacts on any listed building or archaeological interests, thus complying with LDP Policies EP7 and EP8.

## 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 terms of 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

The development takes up a larger area than the existing school and associated facilities. The development does remove existing open space from Scott Park, the appropriateness of this and the re-provision of this has been addressed earlier in the report. Despite the increase in building footprint, in simple planning terms the presence of a school campus, swimming pool and other sports facilities within this location ensures that the proposal remains compatible with its surroundings.

The main school building will be positioned closer to residential properties on Scott Crescent. Waverley Residential Home will be closest to the new school. Its low boundary enclosures could have made it highly susceptible to visual impacts from the new school. However, the orientation of this neighbouring building is angled away from the school, and therefore its outlook is not significantly affected by this development.

Mature planting is being retained around the north eastern corner of the site. This tree cover will afford screening of the development from properties at Oakwood Park and along Scott Crescent. Some properties on Scott Crescent will have visibility of the development however these properties already have visibility of the existing school. Although the campus building is moving closer, the elevations closest to these receptors are reduced to two storey from four in comparison to the existing academy building. The taller part of the proposal is pushed back away from these receptors.

Towards the north and south, the retention of mature trees and the removal of both the swimming pool and redundant academy annex buildings means the development as a whole has a reduced impact on the visual amenity of neighbouring residential properties on Livingstone Place, Balmoral Avenue and Elm Grove.

The siting and scale of the proposal is not considered to adversely affect the visual amenity of any of the adjacent residential properties, or cause any detrimental levels of overlooking, loss of privacy or sunlight.

Several third party objections have raised concerns relating to noise impact. An independent Noise Assessment, which includes noise modelling and predictions for both the construction and operation phase has been submitted. The report has been considered by the Councils Environmental Health Officers. Demolition of the swimming pool building could have noise implications for adjacent dwellinghouses but this impact can be mitigated by the erection of suitable screening which should remain in place during the demolition phase. A standard noise condition is also sought to set suitable noise limits for plant and machinery operated within the site.

Environmental Health Officers found that noise generated from the sports pitches and also light impacts from the flood lights could impact on the Janitors House which is located to the south of the campus building. This property is being retained by the development but is to remain involved with the operation of the community campus.

Limiting the noise from sports equipment and fencing is sensible and would improve the amenity of the wider area. Curtailing floodlighting to 2100hrs Monday to Friday and 1900 on Saturday and Sunday seems onerous, especially as the affected property will likely be involved with the running of these facilities. A 10pm cut off for the use of floodlights would appear more reasonable and would ensure consistency with the operation of floodlights at the recently consented Peebles High School. No third party residential properties have been identified to be adversely impacted by the floodlights therefore a 10pm cut off for floodlight use (Monday – Sunday) is acceptable.

As a result of the design and layout of the development and subject to the aforementioned conditions, there is 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, a Transport Assessment (TA) was submitted in support of the application.

The TA, access and parking proposals have been considered by the Roads Planning Service (RPS). Some minor discrepancies identified by the RPS relating to projected future education and staff numbers has been clarified by the agents. RPS are now satisfied that the surrounding road network has the capacity to accommodate the predicted increased vehicle movements, assuming the school roll increases. The majority of vehicle movements will be directed to the new car park and dedicated coach drop off at Livingstone Place. This is intended to minimise the number of vehicles at Scott Park and only permit access from Elm Row for drop off/pick up at the Enhanced Provision facility, disabled access and deliveries.

Members will note the responses from the RPS who have raised no objections. The impact of the development on road and pedestrian safety, proposed parking arrangements and traffic management proposals are considered to be acceptable, subject to a series of conditions. In summary, RPS require the following further details to be provided;

- Details of pedestrian crossing to be installed at Scott Street.
- Disabled parking bays
- A Traffic Management Plan (with regards to construction traffic), will be required for the demolition and construction phases.
- Engineering details for all new/repared footpaths and parking areas within the development.
- Agreement of the number and location of Electric Vehicle charging points and cycle parking.
- Production of a School Travel Plan within 12 months of the school becoming operational.

Although there have been third party objections on the grounds of road safety and traffic impacts, RPS are supportive of the proposal subjected to the above points being addressed. These matters can be handled by way of appropriately worded planning

conditions, with a School Travel Plan being recommended as an informative for the Council to administer through appropriate channels. This will result in a development capable of 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. A combination to core paths, promoted paths and permissive paths extend around Scott Park, Gala Policies and Gala Hill. These routes link into other routes to the north and south of the town and also west into the countryside. The proposed development seeks to retain the existing path network with enhanced provision to access both Gala Policies and Gala Hill. The development does not result in the loss of any existing paths, including core paths. The School Travel Plan will promote walking and cycling.

Parts of the construction process may result in some disruption to the core path around the eastern edge of Scott Park (ref; GALA/189/36) and within the Policies (GALA/189/36a). Planning conditions can manage the impact on paths to ensure their retention and also where there are impacted during any construction operations, suitable diversions are agreed. Subject to the agreement of aforementioned planning conditions, the proposal is considered to comply with LDP Policy IS5.

#### 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 use of best SUDs practice.

The application was supported by a Flood Risk Assessment and Drainage Strategy Report. The south west / western part of the site are shown to be at risk of flooding from a 1 in 200 year flood event on SEPA's indicative flood maps. This ground is currently occupied by the playing fields. The depth of flooding in the area is predicted to be up to 0.3m. The new grass football pitch and 3G synthetic football and rugby pitch would be located in this area. It was explored if the pitches could be lifted 300mm to further reduce risk however this raising is not proposed due to other implications this would cause. Other works at the site which include the widening of the holding basin and maintenance works to the intake grill may further limit flood risk to the pitches. From a flood risk perspective marginally raising the level of these pitches is desirable but it is not essential. Both SEPA and the Council's Flood Risk Officer (FRO) do not object to the proposals and accept locating these types of facilities are uses which are compatible within a 1 in 200 year flood risk. Importantly the new campus building is not at risk of flooding.

The culverted Moss Burn runs around the sports pitches. The FRO recommended that the existing buried man hole cover should be either suitably retained or moved. This matter can be addressed by planning condition.

In terms of the drainage proposals, foul drainage will flow from the development via a dedicated gravity foul system to the north of the site where it will discharge to the combined sewer on Livingstone Place. Scottish Water have not identified any existing capacity issues to suggest their infrastructure could not accept this proposal.

Surface water is to be handled via combination of treatments including; infiltration trench, attenuation tank, cellular storage and porous paving. The FRO supports the proposal which reduces runoff rates. In comparison to the existing surface water systems, the proposal offers a betterment in Sustainable Urban Drainage terms and will reduce the volume of water being discharged in to Scottish Water's network.

Subject to conditions controlling the impact on culverted Moss Burn, 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 site is not located within any SSSI or SAC.

The application was supported by a Preliminary Ecological Assessment (PEA). Impact on potential bat habitat was identified through building demolition and loss of mature trees. A full bat survey of the CDT building has been carried out as this was the building found to have highest potential for bats. Surveys of other structures with low potential are still required. In addition, a survey for red squirrel is also required.

Further discussions with the agent has confirmed that the survey focusses on the areas identified within the PEA that will be affected by demolition taking place prior to the proposed construction works commencing. This is the CDT building that is scheduled for demolition during April 2023.

The remaining buildings proposed for demolition, as well as the trees identified for removal in the PEA, are not scheduled for demolition/removal until the end of 2025, following completion of the new campus building. The agent has confirmed that the demolition of the various other school buildings are being phased from late August 2025 until spring 2026. The agent has also confirmed that further surveys of these buildings and trees will be carried out in advance of demolition and licenses will be applied for as required. This will ensure that the surveys are up to date and relevant to what is actually there at that time. Members should be aware that a survey carried out more than 18 months ahead of the works being carried out would be considered invalid. It is the intention to phase the survey work on this basis to ensure they are up to date and valid at the time of licence application. The agent has confirmed that Echoes Ecology (who carried out the original survey) have been appointed on the basis of carrying out these surveys at a later date.

The Council's Ecologist has confirmed that as no other demolition works are proposed until 2025, the survey for these buildings can be carried out closer to the date of demolition, during the 2024 and early 2025 survey seasons. No further surveys are required at this stage, however the Ecologist recommends a series of conditions are added to any permission that may be granted

Species licences will be required to be obtained before each phase of the demolition commences, along with species protection plans for bats, red squirrel and breeding birds. These matters can be handled by planning condition which will also provide scope to address any extra mitigation deemed necessary by the additional surveys.

New floodlighting may also impact on bats. The Ecologist has suggested that different lights (which are to be used at the new Peebles High School) would minimise the

impact of artificial light on bats and also reduce light spill. Mitigation of the impact of floodlights can be handled by a condition seeking a suitable lighting plan.

### Other Material Issues

Third parties have raised concerns about the development causing litter. The development will include new litter facilities. The Council will be best placed to manage this through their operation of the Community Campus.

It has been suggested in objections that the application should be notified to Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009. The proposed development constitutes a Category 1 development where planning authorities have an interest. However, there needs to be a significant departure from the objectives of the plan as a whole to require notification of Council interest in the application. It is considered that there is no departure from the strategic objectives of the plan more broadly, which is the key test for notification.

Members will be aware that the local development plan acknowledges the aspiration for a new school within the grounds of the existing Academy. Furthermore, the policy on green space does make allowances for the possibility of development on green spaces in exceptional circumstances.

Whether the development complies, wholly or in part, with policy requirements is part of the planning balance. Conflict with a single policy does not represent a “significant” departure for the purposes of this process. It has been suggested in objections that the proposal does not comply with the requirements of LDP Policy EP11 on Key Greenspace. Members will note from the assessment above that the impact of the development on Key Greenspace has been thoroughly tested. It is considered that the proposed development will not result in a significant departure from the development plan and as such, the application is not required to be notified to Scottish Ministers.

### **CONCLUSION**

The proposed development represents a significant investment in the improvement of education and community facilities for the benefit of Galashiels and its surrounding catchment. The development is located within part of Galashiels which successfully accommodates the existing Galashiels Academy. The location of the proposal 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.

The siting of the new Community Campus would result in the loss of part of Scott Park. It has been established that there is a clear need for the proposed development and the development itself will provide long-term social, economic and community benefits. The development also seeks to mitigate its impact on part of Scott Park by providing compensatory greenspace in this location, as well as new sporting facilities. When considered against the wider planning balance, the development has satisfactorily demonstrated that the direct benefits and greenspace mitigation it would provide allows it to represent an exceptional form of development of the existing greenspace in accordance with the aims of Policy EP11.

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 following conditions:

1. No development shall commence until precise details of the external materials (including colour) finishes for all buildings which include; the new Community Campus, Tennis Court enclosure and ancillary structures have first been submitted to and agreed in writing with the Planning Authority. This should also include large scale detailing for key junctions/features around the new Community Campus building. The development shall thereafter be carried out in accordance with the agreed finishes and detailing.  
Reason: To ensure external materials are visually appropriate to the development and sympathetic to the surrounding area.
2. No development commence 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 community campus, outdoor sports facilities, all access roads and paths and the demolition of the existing Galashiels Academy. 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.
3. The new Gen2 Multi Sport pitch and 3G synthetic pitch shall be floodlit and shall be designed and constructed by a recognised (e.g., SAPCA\* registered) specialist pitch contractor(s). Details of the 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](http://www.sapca.org.uk))  
Reason: To ensure appropriate replacement provision is provided.
4. The 3G synthetic pitch shall include an appropriate shock pad to ensure IRB (International Rugby Board) standards compliance.  
Reason: To ensure the pitch can be used for rugby use.
5. At least 4 tennis courts shall be marked to the recognised tennis court dimensions in the Gen2 Multi Sport pitch.  
Reason: To ensure replacement of tennis courts.
6. No development shall commence until an Arboricultural Impact Assessment has been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:
  - a) A plan identifying the location of protective fencing in accordance with BS5837:2012 which is to be erected around trees identified for retention on Drawing No GCC\_RFL-00-ZZ-DR-L-0003 and thereafter the fencing shall only be removed when the development has been completed.
  - b) A programme of works to detail the removal of trees identified within the Drawing No GCC\_RFL-00-ZZ-DR-L-0003 for removal.  
Reason: Further information is required regarding tree removal and protection to ensure impacts on trees are minimised, in the interests of maintaining the landscape setting of the site and amenity of neighbouring properties.



7. Other than those identified for removal within Drawing No GCC\_RFL-00-ZZ-DR-L-0003, no trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority  
Reason: The existing tree(s) represent an important visual feature which the Planning Authority considered should be substantially maintained.
8. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority and thereafter the development shall be completed in accordance with the agreed details. Details of the scheme shall include;
- i. Existing and finished ground levels in relation to a fixed datum preferably ordnance
  - ii. Location and design, including materials, of walls, fences and gates
  - iii. All surfacing materials for all roads, footpaths, steps and all other hard surfaces
  - iv. Precise location of all new trees, shrubs, hedges and grassed areas
  - v. Schedule of plants to comprise species, plant sizes and proposed numbers/density,
  - vi. 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 ensure the satisfactory form, layout and assimilation of the development.
9. The development shall be carried out in accordance with the archaeological evaluation and watching brief detailed within the approved Galashiels Community Campus Archaeological Desk-Based Assessment (Report No 4088) prepared by CFA Archaeology Limited. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to;
- Conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds.
  - Observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary
- Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority.
- Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
10. No development shall commence until a scheme of details to improve the appearance of the existing entrance in to Scott Park has been submitted to and agreed in writing with the Planning Authority and thereafter the works shall be completed prior to the development becoming operational.

Reason: To improve the appearance of the entrance to Scott Park which also provides access to the development.

11. No development shall commence until a scheme of details for a signalised pedestrian crossing on Scott Street have been submitted to and agreed in writing with the Planning Authority. Thereafter the crossing shall be installed and operational before the development becomes operational.

Reason: To ensure the pedestrian crossing required to safely assist pedestrian flow is designed and installed to the satisfaction of the Council.

12. The four parking bays to the southern side of the Community Campus at the Enhanced Drop Off area shall be marked out as disabled person spaces.

Reason: To ensure there is appropriate parking provision and accessibility for all at this location and to prevent miss-use.

13. No development shall commence until engineering details for all new roads (including car parking areas) and footways/footpaths have been submitted to and agreed in writing with the Planning Authority. Thereafter all routes shall be constructed in accordance with the agreed details before the development becomes operational.

Reason: To ensure that all new roads and footways/footpaths are constructed to an appropriate fit for purpose standard.

14. No development shall commence until a scheme of details for the provision of electric charging points have been submitted to and agreed in writing with the Planning Authority. 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.

15. No development shall commence until details of proposed cycle stands have been submitted to and agreed in writing with the Planning Authority. Thereafter the approved details to be installed and operational prior to the development becoming operational.

Reason: To ensure there is adequate secure and covered provision for cyclists and the development caters for sustainable forms of transport.

16. No development shall commence until a Traffic Management Plan (TMP), relating to construction traffic, has been submitted to, and approved by, the Council. Thereafter the works are to proceed in accordance with the approved plan unless otherwise agreed in writing.

Reason: To ensure the safety of all road users during the construction phase of the development and to ensure that the construction traffic does not have a detrimental impact on the existing traffic movements.

17. No development shall commence until a Path Planning Study has been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:

- a) All existing core paths, rights of way, or other used paths/ tracks;
- b) Areas where statutory rights of access will apply and any areas proposed for exclusion from statutory access rights for reasons of privacy, disturbance or curtilage, in relation to proposed buildings, structures or fenced off areas;

- c) Any diversions of paths - temporary or permanent - proposed for the purposes of the development  
Reason: To protect path access through the development site during development works.
18. The existing manhole access to the culverted Moss Burn shall be retained, unless a an alternative access detailing to the burn are submitted to and agreed in writing with the Planning Authority and thereafter any new access shall be suitably retained.  
Reason: In the interests of flood risk and to ensure access to the culverted burn is maintained.
19. No development shall commence on each phase of demolition of the existing school buildings (as agreed by Condition 2) or the felling of trees identified for removal under Condition 7, until the developer has provided the Planning Authority with either;
- a) a copy of the relevant European Protected Species licence,
  - b) a copy of a statement in writing from Scottish Natural Heritage (NatureScot) (licensing authority) stating that such a licence is not necessary for the specified development
- Reason: To protect the ecological interest in accordance with Local Development Plan policies.
20. No development shall commence until the following Ecological mitigation measures have been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:
- a) a Species Protection Plan (SPP) for bats
  - b) a SPP for breeding birds which shall include a pre-development supplementary survey, in the event that development works are sought to be commenced during the breeding bird season (March to August)
  - c) a SPP for red squirrel
  - d) A sensitive lighting scheme to minimise impact of floodlights on bats and breeding birds
- Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.
21. 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 bird nest boxes, bat boxes 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 ensure the development accords with the requirements of policies within the Local Development Plan
22. 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.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”.

- c) 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.
- d) The times during construction when specialist ecologist need to be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of Ecological Clerk of Works (ECoW) or similar competent person.
- g) A Drainage Management Plan
- h) A Site Waste Management Plan

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

Reason: To ensure all construction operations are carried out in a manner that minimise their impact on the environment.

23. No development shall take place until precise details of the location and specification of screening to be erected to minimise noise during construction at noise sensitive receptors identified in the Noise Assessment. The screening shall be installed before the commencement of demolition works and shall remain in place until the works have been completed.

Reason: To safeguard surrounding residential amenity.

24. 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.

25. No development shall commenced until a scheme of noise mitigation measures for the equipment to be installed and used at the Sports Pitches in accordance with paragraph 4.7.2 of the Noise Assessment (Report No 4633 prepared by ITP Energised – dated 24 March 2022), has been submitted to and agreed in writing with the Planning Authority and thereafter the mitigation shall be installed and suitably maintained before operation of the facilities.

Reason: To safeguard surrounding residential amenity.

### Informatives

1. Within 12 months of the school becoming operational is it recommended that a Travel Plan is agreed with the Council's Roads Planning Service to ensure the school operates in a sustainable manner with regard to travel and transport.

DRAWING NUMBERS

[1] GCC-JMA-ZZ-ZZ-DR-A-00-0002	Proposed Site Plan
GCC-JMA-01-00-DR-A-PL-0001	Proposed Ground Floor Plan
GCC-JMA-01-01-DR-A-PL-0001	First Floor Plan
GCC-JMA-01-02-DR-A-PL-0001	Second Floor Plan
GCC-JMA-01-03-DR-A-PL-0002	Roof Plan
GCC-JMA-01-ZZ-DR-A-PL-1001	Section Sheet 01
GCC-JMA-01-ZZ-DR-A-PL-1002	Section Sheet 02
GCC-JMA-01-ZZ-DR-A-PL-2001	Elevation Sheet 01
GCC-JMA-02-ZZ-DR-A-PL-2001	Elevation Sheet 02
GCC-JMA-03-ZZ-DR-A-PL-2002	Elevation Sheet 03
GCC-JMA-01-ZZ-DR-A-PL-2002	Tennis Court Ground Floor Plan
GCC-JMA-02-ZZ-DR-A-PL-2001	Tennis Courts Roof Plan
GCC-JMA-02-ZZ-DR-A-PL-2001	Tennis Courts Elevation Sheet 01
GCC-JMA-02-ZZ-DR-A-PL-2002	Tennis Courts Elevation Sheet 02
GCC-JMA-03-ZZ-DR-A-PL-0001	Substation Plans and Elevation
GCC-JMA-06-ZZ-DR-A-PL-0001	External Sports Store Plans & Elevation
GCC-RFL-00-ZZ-DR-L-0001	Landscape Layout
GCC-RFL-00-ZZ-DR-L-0002	Tree Protection Plan
GCC-RFL-00-ZZ-DR-L-0004	Fencing Layout
GCC-RFL-05 ZZ PL0001	Bin Store Plan & Elevation
GCC_RFL-00-ZZ-DR-L-0002	Planting 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.

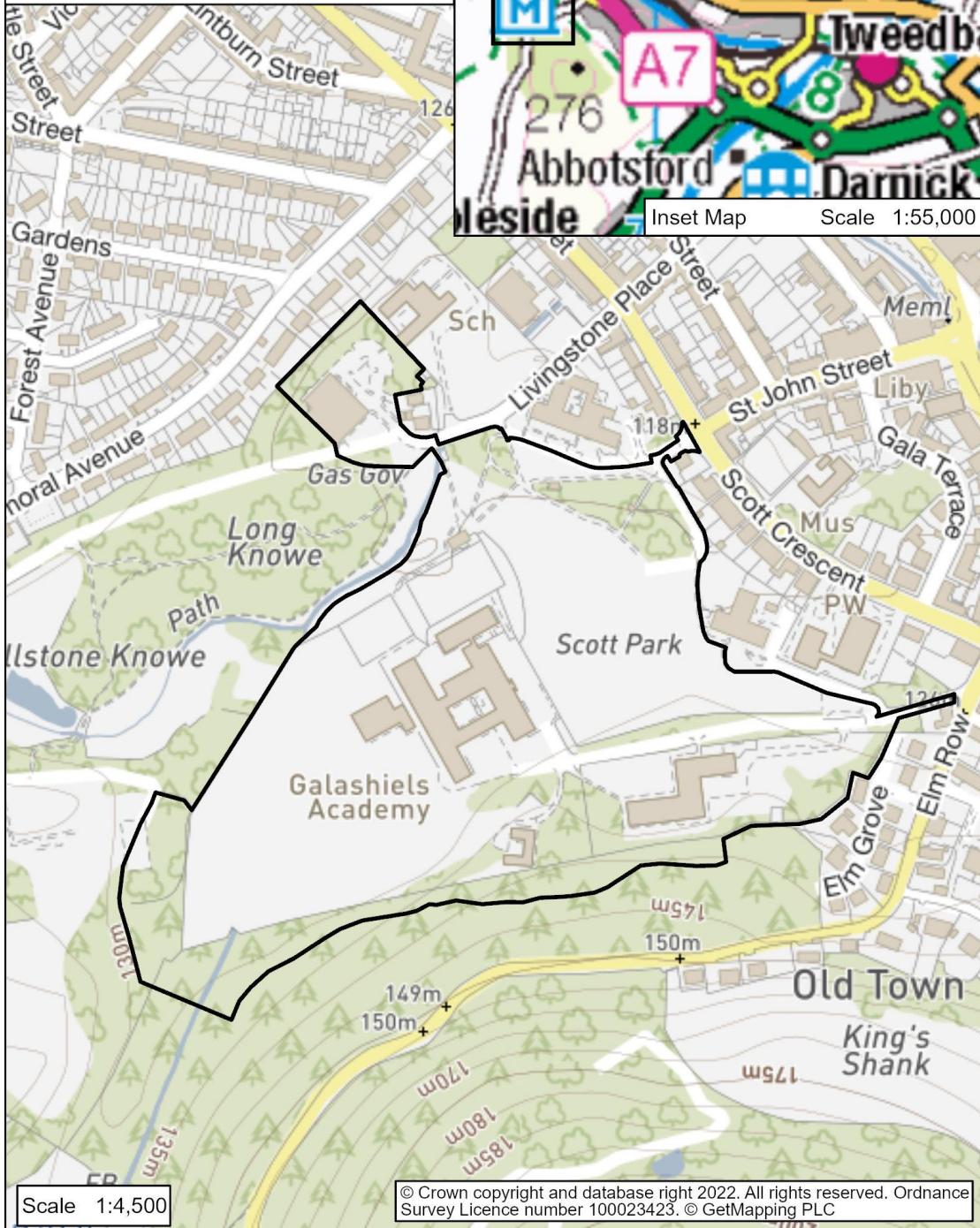
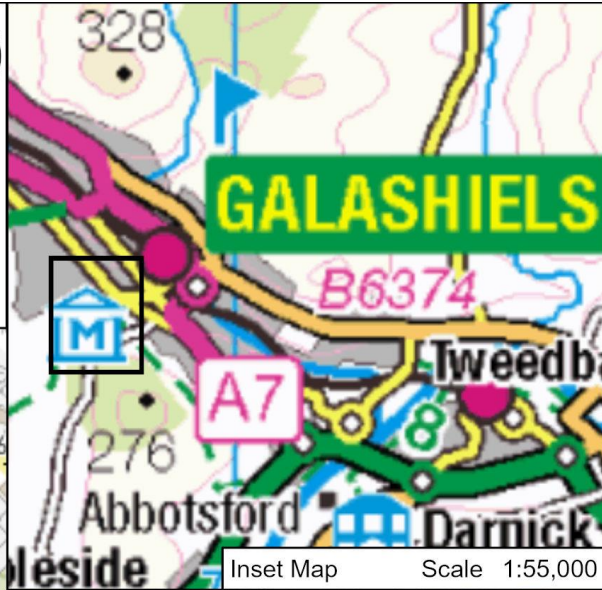
**Author(s)**

Name	Designation
Scott Shearer	Peripatetic Planning Officer



22/00518/FUL

Land North And East Of And  
Incorporating Galashiels Academy  
And Swimming Pool  
Galashiels



**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**5 SEPTEMBER 2022**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** **REFERENCE NUMBER:** 22/00019/AMC

**OFFICER:** Carlos Clarke  
**WARD:** Selkirkshire  
**PROPOSAL:** Erection of 6 no. dwellinghouses (approval of all matters specified in planning permission 19/01687/PPP)  
**SITE:** Land North East Of The Lodge Philiphaugh Mill  
Ettrickhaugh Road, Selkirk  
**APPLICANT:** Rural Renaissance Ltd  
**AGENT:** J S Crawford Contracts (Borders) Ltd

**SITE DESCRIPTION**

The site is located at the south-westerly end of Selkirk, on the south-easterly side of Ettrickhaugh Road which it fronts, beyond which is a row of detached and semi-detached dwellinghouses. There are further residential neighbours to the north-east and south-west. The site includes stable buildings, a riding arena and undeveloped paddocks/field and is bound to the south-east and south-west with a mill lade, the boundaries for which are lined with existing trees and hedging. A hedge bounds part of the roadside boundary onto Ettrickhaugh Road.

**PROPOSED DEVELOPMENT**

This application seeks approval of all matters referred to in conditions imposed on the Planning Permission in Principle granted in March 2021 for development of this site (19/01687/PPP). The application proposes the erection of six detached houses, three of which were originally proposed as full two-storey houses (plots 1-3), and three being single-storey (plots 4-6). During the processing of the application, and in response to issues raised by this service regarding the design of the dwellinghouses, the proposals have been amended to five 1 ¾ storey houses (plots 1-5), with one single-storey house remaining proposed on plot 6. Neighbours were renotified of the amendments (given the material change to potential impacts on their amenity) and responses to the renotification are summarised further in this report.

Each house would be provided with individual vehicular accesses, served by Ettrickhaugh Road, which would be widened and be provided with a public footway to the front of plots 2-4.

**PLANNING HISTORY**

04/02026/OUT – Outline planning permission for eight dwellinghouses was refused in 2005 due to serious flood concerns

19/01687/PPP – Planning Permission in Principle was granted for six houses in March 2021

## **REPRESENTATION SUMMARY**

In response to the original submission, nine representations were received. In response to the revised application, nine representations were also received. All are available to view in full on *Public Access*. A summary of the key issues raised is provided below:

- Road safety concerns, due to the road being busy, and several access points are proposed off it. The minor widening proposed will not resolve the issues of road and pedestrian safety concerns, and the footpath does not extend the full length of the site. The revised proposals will increase occupancy and, therefore, vehicle numbers
- The road is already in poor condition and will be affected further by construction vehicles, including HGVs, for which it is unsuitable. No improvement to the road's running surface is proposed
- There are no turning areas within each plot, and the turning head will serve plot 6 and risk residents' safety
- Loss of hedge, and development of the site, will result in natural habitat loss, including impacts on birds and other wildlife. Bats are also understood to roost in the stables and aren't mentioned in the ecology report.
- It is unwise to build on a flood plain and SEPA stand by their assessment. Water also risks flowing onto Ettrickhaugh Road and flooding the adjacent cottages. The lade can be 150mm below ground level during winter
- The original design of the houses was considered to be out of keeping and did not fit with surrounding residential properties. The revised proposals are also considered to be totally out of keeping.
- The revised proposals will affect natural light and privacy
- Queries are raised regarding information on tree protection and landscape plans including location of the lade and hedge; extent of tree belt; and, north point, scale bar, and license number omissions
- When the hedge is managed, the lade should also be, with its embankments trimmed

## **APPLICANT'S SUPPORTING INFORMATION**

The application is supported by the following:

- Construction Environmental Management Plan (CEMP) which was updated during the processing of the application
- Tree Survey Report, Constraints Plan and Protection Plan, which were all updated during the processing of the application
- Drainage Strategy and Surface Water Management Plan
- Design Statement
- Written Scheme of Investigation for an archaeological Watching Brief and Metal Detecting Survey
- Engineer's letter addressing contamination risk

During the processing of the application, a Biodiversity Enhancement 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  
EP8 – Archaeology  
EP13 – Trees, woodlands and hedgerows  
EP15 - Development Affecting the Water Environment  
EP16 – Air Quality  
IS5 – Protection of access routes  
IS6 – Road adoption standards  
IS7 – Parking provision and standards  
IS8 – Flooding  
IS9 – Waste water treatment standards and SUDS  
IS13 – Contaminated Land

## **OTHER PLANNING CONSIDERATIONS:**

Supplementary Planning Guidance:

Landscape and Development (2008)  
Sustainable Urban Drainage Systems (2020)  
Trees and Development (2020)  
Waste Management (2015)  
Placemaking and Design (2010)  
Guidance on Householder Development (2006)  
Designing out crime in the Scottish Borders (2007)

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Roads Planning Service:** The principle of housing on this site has already been established. The drawings show the road being widened with appropriate drainage measures in place. The plans also show the existing hedgerow being removed with a new footpath being constructed behind this line. Each of the plots have a minimum of two parking spaces and a new formal turning head is proposed at the southern end of the site. They note that there are several objections. At present the existing properties park on street which reduces the width of the road down to single file. The driveways into each of the plots have been designed to ensure there is no loss of on-street parking, by increasing the width and allowing for a splayed entrance, thus reducing the amount of road width required for turning manoeuvres. The width of the road is being extended to approximately 5.2 – 5.3 metres. The desirable width of 5.5 metres can't be achieved due to the overhead cables, however the increased width will allow the road to continue to function appropriately and is a betterment to the existing arrangement

They advise that Road Construction Consent (RCC) will be required for the formation of the new footway outwith the public road boundary, along with the formal turning

head. This process will also cover the road widening and drainage aspects of the development. The existing street lighting arrangement should be reviewed to ensure there is sufficient lighting for the new footpath. Plot 6 would benefit from having car turning provision. They recommend conditions requiring the road widening to be undertaken prior to the development commencing, and new footpath formed before occupation of the first house, and an Informative Note highlighting the RCC requirements.

The RPS was consulted again on the revised application and have confirmed they are content with the amendments, though they note that plot 1's hedging is now hard up against the road edge which will impact on visibility, so will require set back to achieve 2.4m by 33m visibility splays. The RPS also advised that Plot 5 requires a splayed entrance.

**Landscape Architect:** The tree survey identifies only four trees that merit retention and eleven trees which are in poor condition or which are growing out of the lade wall, to both the trees' and the wall's detriment. The landscape architect does not disagree with this and acknowledges that more than two thirds of the trees along the south east boundary may need to be removed. However, it will be important to replace them.

The Tree Protection Plan (as originally submitted) was queried. Following submission of a revised protection plan, she now advises that this is adequate for the purpose.

With reference to the landscape plan (as originally submitted) the proposals were considered sketchy and had no replacement planting. Compensatory tree planting for trees removed, as well as additional front garden tree planting (at least one tree per plot), were recommended. She also considered that the proposed footpath along the frontage of plots 2-4 is awkward and not wholly satisfactory, with the path layout not being instinctive, though she considered that utilities could be overcome. Further beech hedging was also recommended.

In response to a revised landscape plan, the amendments are acknowledged, with replacement trees added to the rear and front gardens. These should be specified as rootballed on the plan, with further information added. A more detailed hedging schedule should be specified, including number per linear metre, protection, a plan of where each type of hedge is planted, and all should be cell grown. If native, then a more appropriate mix is recommended.

**Outdoor Access Officer:** No reply

**Flood Officer:** As regards Condition 3, the FO is satisfied that the applicants plan to build to a finished floor level of 199.15mAOD, which is above the requirement of at least 199 mAOD within Condition 3.

As regards Condition 8, there does not appear to be any information on greenfield/surface water run-off rates pre and post development within the Drainage Strategy & Surface Water Management Plan. The FO advised that the information contained within the original submission did not yet demonstrate "that surface water run-off from the site will be maintained at pre-development levels using sustainable drainage methods during construction of the development and subsequent occupancy". He asked for confirmation of treatment and attenuation of surface water prior to discharge to the lade; surface water discharge rates; that sufficient storage will be provided to attenuate to a 1:200 storm event with 30% climate change; and, restriction of flow will be achieved by hydrobrake on the disconnecting manhole.

The FO subsequently discussed the drainage issues with the applicants and notes that the plan for drainage has changed since the PPP. The previous plan was to pipe run-off to the burn with a hydrobrake, with the new plan now to install a system that infiltrates on site. He is now content, having viewed porosity tests from the applicant, that the proposed drainage methodology is suitable. The surface water will be allowed to infiltrate on site, rather than being piped to the burn. This is the preferred method of drainage and is a suitable solution as the site is almost free draining. This would reduce the requirement for pre and post greenfield run-off rates as there would be no flow now heading to the burn. He notes that Building Standards will assess the porosity tests and assess whether this is suitable. Therefore, with regards to Condition 8, it appears that the applicant has now shown that their drainage uses “sustainable drainage methods during construction of the development” and with regards to the surface water, this will now be drained on site. From the position of his Flood and Coastal Management Team, Condition 8 appears now to have been met

**Selkirk Flood Prevention Scheme:** No reply

**Ecology Officer:** Queried minor elements of the CEMP (Condition 11) and Species Protection Plans (Condition 12) but, following submission of a revised CEMP (which includes the SPPs, now advises that both conditions can be discharged.

At the time of writing, no Biodiversity Enhancement Plan (BEP)(Condition 13) had been submitted, though this has since been submitted and considered by the Ecology Officer. The Phase 1 Habitat Survey carried out in 2019 noted (at least) two swallow nests in the stable block. The BEP proposes two bird boxes which are not suitable for swallows. Therefore, two swallow cups will be required, which would need to be below the eaves of one or two of the proposed dwellinghouses. The swallow cups should be an addition to the two nest boxes already proposed as the two swallow boxes would be a compensation for those lost, not a biodiversity enhancement. All of the proposed new trees seem to be within the private garden areas, which is not ideal at all, as the trees in the gardens could be removed at any time and without any consequences. It would be much more desirable to have the trees planted outside the garden grounds. The new hedges are proposed to be either 100% beech or a native mix. The native mix would be much more appropriate than 100% beech comprising, at the very least, 50% of the hedging.

**Contaminated Land Officer:** On the basis of the information provided, confirms he has no further comments to make

**Archaeology Officer:** Is happy that the methodology should afford the identification, recovery and recording of any archaeological finds, features and/or deposits from the area. There is the potential for battlefield features or finds, as well as other earlier periods. He is happy to confirm there are no issues with the Written Scheme of Investigation (WSI).The submission of the WSI is suitable for the first part of condition14 of 19/01687/PPP. Following the methodology, the fieldwork and reporting should be carried in due course for him to recommend upon the further parts of the condition.

### **Statutory Consultees**

**Royal Burgh of Selkirk and District Community Council:** No comments on the original or revised application have been received.

**Scottish Environment Protection Agency:** Consider that they should not have been consulted, given their objection in principle to 19/01687/PPP. They understand that,

contrary to their advice, Planning Permission was granted following referral to the Scottish Ministers. Therefore, they are not going to comment.

**Historic Environment Scotland:** The proposed development will impact on the Battle of Philiphaugh Battlefield Site, but they do not consider the impact raises issues of national importance. The current application does not change this view (made for the PPP application) and they have no specific comments to offer.

### **KEY PLANNING ISSUES:**

The key planning issues are whether the proposed development satisfies the specific requirements of conditions imposed on 19/01687/PPP, and for which the approval or agreement of the Planning Authority is required, particularly as regards the layout, scale, design and specification of the proposed houses; amenity impacts; road and pedestrian safety impacts; servicing; and ecology impacts.

### **ASSESSMENT OF APPLICATION:**

#### Principle

The principle of development has been established with the granting of 19/01687/PPP. Considerations for this application are limited as to whether the proposals satisfy the requirements of all conditions imposed on the PPP consent that require the approval or agreement of the Planning Authority. This assessment is made against each of the relevant conditions in turn, the requirements of which are summarised in italics:

#### Condition 1

*This requires approval of the details of the layout, siting, design and external appearance of the building(s), their means of access, including two parking spaces (excluding garages) per house, bin storage and the landscaping of the site*

The application originally proposed two-storey houses on plots 1-3, with single-storey houses on plots 4-6. However, given the townscape here is fundamentally comprised of dormered cottages within a generally regular townscape (albeit with some departures, including single-storey houses), the applicants were asked to consider a more regular townscape to the roadside to reflect this. Their response has been positive, and the current proposal for 1 ¾ storey houses within plots 1-5, which also incorporate improved form, design and detailing, are considered a much more complementary fit. Albeit they are not full 1 ½ storey houses like the existing cottages, they are an appropriate response to this site, given its size and the number of houses. They are closely reflective of the indicative proposals considered at the PPP stage. The proposals also incorporate narrowed frontages, with all double garages being replaced with single garages, with some in recessed positions. Plot 6 remains single-storey and will have a 'backland' character. However, this proposal reflects that anticipated at the PPP stage and its positioning would be loosely characteristic of the discrete location of single-storey houses already existing to the south-west of the cottages. Its scale and design will mean its visual impact will be low-key from the public road.

As regards materials, an original proposal for concrete tiles and roughcast rendered walls has been amended to slate-effect tiles and smooth render finishes (albeit with an erroneous reference to roughcast still on the drawings). Though natural slate and stone predominate on the road now, there are also non-traditional finishes. Provided the tile is a good quality imitation slate and, preferably, earthy colours are specified for the

rendered walls, the result should be sympathetic to the context. Buff surrounds and buff block basecourses are proposed, the latter not being ideal but being a minor feature. The Yarrow house type, however, incorporates a projecting gable in a similar pitched block, which may not sit entirely comfortable with the house's character and nearby cottages, and requires further consideration by planning condition.

All plots incorporate two parking spaces, a tuning head is proposed and Plot 6 incorporates its own turning area, thus addressing the Roads Planning Service's original comments. Though concerns from residents are fully acknowledged, the RPS is content with the number of accesses proposed in terms of road safety. An adjustment to Plot 1's hedge route will need agreed in order to maintain splays, and the RPS's requirement for Plot 5's entrance, and conditions can cover these.

Bin storage is understood to be referred to on the site plan, though is not entirely clear for all plots. A condition can, however, suitably regulate their provision and retention.

The landscaping requirements of Condition 1 are addressed under Condition 4.

### Condition 2

*This prevents development until all conditions requiring approval of matters have been so approved, and does not require a submission in itself.*

### Condition 3

*This requires a 1:500 site layout plan; plans and elevations of houses and garages including materials; a landscaping plan; phasing details; and levels, which should show that the buildings' finished floor levels are not less than 119m above ordnance datum.*

Sufficient plans and drawings have been submitted to assess the proposals (and are covered more specifically under Conditions 1 and 4). Site and finished floor levels are appropriate, and specify all houses as having the same floor level which is 150mm above the condition requirement. Though phasing details have not been submitted, conditions can secure the phasing of services. Given the backland location of plot 6, this should only follow the development of plots 1-5 and is covered by condition.

In terms of neighbouring amenity impacts, the proposal will not have adverse impacts on the amenity of neighbouring properties as regards daylight, sunlight or outlook loss. It is also considered that, at the distances proposed (the closest is slightly less than 24 metres), the houses will not unreasonably intrude on the privacy of the facing cottages or on any other neighbouring property. The applicants slightly set the houses further back, on request by this service, during the course of the application in order to minimise effects, while still achieving a suitable townscape relationship.

Chimneys are specified, though these are referred to as dummy chimneys. If stoves are subsequently provided within the dwellinghouses, then any emissions are a matter for regulation under Environmental Health powers.

### Condition 4

*This requires a hard and soft landscaping scheme, including specifications, schedule, and a programme of completion and maintenance. It also refers to boundary treatments and bin storage (the latter is discussed under Condition 1).*

The original landscaping and boundary treatment plan was amended during the application's processing in response to issues raised by this service, and now includes hedging along the entire roadside boundary, which will compensate for the hedging lost. To compensate for the eleven trees being removed, thirteen trees are to be planted, including one in each front garden. Driveways/parking areas will be in permeable paving, and rear gardens divided by post and wire fencing. Though, as our landscape architect notes, some further detail is required (and the specification for hedging should tally with that recommended for the Biodiversity Enhancement Plan required for Condition 13), the proposal is fundamentally an appropriate response to the site. The footpath route has not been changed, however, the acceptability of that has been established with the Roads Planning Service. It may be that prospective residents may wish to add screen fencing in rear gardens, but that would be subject to normal Permitted Development rights. As noted above, hedging to plot 1 will need adjusted to safeguard visibility splays (and may be best with an amendment to the plot boundary to suit).

In response to a point raised in a neighbour's representation, there is no justification for requiring management of the south-westerly hedge on the lade side, that being an issue relevant to the current site regardless of this development.

#### Condition 5

*A scheme of details detailing improvements to Etrickhaugh Road are required, and their implementation prior to occupancy of the first house. A related Informative Note recommended the widening of the road to 5.5 metres, with new footway, surface water drainage and enhanced street lighting provision.*

The proposals include widening of Etrickhaugh Road to 5.3 metres, and incorporating a footpath. Though the widening is not as far as preferred, and the footpath does not run the full length of the site's frontage, the RPS is content with the proposal given the constraints posed by overhead cables. As Roads Construction Consent will be required for the footway, turning head, road widening and associated drainage and street lighting, the specific details of these works can be managed under that process. Ultimately, it is considered that the proposal will manage the additional traffic associated with the proposal by means of the road improvements now specified.

#### Condition 6

*This requires that the path on the access road between the north-easterly boundary and Lauriston Cottage be kept free during and after the development.*

This condition requires no submission and is not prejudiced by the detailed proposal. An Informative can refer to its requirements still being applicable.

#### Condition 7

*This requires a scheme to identify and assess potential contamination*

The applicant's engineer's submitted information regarding the site history and established that the contamination risk associated with past use is low. The Council's Contaminated Land Officer has accepted the information as sufficient. This condition is, therefore, satisfied.

### Condition 8

*Precise details of the water supply and a surface water and foul drainage scheme are required. The surface water scheme should demonstrate that run-off will be maintained at pre-development levels using sustainable methods*

Mains water and foul drainage services are proposed, and a condition can secure evidence of connections having been granted by Scottish Water.

As regards surface water drainage, drainage for the road widening and footway are for the Roads Construction Consent. As regards the site, the proposals are for individual infiltration manholes for each plot on the basis the site is free draining. Permeable paving for parking areas is also proposed. The Flood Officer has, as noted above, endorsed the proposals as being sufficient to meet the requirements of Condition 8 as regards surface water. The drainage proposals have not been adjusted to suit the revisions to the site layout, though they will not be materially affected, and this can be covered by planning condition.

### Condition 9

*An Arboricultural Impact Assessment is required for trees to the south-east and south-west.*

A survey report, constraints and protection plan have been submitted (and updated during the processing of the application) and are sufficient to fulfil the requirements of the condition. These identify that 11 of 15 trees to the south-east require removal due to their condition and pressure on the lade. Protective fencing is proposed for the remaining four, as well as the hedge to the south-west. As noted above under Condition 4, replacement trees will provide adequate compensation for those removed. The detailed maintenance of the south-westerly hedge is ultimately for the landowner, and, given its type, conditional control should not prohibit its reasonable management to ensure adequate amenity for adjacent householders.

### Condition 10

*This requires protection of trees to be retained, and includes a requirement to maintain soil levels around the boles of hedges, with no trees or hedging to be felled without the prior consent of the Planning Authority*

As noted in Condition 9, protective fencing is proposed that should minimise risk of damage to hedging to the south-west and remaining four trees to the south-east. This is now shown on the site plan so, notwithstanding any apparent errors or omissions in the tree protection plan, compliance with this should achieve adequate protection during the works. As above, the control of the hedge to the south-west should not prevent reasonable management of its size, to maintain the amenity of existing and prospective residents.

The hedge to the roadside will be removed. However, this is to allow for the widening of the road and footway, both of which will be of benefit to existing and prospective residents. As noted under Condition 4 above, however, the proposal includes a greater degree of new hedging and, in the long term, this should ensure the existing hedging is more than compensated for.

### Condition 11

*A Construction Environmental Management Plan (CEMP) is required to address this condition*

A CEMP has been submitted that addresses the Ecology Officer's original comments, and is now acceptable. Implementation is still required under Condition 11, so an Informative, rather than a further condition, is sufficient.

### Condition 12

*A Species Protection Plan for otter and breeding birds is required.*

Species Protection Plans have been submitted that incorporate amendments to address the Ecology Officer's original comments, and are now acceptable. These are incorporated in the CEMP.

Concerns raised in representations regarding bats are acknowledged. However, during the course of the PPP application, the suitability of the existing buildings for bats had established that this was negligible, and the Ecology Officer accepted the findings at that time. Implementation of SPPs is still required under Condition 12, so an Informative, rather than a further condition, is sufficient

### Condition 13

*This condition requires a Biodiversity Enhancement Plan*

A Biodiversity Enhancement Plan has been submitted and specifies proposals for two bat and two bird boxes, as well as new hedge and tree planting, which are all specified on the landscape plan (Condition 4). The Ecology Officer also recommended two swallow cups in addition to the bat and bird boxes, and this would be reasonably required by condition. Though her concerns regarding the risk of removal of trees within gardens is acknowledged, all such trees would be regulated by planning condition. The hedging mix can be addressed in a revised landscape plan which, as noted under Condition 4, requires some further clarity as regards hedging in any case. A condition requiring these adjustments can be imposed. The implementation of the BEP is, otherwise, regulated by Condition 13, so an Informative is noted to that effect.

### Condition 14

*This requires a Written Scheme of Investigation (WSI) detailing a programme of archaeological works*

A Written Scheme of Investigation for a Watching Brief and Metal Detecting Survey has been submitted and (albeit the planning reference is incorrect on the submission), this satisfies the requirements of the condition, as confirmed by the Archaeology Officer. Implementation and reporting will be required in order to fully satisfy Condition 14.

## CONCLUSION

Subject to compliance with the schedule of conditions, the development will satisfy Conditions 1, 3-5 and 7-14 of Planning Permission in Principle 19/01687/PPP and 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 the following conditions and informatives:

1. No development shall commence until evidence confirming that mains water and foul drainage connections 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 connections, unless otherwise agreed in writing with the Planning Authority.  
Reason: To ensure the development is adequately serviced
2. Prior to development commencing, further details of the landscaping specified on drawing number P063/001 rev B shall be submitted for the written approval of the Planning Authority. The details shall comprise:
  - a) staking and protection specifications for new tree planting;
  - b) density of hedging;
  - c) location of hedge species;
  - d) a revised hedge route for Plot 1 that safeguards 2.4 metres by 33 metres visibility splays for the plot entrance in both directions
  - e) hedging protection;
  - f) implementation timescale; and, maintenance scheme.All trees shall be rootballed; all hedging shall be cell grown; and at least 50% of the hedging shall be of native mix (not Beech). All failed planting within the first five years shall be replaced on a like-for-like basis. All planting shall be implemented and maintained in accordance with the approved details and plan, and none of the trees or hedging shall be subsequently felled, lopped or otherwise disturbed unless in accordance with the approved maintenance scheme or otherwise agreed in writing with the Planning Authority.  
Reason: To ensure the development has a sympathetic landscape and visual impact, and compensates for biodiversity loss associated with removal of existing trees and hedging
3. Prior to development commencing, details of two swallow cups (location and specification) shall be submitted for the written approval of the Planning Authority. The swallow cups shall be implemented in accordance with the approved details prior to occupancy of any dwellinghouse, and shall be retained and maintained in the same manner as bird and bat boxes specified in the Biodiversity Enhancement Plan (BEP) approved under this consent. Notwithstanding the landscape scheme specified within the approved BEP, the landscaping shall accord with the details approved in pursuance of Condition 2.  
Reason: To provide appropriate biodiversity enhancement within the development
4. Surface water drainage within each plot shall be provided in accordance with the measures (adjusted to suit the approved revised site layout shown on drawing number P063/001 rev C) specified in the Drainage Strategy & Surface Water Management Plan 2021-501-R001 Revision 0 Christie Gillespie, and parking areas/driveways shall be constructed with permeable paving in accordance with the landscape plan (P063/001 rev B) unless alternative means are otherwise agreed in writing with the Planning Authority.  
Reason: To ensure sustainable management of surface water
5. Protective fencing, of a specification that accords with BS5837:12, shall be erected along the routes shown on the approved site plan (P063/001 rev C) prior to development commencing and shall be retained until development is complete.

No works shall be carried out within the protected areas unless compliant with BS5837:12. Hedging to the south-west and the four trees being protected shall be subsequently retained and shall not be felled, lopped or otherwise disturbed without the prior written consent of the Planning Authority.

Reason: To minimise risk to trees and hedging with public amenity value

6. Bin storage shall be provided within each plot prior to each dwellinghouse being occupied sufficient for one general waste and one recycling wheelie bin, behind the principal elevation (i.e. to the side/rear of the house), in a location that does not affect the parking area, and shall be retained free from obstruction for the storage of bins associated with each approved dwellinghouse.

Reason: To ensure the visually sympathetic and accessible storage of bins

7. The widening of Etrickhaugh Road and turning head into plot 6 shall be implemented in accordance with the Council's adoptable standards prior to development commencing on the erection of any dwellinghouse, with their final wearing course laid within a timescale first agreed with the Planning Authority prior to such works commencing and; the footway and visitor parking shall be implemented in accordance with the Council's adoptable standards prior to the occupation of the first dwellinghouse, all unless otherwise agreed in writing with the Planning Authority

Reason: To ensure the increased road width and formal turning head are in place to accommodate the increase in traffic during and after construction and ensure the dwellinghouses have the benefit of an appropriate pedestrian link and visitor parking

8. The accesses and parking spaces within each plot shall be implemented prior to the occupancy of each dwellinghouse in accordance with the approved site plan (P063 /001 rev C), ensuring that each dwellinghouse is served by at least two parking spaces and plot 6 served by a turning area. Plot 5 shall incorporate splays to match entrances to plots 2, 3 and 4. All accesses, parking spaces and turning area shall be retained free from obstruction for the movement and parking of vehicles

Reason: To ensure the development is adequately serviced with off-street parking and turning 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 the following having been submitted to and approved in writing by the Planning Authority:

- a) A specification, and sample where required by the Planning Authority, of the slate-effect tile
- b) Colours of the external wall renders, which shall be smooth render finishes
- c) An amended specification for the front projecting gable on the Yarrow house type

The development shall be implemented only in accordance with the approved details. The detached garage on plot 6 shall be finished in roof and wall materials to match plot 6's dwellinghouse and shall have a finished floor level no higher than that of plot 6's dwellinghouse, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the development has a sympathetic visual impact

10. Plot 6 shall not be completed prior to the completion of all houses within plots 1-5

Reason: To ensure the development has a sympathetic visual impact

## Informatives

- 1 Conditions 2, 11, 12 and 13 (19/01687/PPP) remain applicable in requiring that the development be implemented in accordance with all approved plans and drawings, including the approved CEMP, Biodiversity Enhancement Plan and Species Protection Plans
- 2 For native mix hedging (Condition 2) a mix of Crataegus monogyna and Prunus spinosa (45% of each) with 5% of each Rosa canina and Ilex aquifolium (rather than Rosa rugose) is recommended
- 3 For Condition 2 (d), adjustment to the plot boundary to accord with the adjusted hedge route, is likely to be agreeable, rather than only relocating hedging.
- 4 Condition 6 (19/01687/PPP) requires that the path to the north-east be kept free during and after construction, and this remains applicable.
- 5 Condition 14 (19/01687/PPP) remains applicable as regards implementation and recording requirements which should be carried out in accordance with the approved WSI.
- 6 The new footway, turning head, road widening, drainage and any enhanced street lighting required will be subject to a Road Construction Consent as these features will potentially be adopted by the Council upon satisfactory completion. The carriageway widening will have to tie in with the existing carriageway in a manner acceptable to the Council as Roads Authority. All prospectively adoptable work must be undertaken by a contractor first approved by the Council.

## DRAWING NUMBERS

- Location Plan
- P063/001 rev C Proposed Site Plan
- P063/001 rev B Landscaping Plan
- P063 / 1 / 201 rev A Proposed Plans & Elevations
- P063 / 2 / 201 rev A Proposed Plans & Elevations
- P063 / 3 / 201 rev A Proposed Plans & Elevations
- P063 / 4 / 201 rev A Proposed Plans & Elevations
- P063 / 5 / 201 rev A Proposed Plans & Elevations
- P063 / 6 / 201 Proposed Plans & Elevations
- Watching Brief and Metal Detecting Survey Written Scheme of Investigation 14<sup>th</sup> September 2021 AOC Archaeology Group
- Biodiversity Enhancement Plan 22<sup>nd</sup> August 2022 Ellendale Environmental V1.0
- Construction Environmental Management Plan 16<sup>th</sup> August 2022 Ellendale Environmental V1.2
- Drainage Strategy & Surface Water Management Plan 2021-501-R001 Revision 0 Christie Gillespie

**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.

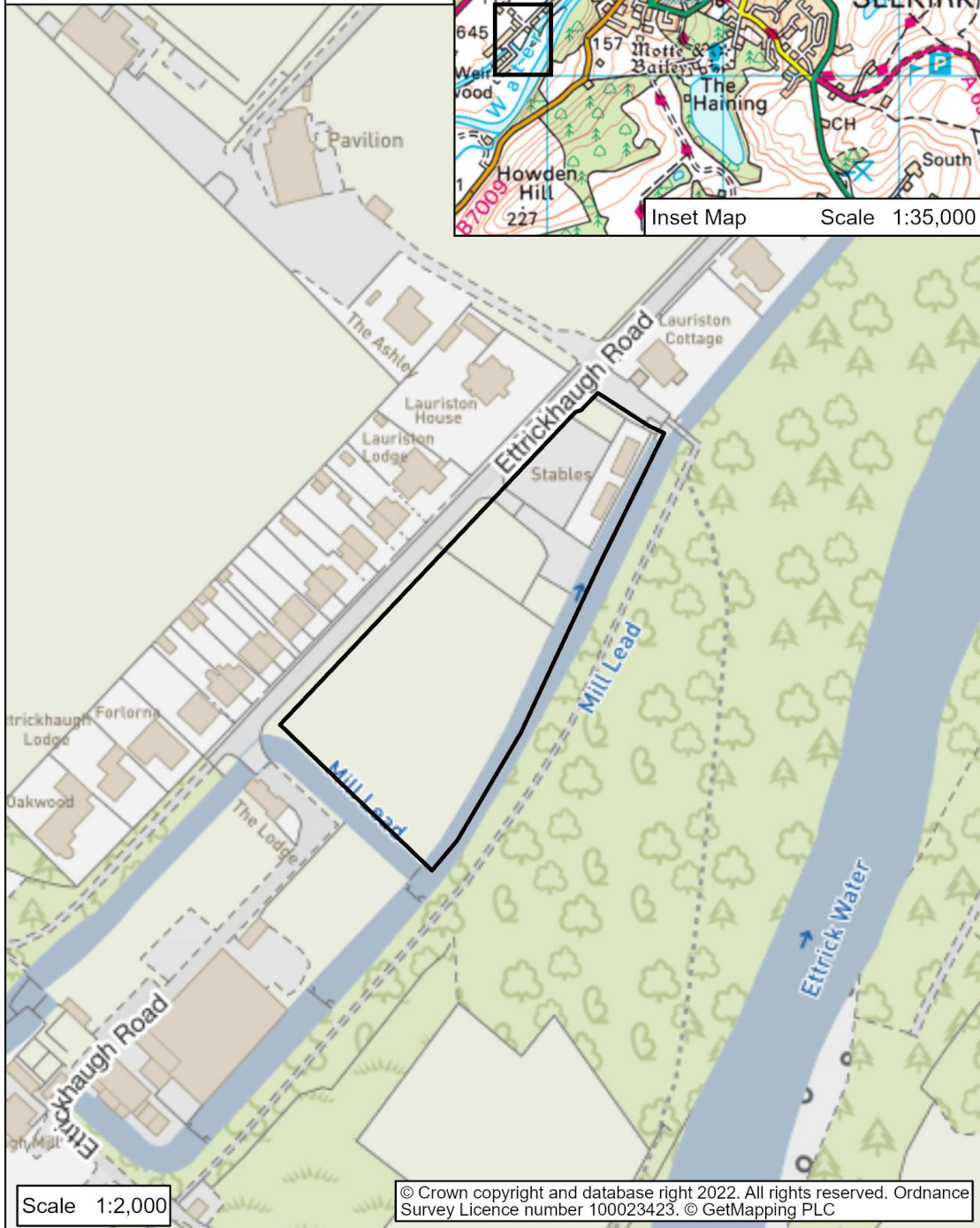
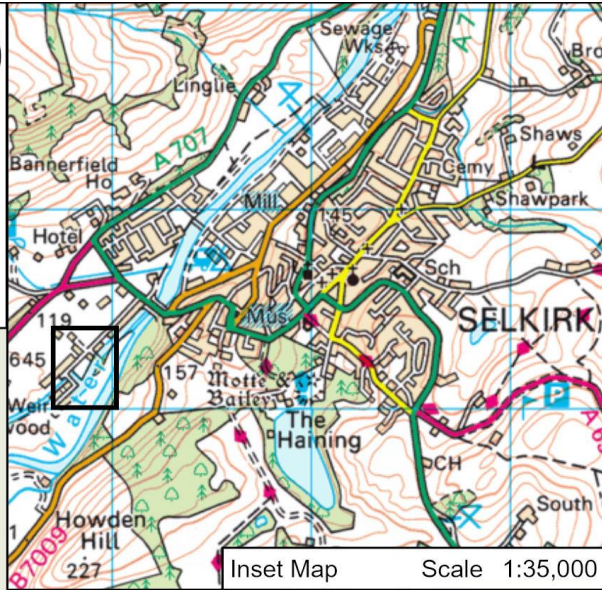
**Author(s)**

Name	Designation
Carlos Clarke	Team Leader



22/00019/AMC

Land North East Of The Lodge  
Philipphaugh Mill  
Ettrickhaugh Road  
Selkirk



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**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**5 SEPTEMBER 2022**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** REFERENCE NUMBER: 22/00372/FUL

**OFFICER:** Barry Fotheringham  
**WARD:** Selkirkshire  
**PROPOSAL:** Erection of ticket booth, access gates, and overflow carpark  
**SITE:** Bowhill House Estate, Bowhill, Selkirk  
**APPLICANT:** Buccleuch Estates Limited  
**AGENT:** Buccleuch Estates Limited

**PLANNING PROCESSING AGREEMENT:** PPA agreed to 5<sup>th</sup> September 2022

**BACKGROUND:** This application has been brought before the Planning and Building Standards Committee under the Council's Scheme of Delegation due to the number of objections from separate households exceeding the approved threshold.

**SITE DESCRIPTION**

The application site is located in the main entrance drive to Bowhill House, a short distance from the main gates to estate. The house is located approximately 5km west of Selkirk within the Bowhill Estate which forms part of the wider Buccleuch Estate. The house, and the application site, are accessed from the A708 over the Yarrow Water.

This site is located within the Tweed, Etrick and Yarrow Confluences Special Landscape Area, the Bowhill Estate Garden and Designed Landscape and is situated on the edge of the Battle of Philiphaugh Battlefield.

**PROPOSED DEVELOPMENT**

The application seeks planning consent for the erection of a ticket booth, access gates and formation of overflow carpark. The ticket booth would be located on a small, grassed island at the junction of Duchess's Drive with the principal access serving the house. Multi-use access gates and sliding vehicular gates would be formed either side of the ticket booth over the main drive and Duchess's Drive. New entrance and exit points would be formed through existing post and wire field boundaries to serve a new overflow car park in land to the east of the proposed ticket booth.

The booth would be a simple hexagonal structure with pitched lead roof featuring decorative timber eaves detail. It would be finished in larch cladding, painted fir green (RAL 6009), and would feature fixed windows and a stable door with glazed top section.

The proposed timber fence, sliding vehicular gates and multi-use two-way gates will also be painted fir green.

Modest areas of localised road widening would be required and automatic number plate recognition cameras positioned on entrance to and exit from the estate.

The proposed overflow carpark would be finished using a combination of type 1 hardcore and permeable reinforced grass matting to parking spaces.

## **PLANNING HISTORY**

There is no planning history associated with this particular site although the following application is relevant:

15/01448/FUL - Formation of parking areas and footpath - Walled Garden and Stables Bowhill Approved 22 March 2016.

## **REPRESENTATION SUMMARY**

Six third party representations from separate households were submitted in connection with this application. The objections are summarised below but Members can view the representations in full on Public Access:

- Inadequate access
- Out of season access
- Ability to park on drive to Newark Tower would be removed
- Overflow and Out of Hours Parking – gate can remain locked preventing parking and access to the estate outwith normal opening hours
- Scottish Outdoor Access Code – advises land owners not to hinder responsible access to land
- Detrimental to residential amenity
- Legal Issues – impacts on public rights of access
- Road safety
- Access to the estate and many customary paths including the Cross Borders Drove Road, Duchess's Drive and Lady's Walk would be restricted
- Access for the elderly and disabled would be restricted.
- Opportunity to increase estate income at the expense of Borders residents
- Access to the estate on foot should remain free of charge under Open Access Rights
- Bowhill Estate paths are an important local amenity and the proposal would have a significant negative impact on residents ability to enjoy the area
- Access to the existing car park would be impeded
- any changes likely to reduce access to long established walking routes for the public should not be allowed to go ahead
- access for those who use wheelchairs or mobility scooters should not be made difficult
- proposals should allow users to access the estate easily and independently without having to rely on estate staff to open gates for them
- the pedestrian access gates should remain open at all times and not be limited by the general closing hours of the estate
- Issues identified in supporting statement could be managed by closing off informal parking and increasing ranger visibility
- Proposals will adversely affect cyclists, wheelers and horse riders
- Proposed gates are not appropriate for pedestrians or cyclists. Sustrans recommends 'staggered access points'



- Questions whether the proposals meet equality legislation
- Proposals will give clearance for further gates to be erected
- Proposed gates are unnecessary and will deter people from taking access
- Proposals should be conditional on the submission of further designs accounting for best practice advice from Sustrans and ensuring compliance with relevant legislation.

## **APPLICANTS' SUPPORTING INFORMATION**

- Design Statement
- Supporting Statement

## **DEVELOPMENT PLAN POLICIES:**

### **Scottish Borders Council Local Development Plan 2016**

PMD1 – Sustainability

PMD2 – Quality Standards

ED7 – Business, Tourism and Leisure Development in the Countryside

EP1 – International Nature Conservation Sites and Protected Species

EP2 – National Nature Conservation Sites and Protected Species

EP3 – Local Biodiversity

EP5 – Special Landscape Areas

EP7 – Listed Buildings

EP8 – Archaeology

EP10 – Gardens and Designed Landscapes

IS5 – Protection of Access Routes

## **OTHER PLANNING CONSIDERATIONS:**

Historic Environment Scotland Managing Change in the Environment: Gardens and Design Landscapes

Historic Environment Scotland Managing Change in the Environment: Historic Battlefields

Historic Environment Scotland Managing Change in the Environment: Setting

SBC Supplementary Planning Guidance

Landscape and Development (March 2008)

Local Landscape Designations (August 2012)

Placemaking and Design (January 2010)

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Roads Planning Service:** No objections

**Access Officer:** The officer acknowledges that access to Bowhill Estate has been freely accessible during the open season when visitors entered Bowhill Estate by the ticket booth sited by the adventure playground for recreational purposes and were not using any of the facilities; during the open season when visitors entered the estate by

any other route; and out of season, when visitors entered the estate from the General's Bridge and other roads, utilising the official car park by the house and other informal parking areas. The officer also acknowledges that the visitors to the estate pay during the open season at the ticket booth when they are intending to use the estate facilities such as the adventure playground, visiting the house or joining ranger walks.

The Loch's Walk, the Bell o' the Woods, the Lady's Walk and the Duchess' Drive, are considered promoted paths and were included in the Paths around Selkirk booklet (reprinted by Scottish Borders Council) following discussion with the ranger service. The Cross Borders Drove Road, one of Scotland's Great Trails, comes through the Estate, heading onwards along the drive to Newark Castle.

The access officer advises that, with the exception of entering the Estate by car or entering by other means with the intention of partaking in the facilities, a right of responsible access has been enjoyed around the Estate on the open land. Open land comprises, for example, policy woodlands, woodlands, Estate roads and farmland; this is not an exclusive list of open land.

The access officer is not concerned with the proposed management of motorised vehicle access on to the estate and the prior existence of an entry fee in this regard, nor is she concerned with the management of persons arriving by non-vehicular means who are entering the Estate with the intention of partaking in facilities/activities/events. The pedestrian gate however must be upgraded to a two-way bridle gate that is suitable for horse entrance and wheel users.

It is recommended that the estate considers having a parking fee at a lower cost than a regular entry fee, in a similar way to Forestry and Land Scotland or the Hirsell in Coldstream; a donations box is installed for those who are not obliged to pay an entry fee but may wish to contribute; and an entry ticket could be used to make use of the toilets, therefore, securing the use of these for paying visitors only.

According to the records held by the Council there are no claimed rights of way on this area of land. However, as noted above there are promoted routes and one long distance route that would be affected by this proposal, unless the conditions for access are adhered to.

There are other tracks in the area that the public would have a 'right of responsible access' to under the Land Reform (Scotland) Act 2003. This right also extends to most land and inland water in Scotland.

The access officer recommends that consent is granted subject to condition that the facilitation of non-vehicular users through the currently proposed 'pedestrian gate' will be agreed in writing, including specifications for gate width and type, with Scottish Borders Council before any works can commence on site.

**Re-consultation:** The revised proposals are acceptable in order to maintain public access to the estate.

**Heritage & Design Officer:** No reply

**Landscape Architect:** No reply

## **Statutory Consultees**

Ettrick and Yarrow Community Council: It is the CC's understanding of the proposal that the right to roam and access to walkers, horse riders and cyclists will not be affected, however there are concerns that the proposed pedestrian gates are not suitable for all.

## **KEY PLANNING ISSUES:**

The key planning issues associated with this application are:

- Potential impacts on the setting of listed buildings, including Bowhill House
- Potential impacts on the garden and designed landscape
- Potential impacts on the archaeological interest
- Right of responsible access to the estate

## **ASSESSMENT OF APPLICATION:**

### **Principle**

The principle of the proposed development is acceptable and in accordance with policies covering quality standards and business, tourism and leisure development in the countryside. It will support an existing and established rural estate which provides a range of outdoor activities including walking and hiking, horse riding, and fishing. There is also an adventure playground, café and theatre adjacent to the house. The house, gardens and grounds are open during the holiday season to paying visitors. The estate is also available to non-paying visitors for recreational walking, horse riding and wheeled activities under access legislation.

### **Access and parking**

Members will note that the Roads Planning Service has no objections to the proposed development. The proposed fence and gates over existing private roads within the estate do not raise any concerns from a road safety perspective. Similarly, the principle of a proposed overspill car park does not raise any concerns. All works will be carried out on private land and will not be adopted by the Council.

The proposed parking area and bellmouth junctions will however, lead to minimal disruption to the ground, in an area designated within the inventory of Battlefields (Battle of Philiphaugh). The archaeological implications of the proposed development are discussed later in the report.

Policy IS5 of the Local Development Plan 2016 (LDP) aims to protect all access routes in accordance with the Land Reform (Scotland) Act 2003 and the Countryside (Scotland) Act 1967. Together, these Act place a duty on local authorities to assert, protect and keep open and free from obstruction any route, waterway or other means of access whereby access rights may reasonably be exercised including most open land and rights of way. Development that would have an adverse impact upon an access route available to the public will not be permitted under this policy unless a suitable diversion or appropriate alternative route can be provided.

There are no established rights of way that would be affected by the proposed development, however, the Duchess's Drive, which runs through the site from the General's Bridge is a recognised promoted path – promoted in local guides by the Council and the Estate.

The proposed fence, gates and ticket booth are clearly designed to manage traffic in and out of the estate, particularly during busy periods where there will be a large number of visitors arriving by car. The management of vehicles accessing the estate and the prior existence of an entry fee, where visitors are intending to use the facilities is not a concern. What does raise concern, and this is reflected in the letters of objection and the comments submitted by the Access Officer, is the ability of visitors to exercise their right of responsible access to the estate for recreational purposes (walking, cycling, horse riding etc) out of hours or where visitors do not intend to use the on-site facilities. A right of responsible access has been enjoyed around the estate on the open land (policy woodlands, woodlands, Estate roads, farmland etc) for many years and it is important, to ensure compliance with prevailing LDP policy and access legislation, that this is maintained.

The Access Officer has requested that the pedestrian gates either side of the vehicular gates are upgraded to a two-way bridle gate that is suitable for pedestrian, horse and wheel users. Revised plans have been submitted that show two-way bridle gates with an opening of 1.5m (5 feet) which is wide enough to allow pedestrian, wheeled and horse access.

Concern was also raised by third parties about out of hours access to the estate and parking arrangements, when the ticket booth (and presumably the vehicular gates) are closed. Members of the public exercise their rights of responsible access to the estate when the estate facilities are closed or during the off-season, making use of existing car parking facilities close to the house or along the Duchess's Drive.

In their supporting statement, the applicant has confirmed that there has been a significant increase in the number of visitors to the estate, and the pattern of usage has changed and this has prompted them to make changes to the way in which vehicular traffic to the estate is managed.

It is understood that a number of vehicles park outwith designated parking areas and this damaging to the ground and raises safety concerns for others visiting the estate. At times, this can also block access to emergency vehicle routes.

The supporting statement confirms that the installation of gates, which can be controlled as appropriate at key access points across the estate is recommended. It is considered that the gates installed on Duchess's Drive, will have an immediate positive impact on safety, security and the environment. The statement then goes on to say that "the gate will allow Buccleuch to secure the immediate area around Bowhill House, where the majority of visitors begin their time on the estate and help with parking and traffic flow; guiding visitors to designated parking areas and contributing to the reduction of the inherent risks associated with disruptive parking. Being better able to monitor access will, in turn, lead to increased security and a more enjoyable experience for those visiting, living and working within such a key environmental and historic destination".

Out of hours and out of season access to the estate was discussed with the applicant and they have confirmed that access to the estate for members of the public who wish to exercise their right of responsible access would be maintained. It is not the estate's intention to prevent members of the public accessing the estate for recreational purposes. The intention of the gates and ticket booth is to safely manage traffic numbers and movements within the estate, particularly during the busy peak periods, such as summer and Easter when visitor numbers are much higher.

The proposed overflow car park would continue to allow for out of hours parking to the estate when the main vehicular gates are closed (this is confirmed in the design statement) but concerns have been raised by third parties that the gates to this car park will be locked shut, preventing visitors from parking safely. This concern is shared by officers and a simple planning condition – should the application be approved – requiring these gates to remain open (closed but unlocked) will ensure safe parking arrangements are maintained for out of hours or out of season visitors, when the main gates are closed.

### **Landscape and visual impacts**

The application site is located within the Tweed, Ettrick and Yarrow Confluences Special Landscape Area and Bowhill Estate Garden and Designed Landscape. Policies EP5 and EP10 are relevant. These policies offer protection against inappropriate development that may have significant unacceptable adverse impacts on the landscape or designed landscape.

The proposed ticket booth and fence/gates have been designed sympathetically to the setting and would be appropriate for this location within the designated areas. It would be a small scale development, using appropriate materials and finishes and will not affect the special landscape quality of the SLA or have an adverse impact on the setting of the historic designed landscape.

### **Design**

The proposed development comprises the construction of a ticket booth, access gates, and an overflow carpark, as well as automatic number plate recognition cameras, road widening and new field gates.

The applicants supporting design statement confirms that the proposals are “designed to sit comfortably within the agricultural landscape, retaining existing infrastructure where possible and keeping all new interventions within the current aesthetic”.

The ticket booth, fencing and gates have been designed to complement the estate and historic landscape. They would be small scale structures in comparison to the wider estate and would sit comfortably on approach to the house. The fencing and gates would reflect existing estate fencing and the booth would be sympathetically designed using rolled lead roof and larch cladding. The fencing, gates and booth would all be painted ‘fir green’, which would help minimise any impacts on the landscape. A simple conformity condition will ensure that the development is completed in accordance with the approved plans.

No details have been provided of the proposed ANPR cameras, their supports or the intercoms but this can be controlled by condition.

Other works to form the parking area and new bell-mouths would involve simple materials such as type one hardcore and reinforced grass matting. Both materials are considered acceptable for this location.

### **Residential Amenity**

The proposed development would be sufficiently distant from any residential properties to result in any significantly adverse effect on residential amenity.

## **Flooding**

The application site is located outwith SEPA's predicted flood extents of the Ettrick Water. There are no issues with regards surface water flooding.

## **Cultural heritage**

The proposed development would be located close to a number of listed buildings and structures, including Bowhill House (Category A Listed), the Ice House (Cat C), Generals Bridge (Cat B) and Philiphaugh West Lodge (Cat C). The site is also close to Newark Castle, a medieval tower house.

However, this is a small scale proposal, that is reversible, and will not have an adverse impact on the setting of any of the listed structures or historic environment records nearby. The proposals comply with policy EP7 of the LDP.

## **Archaeology**

There are archaeological implications associated with this application and Policy EP8 is relevant. This policy aims to give protection to scheduled monuments and any other archaeological or historic asset including battlefields. The proposed overspill car park is located within the designated Philiphaugh Battlefield site. The Council's Archaeologist has advised that there may be the possibility of battle related finds being made in this area particularly and damage caused to the area around the hillfort located to the NW of the car park

Whilst the proposed groundworks to form the new access bellmouths and car park are minimal they may need consideration to avoid any scalping, compaction poaching and/or erosion of the hillfort site. In order to avoid any unnecessary adverse impacts on the hillfort, and to ensure that any finds are properly recorded, the Archaeologist has suggested a developer funded battlefield survey be added to any grant of planning permission. This should be informed by an applicant informative to secure metal detecting, recovery and reporting, as well as soil stripping and weathering.

Provided the terms of the proposed condition are met, the development will comply with Policy EP8 and there will be no unacceptable adverse impacts on the site of archaeological interest.

## **CONCLUSION**

Subject to 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 the following conditions and applicant informative:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.

2. The external surfaces of the development hereby permitted shall be completed in the materials shown on the plan hereby approved, and no other materials shall be used without the prior written consent of the Local Planning Authority.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
3. Further details of the automatic number plate recognition cameras and supporting structure as well as out of hours intercom units, shall be submitted to and approved in writing by the planning authority before they are installed. The development shall thereafter take place only in strict accordance with the details so approved.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
4. The entrance and exit gates to the overflow car park, shown on drawing number PL002 Rev A, shall remain unlocked at all times, unless otherwise agreed in writing by the planning authority.  
Reason: To ensure adequate access is maintained at all times to the overflow car park.
5. No development shall take place until the applicant has secured and implemented a programme of archaeological work and reporting in accordance with a **Written Scheme of Investigation (WSI)** outlining an **Archaeological Battlefield Survey**. The requirements of this are:
  - The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Institute for Archaeologists (IfA) approval of which shall be in writing by the Planning Authority.
  - The developer shall allow sufficient time in advance of development for all archaeological works to be conducted to the satisfaction and written approval of the Planning Authority.
  - The developer shall allow the archaeologist(s) access to all areas where development is to be undertaken.
  - Results will be submitted prior to development to the Planning Authority for review and agreement in writing in the form of a **Battlefield Survey Report**.
  - In the event that the report highlights areas of archaeological potential these will require further targeted evaluation prior to development.
  - If significant archaeology is identified by the contracted archaeologists and in agreement with the Planning Authority, a further scheme of mitigation subject to an amended WSI shall be implemented.

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

### Informatives

1. In relation to Condition 5 above the applicant/developer shall account for the guidance below when completing groundworks required to form the bell-mouth junctions:
  - if anything going below topsoil depths then a systematic metal-detector sweep over would be suitable together with watching for, recovery and reporting of any finds as per the usual law of the land for archaeological finds in Scotland (as per previous Philiphaugh recommendations – the standard wording of the battlefield metal-detecting survey condition below).

- if purely within topsoil depth then an informative for the watching for, recovery and reporting of any finds as per the usual law of the land for archaeological finds in Scotland.

The site should be stripped and left to weather a few days in case any features and/or deposits reveal themselves as the likes of different coloured soils, and if so revealed then excavations/recording might be necessary.

**DRAWING NUMBERS**

PL001            Location Plan  
 PL002 Rev A   Detailed Plan  
 PL003 Rev A   Elevations and Plans

**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)**

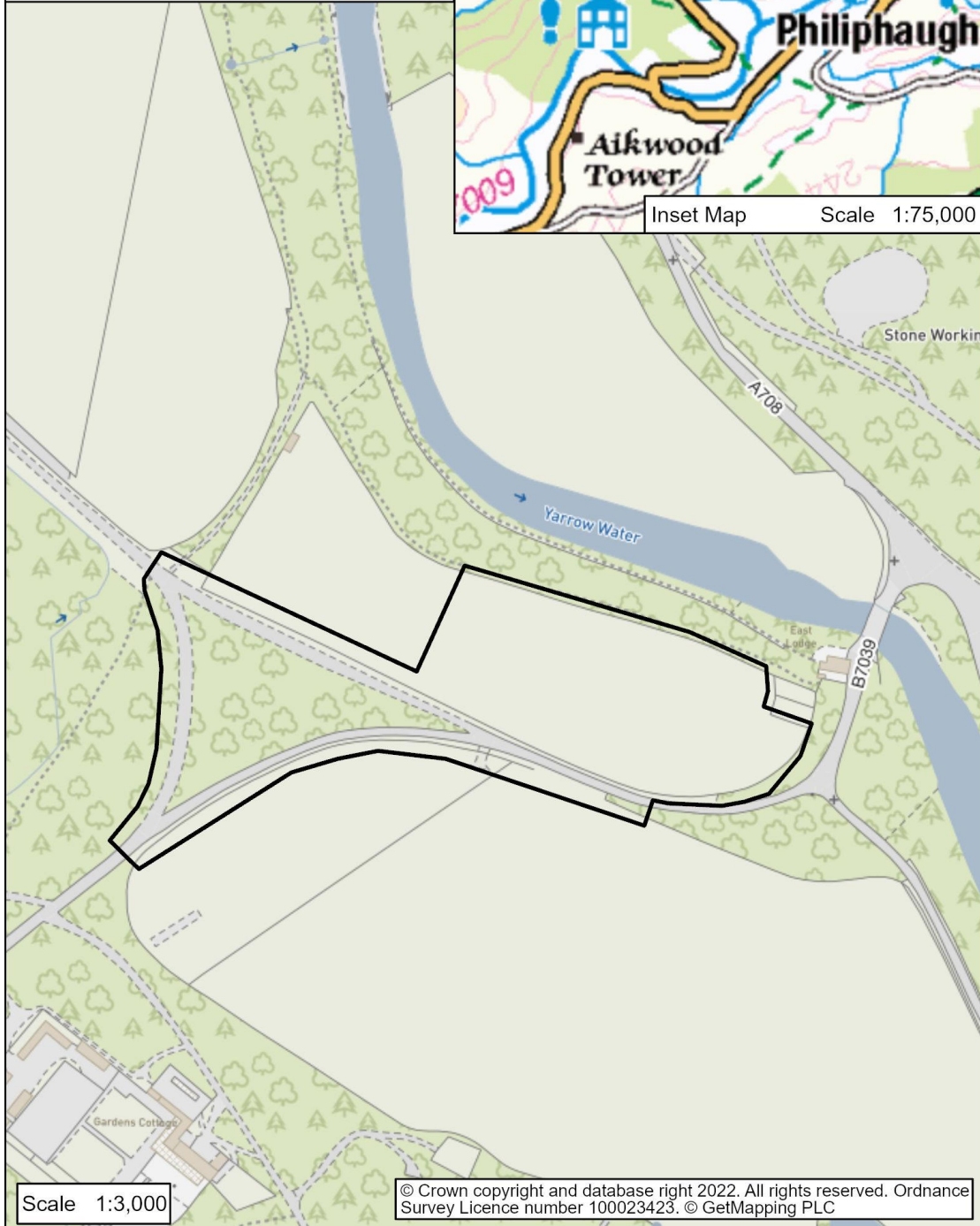
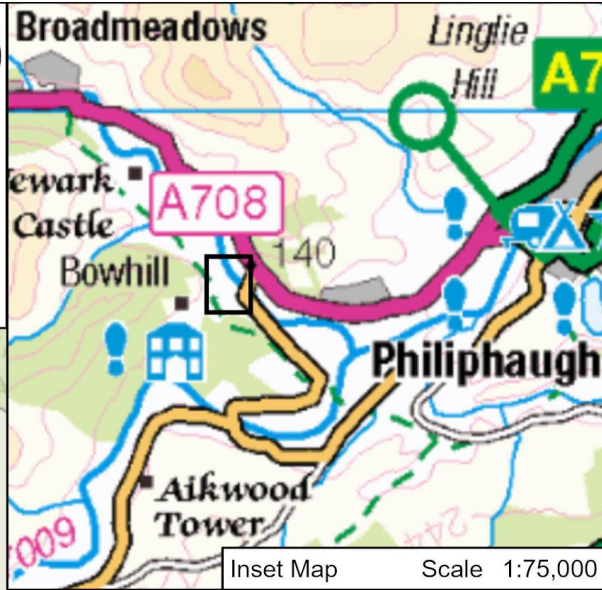
Name	Designation
Barry Fotheringham	Lead Planning Officer





22/00372/FUL

Bowhill House Estate  
Bowhill  
Selkirk



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## **PLANNING APPEALS & REVIEWS**

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### **Briefing Note by Chief Planning & Housing Officer**

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## **PLANNING AND BUILDING STANDARDS COMMITTEE**

**5<sup>th</sup> September 2022**

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### **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 no appeal previously reported on which a decision was still awaited when this report was prepared on 25<sup>th</sup> August 2022.

## 5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 21/01905/FUL  
Proposal: Erection of dwellinghouse  
Site: Garden Ground of Cheviot View, Eden Road, Gordon  
Appellant: Mr Nigel Carey

Reason for Refusal: The proposed development would fail to comply with Policy PMD2 and Policy PMD5 and the Council's Supplementary Planning Guidance 'Placemaking and Design 2010', in that the proposed dwellinghouse would be far removed from the road frontage, as it would be situated behind an existing dwellinghouse, it would be in a position set apart and not integrated with the established character or pattern of the street scene and it would have no clear relationship to neighbouring properties, their established building lines or the general street pattern. It would not respect or respond to the established character of the surrounding area and it would not positively contribute to the overall sense of place. It is therefore considered that the proposed development would be inappropriate in this context as it would result in backland development.

- 5.2 Reference: 22/00081/FUL  
Proposal: Erection of two dwellinghouses with access and associated works  
Site: Land West of 1 The Wellnage, Station Road, Duns  
Appellant: C & V Developments

Reason for Refusal: The proposed development fails to comply with Policy EP7 of the Scottish Borders Local Development Plan 2016 in that the development would have a significant adverse impact upon the setting of The Wellnage, a category B listed building. The proposed dwellinghouses, in the location identified, would isolate The Wellnage from its historic setting and erode the relationship between The Wellnage and the public road, which forms part of its primary setting. Furthermore, the proposal would result in the loss of a further section of historic boundary wall to create a vehicular access to the application site, which would further erode the historic character, layout and integrity of the historic estate.

- 5.3 Reference: 22/00188/PPP  
Proposal: Erection of dwellinghouse  
Site: Woodland Strip, North of Springhall Farm, Kelso  
Appellant: Mr Kevin Stewart

Reasons for Refusal: 2. The proposal is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016, in that the principle of a new vehicular access onto this derestricted 'A' class road (A698) in this rural area would be detrimental to the safety of users of the road. The economic case presented does not outweigh these road safety concerns.  
3. The proposal is contrary to Policy EP13 of the Scottish Borders Local Development Plan 2016 and the Supplementary Planning Guidance: Trees and Development 2020 as the development would result in a loss and 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. 4. The proposal is contrary to Policy EP10 of the Scottish Borders Local Development Plan 2016, in that it would result in further loss and damage to the quality and integrity of the Designed Landscape and it has not been demonstrated that development would safeguard or enhance the landscape features, character or setting of Hendersyde Park.

5.4 Reference: 22/00296/FUL  
Proposal: Erection of dwellinghouse  
Site: Land North and East of Tweed Lodge, Hoebridge  
East Road, Gattonside  
Appellant: Mr Robin Purdie

Reasons for Refusal: 1. The proposal is contrary to policies PMD2 and EP9 of the Local Development Plan 2016 in that the scale, mass, design and materials are out of keeping with the character of the Conservation Area, the proposal would constitute overdevelopment of the site and would be prominent in the landscape and harmful to the visual amenities of the area and views into the Conservation Area. 2. The proposal is contrary to policies PMD5 and HD3 in that the proposal would have a significant detrimental impact on the residential amenities of the neighbouring property, Tweed Lodge. The scale and siting of the proposed house would result in a loss of light and outlook to the detriment of resultation amenity, leading to an overbearing and dominant form of development.

## 6 REVIEWS DETERMINED

6.1 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.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

6.2 Reference: 21/00739/PPP  
Proposal: Erection of 2no dwellinghouses  
Site: Land East of Delgany, Old Cambus, Cockburnspath  
Appellant: FJ Usher's Children Trust

Reason for Refusal: The development would be contrary to Policy HD2 of the Scottish Borders Local Development Plan 2016 and the New Housing in the Borders Countryside Supplementary Planning Guidance 2008 in that it would not relate sympathetically to the character of the existing building group. The proposal would not respect the scale, siting and hierarchy of

buildings within the existing group and would degrade its strong sense of place. This conflict with the Local Development Plan is not overridden by any other material considerations.

Method of Review: Review of Papers & Further Written Submissions

Review Decision: Decision of Appointed Officer Upheld

- 6.3 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.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.4 Reference: 21/01846/PPP  
Proposal: Erection of two dwellinghouses  
Site: Land North of Ivanhoe, Dingleton Road, Melrose  
Appellant: Rivertree Residential Ltd

Review against non-determination of Application.

Method of Review: Review of Papers, Site Visit & Further Written Submissions

Review Decision: Refused

Reason for Refusal: The development would be contrary to Policy EP13 of the Local Development Plan 2016 and the Trees and Development SPG 2008 in that there would be an unacceptable and detrimental impact on the orchard trees forming part of the SBC TPO 21 ("Dingleton Hospital Site") as a consequence of loss of protected trees, prejudice to the remaining trees and insufficient space for adequate and acceptable compensatory planting, resulting in adverse impacts on the character and amenity of the area. Furthermore, the development has not demonstrated that public benefit would outweigh the loss of, and impacts on, the trees.

## **7 REVIEWS OUTSTANDING**

- 7.1 There remained 7 reviews previously reported on which decisions were still awaited when this report was prepared on 25<sup>th</sup> August 2022. This relates to sites at:

• Land North East of Woodend Farmhouse, Duns	• Unit C, Whinstone Mill, Netherdale Industrial Estate, Galashiels
• Land East of 16 Hendersyde Avenue, Kelso	• Plot 1, Land North of Belses Cottage, Jedburgh
• Plot 2, Land North of Belses Cottage, Jedburgh	• Land West of Cavers, Hillhead, Cavers, Hawick
• Land North of Carterhouse, Jedburgh	•

## 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 25<sup>th</sup> August 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)

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**Background Papers:** None.

**Previous Minute Reference:** None.

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

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