

Public Document Pack



PLANNING AND BUILDING STANDARDS COMMITTEE THURSDAY, 15TH JUNE, 2023

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS AND VIA MICROSOFT TEAMS on THURSDAY, 15TH JUNE, 2023 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,

8 June 2023

BUSINESS	
1.	Apologies for Absence
2.	Order of Business
3.	Declarations of Interest
4.	Applications Consider the following applications for planning permission:
	(a) Garage Blocks East of 132 Ramsay Road, Hawick - 23/00483/FUL (Pages 3 - 14) Change of use of garage blocks and alterations to form six dwellinghouses. (Copy attached.)
	(b) Garage Blocks, Bothwell Court, Hawick - 23/00479/FUL (Pages 15 - 26) Change of use of garage blocks and alterations to form three dwellinghouses. (Copy attached.)
	(c) Cavers House - 22/01588/FUL and 22/01587/LBC (Pages 27 - 44) Reinstatement, alterations and extensions to dwellinghouse. (Copy attached.)
	(d) Land East of Thistle Brae, The Hardens, Duns - 23/00382/FUL (Pages 45 - 52) Removal of condition 5 of planning permission 21/00794/FUL pertaining to visibility splay. (Copy attached.)

	(e) Land West Of Eccles Substation, Eccles, Coldstream - 22/01988/FUL (Pages 53 - 66) Construction and operation of battery energy storage system facility with ancillary infrastructure and access. (Copy attached.)
	(f) Land Adjacent Rose Cottage, Maxwell Street, Innerleithen - 22/01993/FUL (Pages 67 - 76) Erection of dwellinghouse. (Copy attached.)
5.	Any Other Items Previously Circulated
6.	Any Other Items which the Chair Decides are Urgent

NOTE

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

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

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

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

Please direct any enquiries to William Mohieddeen
Tel: 01835 826504; Email: william.mohieddeen@scotborders.gov.uk

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

15 JUNE 2023

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 23/00483/FUL

OFFICER: Stuart Small
WARD: Hawick and Hermitage
PROPOSAL: Change of use of garage blocks and alterations to form six dwellinghouses
SITE: Garage Blocks East of 132 Ramsay Road, Hawick
APPLICANT: Scottish Borders Housing Association
AGENT: HUSK

PLANNING PROCESSING AGREEMENT:

A Planning Processing Agreement is in place until 15 June 2023.

SITE DESCRIPTION:

The application site is located in Hawick around half a mile south of the Town Centre. The site is currently occupied by a forecourt with two blocks of garages. The garage block on the South Eastern side contains 14 garages and the block on the North Western side contains 18 garages with a pedestrian path linking to Ramsay Road. The site slopes down from the North West side to the South East. There are 6 standalone garages located on the Southern edge of the site, these will remain and do not form part of the proposed application. The access to the garages also slopes steeply down from Ramsay Road. The site is bounded by three blocks of three storey apartments on the North Western side and a large area of open space on the north eastern side. To the South is Whitland Wood which forms part of the Ancient Woodland Inventory (Site ID: 11) and the Borders Woods Special Area of Conservation.

PROPOSED DEVELOPMENT:

This application proposes to convert the existing garages into six residential bungalows for elderly people or those living with a disability. The proposed bungalows will be two bedroom units capable of accommodating up to three people.

The existing brickwork of the garages is to be cleaned and re-pointed where required. The proposed new bungalows will feature a single ply membrane roof in dark grey, weatherboard entrance feature, white render walls and black uPVC rainwater goods. The proposed bungalows will be provided with eight dedicated car parking spaces, three of which are wider spaces and a large enough parking court to allow for turning within the site. A bin store is proposed to be located adjacent to the entrance of each unit for the storage of bins.

PLANNING HISTORY:

There is no planning history associated with this site.

REPRESENTATION SUMMARY:

A petition containing 1,198 signatures objecting to the planning application was received. One letter of objection has also been received on behalf of the 'Voice of the Teries'. These can be viewed in full on Public Access.

The objection comments raised the following planning issues:

- Contrary to Local Plan.
- All garage tenants have not been offered a replacement.
- Daylight assessment is flawed.
- Impact on residential amenity.
- Insufficient parking.
- Unsuitable housing for the elderly and people with disabilities.
- Limited access to nearby amenities and facilities.
- Structural Safety.
- Inaccurate Plans.
- Proposals contrary to Equality Act.

APPLICANTS' SUPPORTING INFORMATION:

- Design and Access Statement
- Parking analysis
- Desktop Site Investigation

DEVELOPMENT PLAN POLICIES:

The development plan currently comprises National Planning Framework 4 and the Local Development Plan 2016.

National Planning Framework 4

Policy 1 - Tackling the climate and nature crises
Policy 4 - Natural Places
Policy 6 - Forestry, woodland and trees
Policy 9 - Brownfield, vacant and derelict land and empty buildings
Policy 12 - Zero waste
Policy 14 - Design, quality and place
Policy 16 - Quality homes
Policy 22 - Flood risk and water management

Local Development Plan 2016:

PMD1: Sustainability
PMD2: Quality Standards
PMD5: Infill development
HD1: Affordable and special needs housing
HD3: Protection of Residential Amenity
EP13: Trees, woodlands and hedgerows
IS2: Developer Contributions
IS7: Parking Provisions and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage
IS13: Contaminated Land

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance

PAN 61 - Planning and sustainable urban drainage systems 2001;
PAN 79 – Water and drainage 2006;
Affordable Housing 2015
Contaminated Land Inspection Strategy 2001
Development Contributions 2022
Householder Development (incorporating Privacy and Sunlight Guide) 2006
Placemaking and Design 2010
Sustainable Urban Drainage Systems August 2020
Waste management 2015.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Education and Lifelong Learning: No response

Housing Section: No objection

Contaminated Land Officer (CLO): No objection subject to condition. CLO advises that all reports have been submitted in draft form and do not consider the development as currently being applied for. Critically the assessment places reliance upon the fact the sites will be 100% hardstanding however the submitted drawings include for soft landscaping associated with the dwellings. This also fails to consider the lawful use of the site as requires to be considered.

Section 2.1 of the reports recommends further details of the development should be sought from the consultant. This is a critical consideration within the reporting and development of the Conceptual Site Model (CSM) and such information should be accurately reflected in the final reporting. In developing the CSM the nature of the historic site use and the potential uses/ activities undertaken should be considered alongside residual uncertainty. It is assumed activities including vehicle storage, maintenance, and other ancillary activities may have been undertaken which should be considered in the change of use to a more sensitive residential use.

The qualitative assessments presents a risk ranking however it is unclear how this has been arrived at. Commonly such risk evaluation assessments consider probability and consequence. To facilitate review it would be requested the derivation of these assessments and any methodology used is cited, if this is an in house assessment the basis of this and the associated definitions should be presented. The reports refer to controlled waters although a change in legislation brought about a change in terminology where the use of the term 'controlled waters' is no longer applicable in Scotland. Further consideration should be given to risks to the water environment including identifying receptors.

Roads Planning Service: Initially required further information, applicant provided revised layout and RPS is now satisfied.

Statutory Consultees

Community Council: General comments. The main thrust of the comments raised by residents was that there remained, in their view, many unanswered questions to queries raised by them. The CC's comments are as follows:

The mono pitched roof construction of the proposals are out of character with the existing traditional concrete tile pitched roofs within both the area of Mayfield and Ramsay Road.

The off-site pre-manufactured panels (modern day pre-fabs) are inconsistent with the traditional constructed houses within the areas of Mayfield and Ramsay Road.

With the amount of empty housing stock in Hawick which are owned by SBHA, HCC considers it may be more beneficial to local building contractors that these houses be reconfigured to provide good quality affordable housing.

As this development is aimed at those living with disabilities and/or older people with limited mobility, the door to the shower room in one of the properties in Bothwell Court and all the properties in Ramsay Road should open out for easy accessibility and not as shown on the plans (entering inwards).

Looking at parking at both sites, there is one single parking place allocated to each property, and it is suggested that all parking should be disabled, thus giving more space for disabled/elderly to exit their cars. This would however result in a problem, as there is not considered to be enough space to accommodate this observation, and this should have been looked into at the design stage.

As this development is for older, infirm people, there is also no provision for parking for carers or visitors, resulting in parking in adjoining streets.

Given that the entrances to both sites (shown grey on the plans) are not adopted by SBC, it would then be up to SBHA to clear the entrances in snowy/icy conditions – the CC query if this is going to be the case.

Looking at the location of both developments, accessibility to the local bus network (H1 and H2 service) is very poor, with no immediate access to a bus stop at either location. Given that these homes are for the older person, the CC would consider that this would be a priority.

The statement 'integrated into existing communities' is misleading as the development at Ramsay Road is at the edge of the existing development, at the end of a cul-de-sac, with no outlook from any of the proposed properties, which we feel would be very constricting.

The CC suggest that as these proposed developments are for the older person, with or without a disability, and if the proposal was granted that a condition of planning should be added that they are for that purpose only.

Scottish Water: No objection, advice provided on establishing water connection.

KEY PLANNING ISSUES:

- Whether the principle of development would comply with Policy PMD5 of the Local Development Plan and Policy 9 of NPF4;

- Landscape and visual effects;
- Impacts on neighbouring amenity;
- Road safety and parking impacts;
- Whether the development would be adequately serviced;
- Impact on Ancient Woodland and Special Area of Conservation.

ASSESSMENT OF APPLICATION:

Planning Policy

The site is within the development boundary for Hawick and so must be assessed principally against policy PMD5. Within development boundaries development on non-allocated, infill or windfall sites will be approved if certain criteria are met. Provided other policy criteria and material considerations are met, the LDP confirms that development on non-allocated, infill or windfall site, within development boundaries will be approved where the following criteria are satisfied:

- a) it does not conflict with the established land use of the area;
- b) it does not detract from the character and amenity of the surrounding area;
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming';
- d) it respects the scale, form, design, materials and density in context of its surroundings;
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity;
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

The proposed site is within the development boundary of Hawick and the established land use in the surrounding area is solely residential. An additional six residential bungalows would not detract from the character or amenity of the surrounding area. It is a relatively small site for six new dwellings but given the scale and massing of the proposed units they will sit comfortably within the surrounding area. The design of the new dwellings would be different from the surrounding housing stock although given the modest nature of the new dwellings and their size this should not detract from the character of the area. Parking issues have been the matter of discussions with the RPS despite revisions to the layout but RPS are satisfied that this can be dealt with by condition. Services would not be affected adversely although conditions are recommended. The development would not impact significantly upon the amenity of adjoining properties although this is considered in more detail later in the report. Given the proposed development would appear to comply with the above criteria, the development considered to be in accordance with the principal aims of policy PMD5.

Policy 9 of NPF4 supports development proposals that will result in the sustainable reuse of brownfield land and buildings. The leases on the existing garages have ended and now sit vacant, the proposed redevelopment of the site would allow for this site to be restored to full use in the form of three new homes for the elderly or those living with disability.

The principle of development is agreeable when applying Policy PMD5 of the LDP, and Policy 9 of NPF4. As a result, the key considerations for this application will be whether the additional impacts (discussed below) posed by this proposal are acceptable.

Siting, Layout and Design

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

The applicant has submitted a Design and Access Statement which states that the proposal will convert the existing two blocks of garages into six contemporary residential bungalows. The proposal will utilise existing walls of the garages in the creation of the proposed dwellings to allow them to sit comfortably into the existing urban grain. The proposed dwellings would sit higher than the existing garage walls but as they are single storey properties the height increase would not be significant. The roofs of the proposed dwellings would be mono-pitched to create a 'saw-tooth arrangement'. The proposed design of the bungalows whilst different to the surrounding character of the area is not considered to be harmful. During the site visit, many of the garages appeared dated and some of the doors had begun to rot. The replacement dwellings would improve the visual appearance of the site.

In order to comply with Development Plan Policies and the "Placemaking" SPG, any layout and density would have to be appropriate to their surroundings and be compatible with, and respect the character of the surrounding area and neighbouring built form. The SPG repeatedly uses reference to the built context. However, the Policies and Guidance do not intend to seek identical or replica layouts and densities throughout a settlement, instead the importance of interest and variety is stressed. As the proposed application would replace 32 garages across two blocks with six bungalows, the density of the site would not be intensified significantly and it is considered that the proposed new dwellings would sit comfortably within the site and not constitute overdevelopment. The layout and density complies with the Local Plan Policies and Guidance in that that it would not be inappropriate for the area nor would it cause any demonstrable harm to the surrounding residential area. For that reason, the proposal is considered to be compliant with the Local Development Plan Policies, NPF4 Policies and the relevant guidance on placemaking and design.

Neighbouring Amenity

Policy PMD5 states that the development should not result in any significant loss of daylight, sunshine or privacy to adjoining properties as a result of overshadowing or overlooking. Policy HD3 also states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. Furthermore, Policy 16 of NPF4 provides guidance in relation to the impact of new development on neighbouring residential amenity.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties. The Supplementary Planning Guidance seeks to prevent any loss of privacy from new developments and requires a minimum of 18m between windows directly opposite to prevent any overlooking.

The distance between the proposed new bungalows and the existing residential properties to the North West, coupled with the orientation of buildings and change in ground levels, are sufficient to prevent any loss of daylight or sunlight. It is not considered that the proposed dwellings would have consequences for neighbouring amenity as regards light or sunlight.

In terms of privacy, the proposed new dwellings are located a sufficient distance away from the existing properties to the North West. Furthermore, due to the topography of the site, the proposed new dwellings sit much lower than neighbouring dwellings so the proposal would not create any overlooking. All of the windows on the proposed new units are located on the front elevations apart from small bedroom windows located at a high level in the gable. This will further mitigate the potential for any overlooking or loss of privacy.

In terms of any overlooking and loss of privacy of proposed dwellings it is acknowledged that there will be window to window overlooking of principal rooms below the minimum 18m distance referred to in our SPG. However, these privacy standards may not be appropriate for all situations and will be best determined by the local context. Given the proposed use of the dwellings by the elderly or those with disabilities it is felt that reasonable level of passive surveillance would be acceptable in this case.

Overall, the proposed development is not considered to give rise to any significant neighbouring amenity concerns.

Vehicular Access, Road Safety and Parking

Policy PMD2 requires developments to have no adverse impact on road safety and adequate vehicular access. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

Vehicular access would be from the existing access point to the garages from Ramsay Road. The Roads Planning Service initially asked for further information and a revised parking layout. The applicant provided an amended plan which included the provision of an additional three larger parking bays. The RPS is content that eight parking spaces is acceptable for the 6 dwelling units and noted that SBHA has land available in close proximity in the unlikely event additional/overspill is required.

Consequently, the site can be adequately accessed and no road or pedestrian safety issues will arise as a result of the development.

Impact on Ancient Woodland and Special Area of Conservation

To the South of the proposed application site is Whitland Wood that forms part of the Ancient Woodland Inventory and the Borders Woods Special Area of Conservation. Policy EP13 of the LDP and Policy 6 of NPF4 does not support development proposals where they would result in the loss of Ancient Woodlands or have an adverse impact on their ecological condition. Policy 4 of NPF4 states that development proposals that are likely to have a significant effect on an existing or proposed Special Area of Conservation and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

Whilst the proposed application site is not directly within Ancient Woodland or Special Area of Conservation, its impact on these designations must still be considered. However, as the proposal is for a conversion and the boundary of the site does not extend into the woodland, the redevelopment of this site will not have any adverse impacts on the Ancient Woodland or the SAC.

Contaminated Land

Policy IS13 advises that where development is proposed on land that is contaminated or suspected of contamination, appropriate site investigation and mitigation will be required. The CLO has assessed the proposal and requires further investigations to be carried out. The CLO has confirmed that this can be secured via condition.

Waste

Policy 12 of NPF4 requires residential development proposals to provide information on the storage and management of waste. This application proposes a Bin Store to be located adjacent to the front elevation of each dwelling to allow for future residents to easily dispose of waste. However, limited information on the appearance of these has been provided so a condition for further details of bin storage areas for waste and also of any external storage areas would be secured by condition.

Water and Drainage

Policy IS9 of the LDP states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system. Policy 22 of NPF4 states that development proposals will manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer.

The water supply would be from the Scottish Water mains supply and foul water drainage would be to the foul sewer. Scottish Water confirmed in their consultation response that there is sufficient capacity at this time.

Conditions would secure mains water supply and foul drainage and surface water drainage via a SUDS.

Ecology

There are no ecological designations affected, nor ecological impacts requiring an assessment. Policy 3 of the NPF requires ecological enhancements, and a condition can be imposed requiring a scheme, which may include planting and/or bird/bat boxes as appropriate.

Development Contributions

Local Development Plan Policy IS2 requires all housing developments to contribute to infrastructure and service provision where such contributions are considered necessary and justified, advised by the Development Contributions SPG. The Design and Access Statement states that the proposed development will provide housing for older people and those living with a disability. Our Housing Strategy Officer has confirmed that this scheme is identified in the Council's current SHIP 2023-2028. The Registered Social Landlord will be Scottish Borders Housing Association. To satisfy Policy HD1 a planning condition will be placed on the application to ensure that the development does not become unrestricted market housing.

CONCLUSION

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the National Planning Framework 4 and 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 be approved subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
2. The proposed residential units shall meet the definition of "special needs housing" as set out in the adopted Local Development Plan 2016 and any accompanying Supplementary Planning Guidance and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority.
Reason: The permission has been granted for special needs housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including affordable housing and local schools.
3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
4. Details of bin storage areas for waste and recycling and any external storage areas for the dwellings to be submitted to and approved in writing by the Planning Authority before the development commences. The bin storage areas and external storage areas then to be installed in accordance with the approved details before the dwellings are occupied.
Reason: To safeguard the visual appearance of the area.
5. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme.
Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved development.
6. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that a mains water connection shall be made available to serve the development, unless otherwise agreed in writing by the Planning Authority. Thereafter, a public water mains connection shall be functional prior to the occupancy of the dwellinghouses hereby approved, and no water supply

arrangements shall be used other than the public water mains without the written agreement of the Planning Authority.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

7. No foul drainage system other than the public mains sewer shall be used to service the development hereby approved without the written consent of the Planning Authority. The foul drainage to be functional prior to occupation of the dwellinghouses hereby approved

Reason: To ensure that the development does not have a detrimental effect on public health.

8. Details of surface water drainage to be submitted to and approved in writing by the Planning Authority before the development commences. The surface drainage to be functional prior to occupation of the dwellinghouses hereby approved.

Reason: To ensure that the development does not have a detrimental effect on public health or neighbouring properties.

9. No development shall commence until details of a scheme of post-construction ecological enhancements, including timescale for implementation, have been submitted to and approved in writing by the Planning Authority. The approved details shall be implemented within the approved timescale.

Reason: To provide a reasonable level of ecological enhancement relative to the environmental impact of the development in accordance with the statutory development plan

DRAWING NUMBERS

Plan Ref

Plan Type

A Location Plan	A Location Plan	
21046 - HUSK - PL - DR - 01 - A - 0005 - P02		Location Plan
21046 - HUSK - DR - EX - 01 - A - 2000 - P01		Topographic Survey
21046 - HUSK - EX - DR - 01 - A - 0005 - P02		Existing Site Plan
21046 - HUSK - EX - DR - 01 - A - 0003 - P01		Existing Elevations
21046 - HUSK - PL - DR - 01 - A - 0300 - P01		Proposed Elevations
21046 - HUSK - PL - DR - 01 - A - 1007 - P03		Proposed Boundary Plan
21046 - HUSK - PL - DR - 01 - A - 0507 - P07		Proposed Site 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.

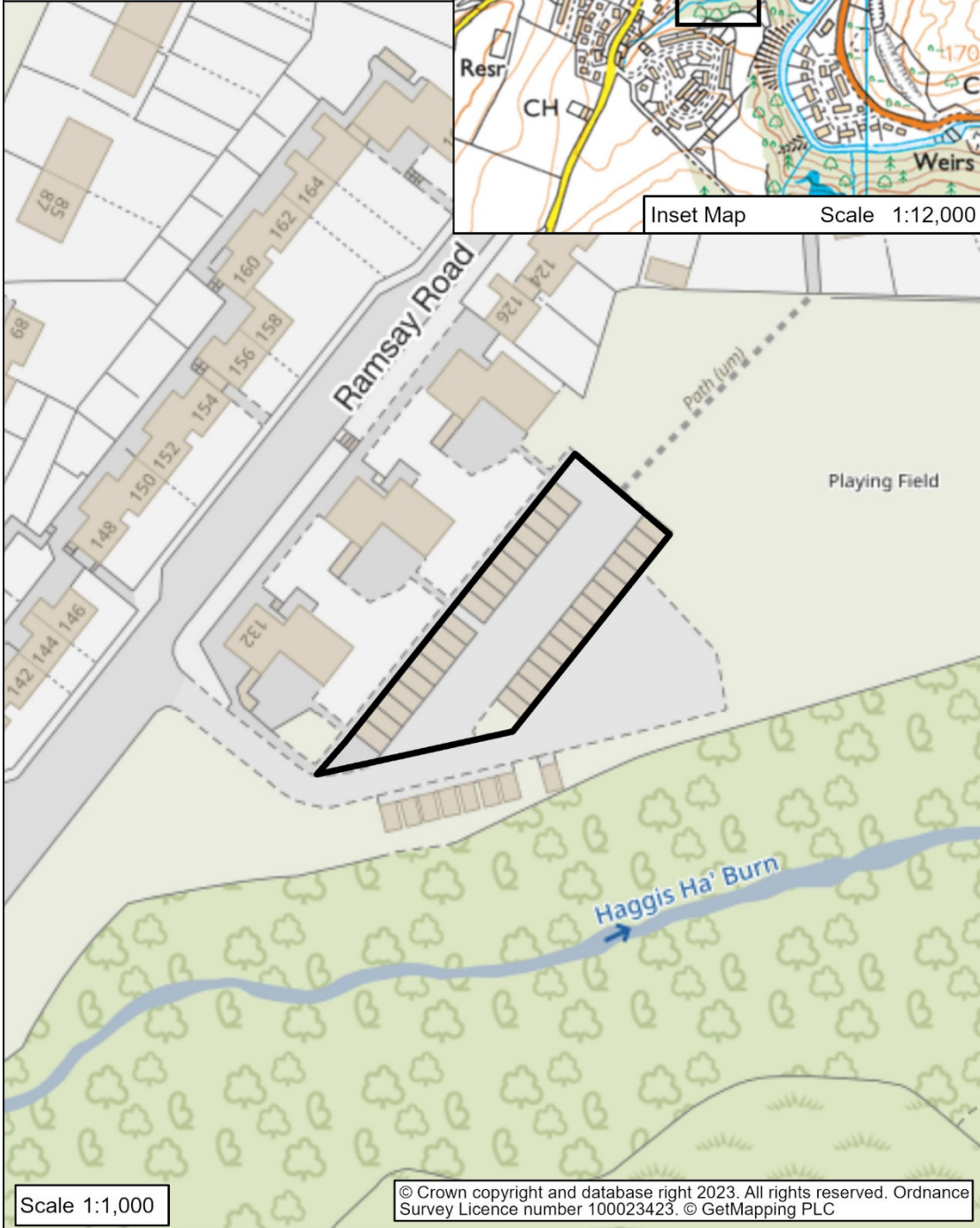
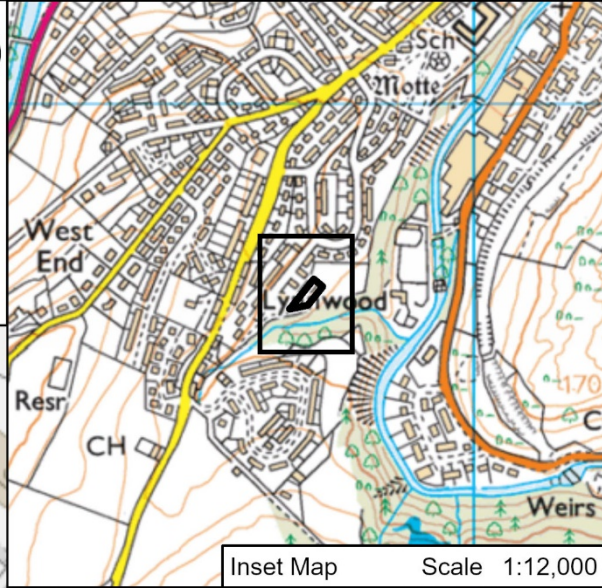
Author(s)

Name	Designation
Stuart Small	Assistant Planning Officer



23/00483/FUL

Ramsay Road Hawick



Scale 1:1,000

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

15 JUNE 2023

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 23/00479/FUL

OFFICER: Stuart Small
WARD: Hawick and Denholm
PROPOSAL: Change of use of garage blocks and alterations to form three dwellinghouses
SITE: Garage Blocks, Bothwell Court, Hawick
APPLICANT: Scottish Borders Housing Association
AGENT: Edwards Architecture Ltd

PLANNING PROCESSING AGREEMENT:

A Planning Processing Agreement is in place until 15 June 2023.

SITE DESCRIPTION:

The application site is located on the western edge of Hawick around half a mile west of the Town Centre. The site is currently occupied by a forecourt with two blocks of 10 garages. The garages are accessed from Mayfield Drive onto Bothwell Court. The existing garages are of brick construction featuring a pebbledash render. The application site is surrounded by existing residential properties and there are existing pedestrian routes around the garages.

PROPOSED DEVELOPMENT:

This application proposes to convert the existing garages into three residential bungalows for the elderly or those living with a disability. Two 1 bedroom semi-detached bungalows will be created on the north side of the site, each with a floorspace of 50 square metres, and one two bedroom detached bungalow will be created on the south side of the forecourt with a floorspace of 61 square metres.

The existing brickwork of the garages is to be cleaned and re-pointed where required. The proposed new bungalows will feature a single ply membrane roof in dark grey, weatherboard entrance feature, white render walls and black uPVC rainwater goods. The proposed bungalows will be provided with four dedicated car parking spaces and vehicular turning. A bin storage areas are shown to the west of the site.

PLANNING HISTORY:

There is no planning history associated with this site.

REPRESENTATION SUMMARY:

A petition containing 1,198 signatures objecting to the planning application was received. 52 individual letters of objection have also been received. These can be viewed in full on Public Access.

The objection comments raised the following planning issues:

- Contrary to Local Plan.
- Garages are well used.
- Over intensification of the site.
- Poor design.
- Inaccurate plans.
- Inadequate screening.
- Impact on garden boundary wall.
- Unsuitable materials to be used.
- Unsuitable housing for the elderly and people with disabilities.
- Limited access to nearby amenities and facilities.
- Inadequate access.
- Impact on site drainage.
- Fire safety.
- Noise / smell.
- Poor public transport links.
- Loss of privacy / impact on neighbouring amenity.
- Loss of light / overshadowing.
- Loss of parking.
- Loss of view.
- Forecourt used by emergency services.
- Impact on road safety.
- Proposals contrary to Equality Act.

APPLICANTS' SUPPORTING INFORMATION:

- Design and Access Statement
- Parking analysis
- Desktop Site Investigation

DEVELOPMENT PLAN POLICIES:

The development plan currently comprises National Planning Framework 4 and the Local Development Plan 2016.

National Planning Framework 4

Policy 1 - Tackling the climate and nature crises

Policy 9 - Brownfield, vacant and derelict land and empty buildings

Policy 12 - Zero waste

Policy 14 - Design, quality and place

Policy 16 - Quality homes

Policy 22 – Flood risk and water management

Local Development Plan 2016:

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PMD2: Quality Standards
PMD5: Infill development
HD1: Affordable and special needs housing
HD3: Protection of Residential Amenity
IS2: Developer Contributions
IS7: Parking Provisions and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage
IS13: Contaminated Land

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Housing Section: No objection

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Section 2.1 of the reports recommends further details of the development should be sought from the consultant. This is a critical consideration within the reporting and development of the Conceptual Site Model (CSM) and such information should be accurately reflected in the final reporting. In developing the CSM the nature of the historic site use and the potential uses/ activities undertaken should be considered alongside residual uncertainty. It is assumed activities including vehicle storage, maintenance, and other ancillary activities may have been undertaken which should be considered in the change of use to a more sensitive residential use.

The qualitative assessments presents a risk ranking however it is unclear how this has been arrived at. Commonly such risk evaluation assessments consider probability and consequence. To facilitate review it would be requested the derivation of these assessments and any methodology used is cited, if this is an in house assessment the basis of this and the associated definitions should be presented. The reports refer to

controlled waters although a change in legislation brought about a change in terminology where the use of the term 'controlled waters' is no longer applicable in Scotland. Further consideration should be given to risks to the water environment including identifying receptors.

Roads Planning Service: No objection subject to condition. The amended plan, whilst generally meeting the comments made in the RPS initial response, further improvements to the parking layout to make the spaces more useable could be made. As the north-eastern and south-western spaces are against walls, it would make sense for these bays to be wider. The north-western and south-eastern spaces have room in the turning head and bin storage to open the doors, these could be slightly narrower.

Statutory Consultees

Community Council: General comments. The main thrust of the comments raised by residents was that there remained, in their view, many unanswered questions to queries raised by them. The CC's comments are as follows:

The mono pitched roof construction of the proposals are out of character with the existing traditional concrete tile pitched roofs within both the area of Mayfield and Ramsay Road.

The off-site pre-manufactured panels (modern day pre-fabs) are inconsistent with the traditional constructed houses within the areas of Mayfield and Ramsay Road.

With the amount of empty housing stock in Hawick which are owned by SBHA, HCC considers it may be more beneficial to local building contractors that these houses be reconfigured to provide good quality affordable housing.

As this development is aimed at those living with disabilities and/or older people with limited mobility, the door to the shower room in one of the properties in Bothwell Court and all the properties in Ramsay Road should open out for easy accessibility and not as shown on the plans (entering inwards).

Looking at parking at both sites, there is one single parking place allocated to each property, and it is suggested that all parking should be disabled, thus giving more space for disabled/elderly to exit their cars. This would however result in a problem, as there is not considered to be enough space to accommodate this observation, and this should have been looked into at the design stage.

As this development is for older, infirm people, there is also no provision for parking for carers or visitors, resulting in parking in adjoining streets.

Given that the entrances to both sites (shown grey on the plans) are not adopted by SBC, it would then be up to SBHA to clear the entrances in snowy/icy conditions – the CC query if this is going to be the case.

Looking at the location of both developments, accessibility to the local bus network (H1 and H2 service) is very poor, with no immediate access to a bus stop at either location. Given that these homes are for the older person, the CC would consider that this would be a priority.

The statement 'integrated into existing communities' is misleading as the development at Ramsay Road is at the edge of the existing development, at the

end of a cul-de-sac, with no outlook from any of the proposed properties, which we feel would be very constricting.

The CC suggest that as these proposed developments are for the older person, with or without a disability, and if the proposal was granted that a condition of planning should be added that they are for that purpose only.

Scottish Water: No objection, advice provided on establishing water connection.

KEY PLANNING ISSUES:

- Whether the principle of development would comply with Policy PMD5 of the Local Development Plan and Policy 9 of NPF4;
- Landscape and visual effects;
- Impacts on neighbouring amenity;
- Road safety and parking impacts;
- Whether the development would be adequately serviced.

ASSESSMENT OF APPLICATION:

Planning Policy

The site is within the development boundary for Hawick and so must be assessed principally against policy PMD5. Within development boundaries development on non-allocated, infill or windfall sites will be approved if certain criteria are met. Provided other policy criteria and material considerations are met, the LDP confirms that development on non-allocated, infill or windfall site, within development boundaries will be approved where the following criteria are satisfied:

- a) it does not conflict with the established land use of the area;
- b) it does not detract from the character and amenity of the surrounding area;
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming';
- d) it respects the scale, form, design, materials and density in context of its surroundings;
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity;
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

The proposed site is within the development boundary of Hawick and the established land use in the surrounding area is solely residential. An additional 3 residential bungalows would not detract from the character or amenity of the surrounding area. It is a relatively small site for three new dwellings but given the scale and massing of the proposed units they will sit comfortably within the surrounding area. The design of the new dwellings would be different from the surrounding housing stock although given the modest nature of the new dwellings and their size this should not detract from the character of the area. Parking issues have been the matter of discussions with the RPS despite revisions to the layout but RPS are satisfied that this can be dealt with by condition. Services would not be affected adversely although conditions are recommended. The development would not impact significantly upon the amenity of adjoining properties although this is considered in more detail later in the report. Given

the proposed development would appear to comply with the above criteria, the development considered to be in accordance with the principal aims of policy PMD5.

Policy 9 of NPF4 supports development proposals that will result in the sustainable reuse of brownfield land and buildings. The leases on the existing garages have ended and now sit vacant, the proposed redevelopment of the site would allow for this site to be restored to full use in the form of three new homes for the elderly or those living with disability.

The principle of development is agreeable when applying Policy PMD5 of the LDP, and Policy 9 of NPF4. As a result, the key considerations for this application will be whether the additional impacts (discussed below) posed by this proposal are acceptable.

Siting, Layout and Design

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

The applicant has submitted a Design and Access Statement which states that the proposal will convert the existing two blocks of garages into three innovatively designed residential bungalows. The proposal will utilise existing walls of the garages in the creation of the proposed dwellings to allow them to sit comfortably into the existing urban grain. The proposed dwellings would sit marginally higher than the existing garage walls but as they are single storey properties the height increase would not be significant. The roofs of the proposed dwellings would be mono-pitched to create a 'saw-tooth arrangement'. The proposed design of the bungalows whilst different to the surrounding character of the area is not considered to be harmful. The existing garages are dated and the replacement dwellings would improve the visual appearance of the site.

In order to comply with Development Plan Policies and the "Placemaking" SPG, any layout and density would have to be appropriate to their surroundings and be compatible with, and respect the character of the surrounding area and neighbouring built form. The SPG repeatedly uses reference to the built context. However, the Policies and Guidance do not intend to seek identical or replica layouts and densities throughout a settlement, instead the importance of interest and variety is stressed. As the proposed application would replace two blocks of 10 garages the density of the site would not be intensified significantly and it is considered that the proposed new dwellings would sit comfortably within the site and not constitute overdevelopment. The layout and density complies with the Local Plan Policies and Guidance in that that it would not be inappropriate for the area nor would it cause any demonstrable harm to the surrounding residential area. For that reason, the proposal is considered to be compliant with the Local Development Plan Policies, NPF4 Policies and the relevant guidance on placemaking and design.

Neighbouring Amenity

Policy PMD5 states that the development should not result in any significant loss of daylight, sunshine or privacy to adjoining properties as a result of overshadowing or overlooking. Policy HD3 also states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. Furthermore,

Policy 16 of NPF4 provides guidance in relation to the impact of new development on neighbouring residential amenity.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties. The Supplementary Planning Guidance seeks to prevent any loss of privacy from new developments and requires a minimum of 18m between windows directly opposite to prevent any overlooking.

The proposed garages are located in close proximity to existing residential properties in Bothwell Court and the roofs of the proposed new dwellings are slightly higher than the existing roofline of the garages. It is considered that the marginal increase of the roofs of the proposed dwellings will not result in a material loss of light to existing neighbouring properties to the detriment of residential amenity.

In terms of privacy, the proposed new dwellings are located within close proximity to existing properties in and around Bothwell Court but all of the windows on the proposed new units are located on the front elevations apart from the rear bedroom window of the 2 bedroom bungalows. This rear bedroom window will be positioned at a high level in the gable to mitigate the potential for any overlooking.

In terms of any overlooking and loss of privacy of proposed dwellings it is acknowledged that there will be window to window overlooking of principal rooms below the minimum 18m distance referred to in our SPG. However, these privacy standards may not be appropriate for all situations and will be best determined by the local context. Given the proposed use of the dwellings by the elderly or those with disabilities it is felt that reasonable level of passive surveillance would be acceptable in this case.

Overall, the proposed development is not considered to give rise to any significant neighbouring amenity concerns and will comply with Policies 16, PMD5, HD3 of the development plan.

Vehicular Access, Road Safety and Parking

Policy PMD2 requires developments to have no adverse impact on road safety and adequate vehicular access. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

Vehicular access would be from the existing access point to the garages from Bothwell Court. The Roads Planning Service have suggested improvements can be made to the parking layout to make the spaces more usable. They have suggested a condition be added requiring further details of the parking area to be submitted and approved prior to development commencing.

Roads Planning Service are satisfied that no road safety issues will arise as a result of the development and that any additional parking that may be required for the dwellings can be accommodated on the neighbouring street network.

Contaminated Land

Policy IS13 advises that where development is proposed on land that is contaminated or suspected of contamination, appropriate site investigation and mitigation will be

required. The CLO has assessed the proposal and requires further investigations to be carried out, however the CLO has confirmed that this can be secured via planning condition.

Waste

Policy 12 of NPF4 requires residential development proposals to provide information on the storage and management of waste. The proposed site plan shows two discreet areas for bin storage on the site. This will provide ample storage for waste on site.

Water and Drainage

Policy IS9 of the LDP states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system. Policy 22 of NPF4 states that development proposals will manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer.

The water supply would be from the Scottish Water mains supply and foul water drainage would be to the foul sewer. Scottish Water confirmed in their consultation response that there is sufficient capacity at this time.

Conditions would secure mains water supply and foul drainage and surface water drainage via SUDS.

Ecology

There are no ecological designations affected, nor ecological impacts requiring an assessment. Policy 3 of the NPF requires ecological enhancements, and a condition can be imposed requiring a scheme, which may include planting and/or bird/bat boxes as appropriate.

Development Contributions

Local Development Plan Policy IS2 requires all housing developments to contribute to infrastructure and service provision where such contributions are considered necessary and justified, advised by the Development Contributions SPG. The Design and Access Statement states that the proposed development will provide housing for older people and those living with a disability. Our Housing Strategy Officer has confirmed that this scheme is identified in the Council's current SHIP 2023-2028. The Registered Social Landlord will be Scottish Borders Housing Association. To satisfy Policy HD1 a planning condition will be placed on the application to ensure that the development does not become unrestricted open market housing.

CONCLUSION

Subject to compliance with the schedule of conditions and informatives, the development will accord with the relevant provisions of the National Planning Framework 4 and 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 in formatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
2. The proposed residential units shall meet the definition of "special needs housing" as set out in the adopted Local Development Plan 2016 and any accompanying Supplementary Planning Guidance and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority.
Reason: The permission has been granted for special needs housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including affordable housing and local schools.
3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
4. No development shall commence until a scheme of details has first been submitted to and approved in writing by the Planning Authority showing the precise details of the proposed parking area. Thereafter the parking area to be constructed as per the approved scheme of details shall be fully implemented prior to the occupation of the dwellings hereby approved, unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure the parking area is formed to an appropriate standard.
5. No development shall commence until a scheme to identify and assess potential contamination on site, in addition to measures for its treatment/removal, validation and monitoring, and a timescale for implementation of the same, has been submitted to and approved by the Planning Authority. Once approved, the development shall only proceed in accordance with the approved scheme.
Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved development.
6. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that a mains water connection shall be made available to serve the development, unless otherwise agreed in writing by the Planning Authority. Thereafter, a public water mains connection shall be functional prior to the occupancy of the dwellinghouses hereby approved, and no water supply arrangements shall be used other than the public water mains without the written agreement of the Planning Authority.
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

7. No foul drainage system other than the public mains sewer shall be used to service the development hereby approved without the written consent of the Planning Authority. The foul drainage to be functional prior to occupation of the dwellinghouses hereby approved
Reason: To ensure that the development does not have a detrimental effect on public health.
8. Details of surface water drainage to be submitted to and approved in writing by the Planning Authority before the development commences. The surface drainage to be functional prior to occupation of the dwellinghouses hereby approved.
Reason: To ensure that the development does not have a detrimental effect on public health or neighbouring properties.
9. No development shall commence until details of a scheme of post-construction ecological enhancements, including timescale for implementation, have been submitted to and approved in writing by the Planning Authority. The approved details shall be implemented within the approved timescale.
Reason: To provide a reasonable level of ecological enhancement relative to the environmental impact of the development in accordance with the statutory development plan

Informatives

1. The north-eastern and south-western parking bays should be 3m wide, with the north-western and south-eastern bays being 2.5m wide. This will allow for the parking bays to be more easily used by people with mobility issues.

DRAWING NUMBERS

Plan Ref

Location Plan
 21045 - HUSK - PL - DR - 01 - A - 0005 - P01
 21045 - HUSK - DR - EX - 01 - A - 2000 - P01
 21045 - HUSK - EX - DR - 01 - A - 0005 - P01
 21045 - HUSK - PL - DR - 01 - A - 0003 - P01
 21045 - HUSK - PL - DR - 01 - A - 0300 - P05
 21045 - HUSK - PL - DR - 01 - A - 1001 - P01
 21043 - EARCH - PL - XX - DR - A - 0851 - P01
 21043 - EARCH - PL - XX - DR - A - 0850 - P01
 21045 - HUSK - PL - DR - 01 - A - 0501-P06

Plan Type

Location Plan
 Location Plan
 Topographical Survey
 Existing Site Plan
 Existing Elevations
 Proposed Elevations
 Proposed Boundary Plan
 Daylight Assessment Existing
 Daylight Assessment Proposed
 Proposed Site 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.

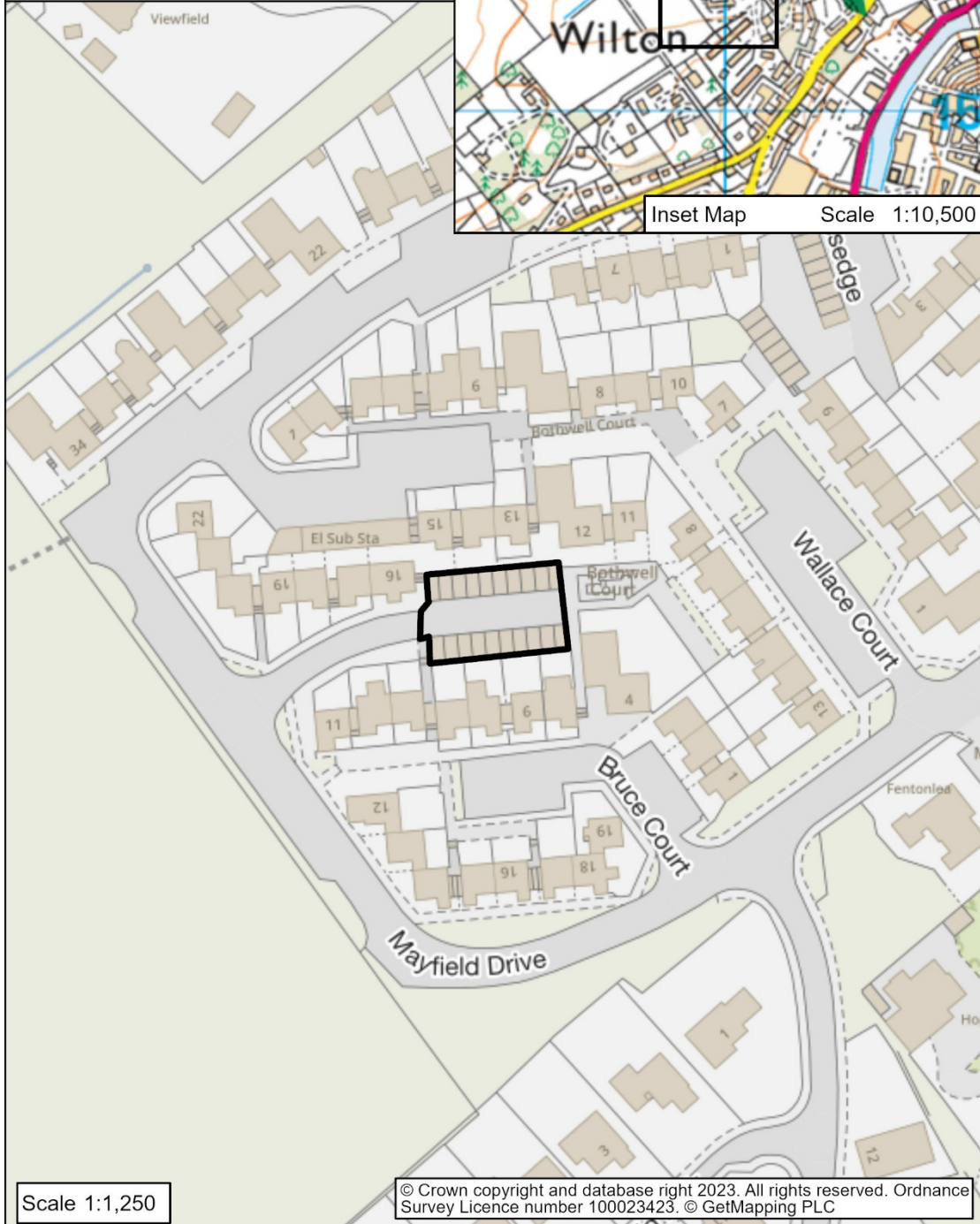
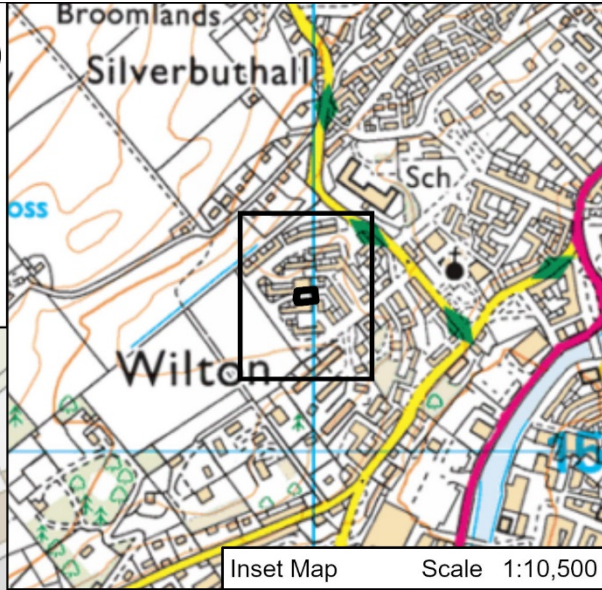
Author(s)

Name	Designation
Stuart Small	Assistant Planning Officer



23/00479/FUL

Bothwell Court Hawick



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

15 JUNE 2023

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 22/01588/FUL & 22/01587/LBC

OFFICER: Alla Hassan
WARD: Hawick and Denholm
PROPOSAL: Reinstatement, alterations and extensions to dwellinghouse
SITE: Cavers House
APPLICANT: Ms Julie Sharrer
AGENT: CSY Architects

SITE DESCRIPTION

The application site is a Category B listed building which is currently a ruin and is identified on the Buildings at Risk Register. It is accessed via a private track and there are a number residential dwellings to the north.

The site is subject to the following site constraints:

- Core Path (DENH/128/3)
- Situated within the Teviot Valleys Special Landscape Area
- Within an archaeologically sensitive location
- Parts of the site are at risk of surface water flooding
- Parts of the woodland subject to a Tree Preservation Order
- The River Tweed Special Area of Conservation (SAC) and Site of Scientific Interest (SSSI) located approximately 1.5km to the west of the site.
- Kirkton Burn Meadow SSSI approximately 1.2km to the south of the site

PROPOSED DEVELOPMENT

Full Planning Permission and Listed Building Consent is sought for the restoration, adaptation and extension of Cavers House, upgrades to the surrounding landscape, provision of parking and associated/ ancillary works.

The design and use of the proposal has been amended to address concerns raised by the case officer and internal consultees. The initial proposal was for a Class 7 use (Hotel, bed and breakfast or hostel). This has now been revised to Class 9 (house) only.

This report covers both applications.

DETERMINATION BY PLANNING AND BUILDING STANDARDS COMMITTEE

The applications require to be determined by the planning committee under the Council's scheme of delegation as a substantial body of opposition exceeding five objections from separate households has been received.

PLANNING HISTORY

21/00937/LBC – Works to restore 13th century piscina located within the ruins of Cavers House – application withdrawn

21/00936/FUL – Change of use of forestry land to increase area of garden ground, erection of a temporary welfare building and associated access road – application withdrawn

REPRESENTATION SUMMARY

A total of 92 representation letters across both applications have received. Some of those were from the same households/persons received during several rounds of consultations. The principal grounds of objection can be summarised as follows.

- Adverse impacts on residential amenities
- Inadequate access/ road safety
- Increased traffic
- Lack of sufficient parking
- Harmful to the listed building
- Harmful to trees and landscape
- No water supply
- Track ownership disputes
- B&B/ commercial development inappropriate
- Lack of business plan to support B&B/ commercial use
- Poor design
- Harmful to local ecology
- Potential land contamination

Twelve letters of support were also received raising the following points:

- Proposal helps to safeguard and important building
- Will benefit the local economy and local area
- Legal matters over access are not material considerations

In addition, 1 general comment was received confirming that part of the site is subject to an active conditional felling permission.

APPLICANT'S SUPPORTING INFORMATION

In support of the application, the following were submitted:

- Design and access statement
- Traffic management plan
- Arboricultural impact assessment
- Historic landscape appraisal
- Woodland management Plan
- Conservation statement and heritage impact assessment
- Ecology assessment
- Structural appraisal

DEVELOPMENT PLAN POLICIES:

National Planning Framework 4 (NPF4)

- Policy 1 – Sustainable places
- Policy 2 – Climate mitigation and adaptation
- Policy 3 – Biodiversity
- Policy 4 – Natural places
- Policy 6 – Forestry, woodland and trees
- Policy 7 – Historic assets and places
- Policy 9 – Brownfield, vacant and derelict land and empty buildings
- Policy 12 – Zero waste
- Policy 13 – Sustainable transport
- Policy 14 – Design, quality and place
- Policy 16 – Quality homes
- Policy 17 – Rural homes
- Policy 20 – Blue and green infrastructure
- Policy 22 – Flood risk and water management
- Policy 29 – Rural Development

Scottish Borders Council Local Development Plan 2016

- PMD1 – Sustainability
- PMD2 – Quality standards
- HD2 – Housing in the countryside
- HD3 – Protection of residential amenity
- EP1 – International nature conservation sites and protected species
- EP2 – National nature conservation sites and protected species
- EP3 – Local biodiversity
- EP5 – Special Landscape Areas
- EP7 – Listed Buildings
- EP8 – Archaeology
- EP13 – Trees, woodlands and hedgerows
- IS2 – Developer Contributions
- IS5 – Protection of access routes
- IS7 – Parking provision and standards
- IS8 – Flooding
- IS9 – Waste water treatment standards and SUDS
- IS13 – Contaminated Land

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

- Development Contributions (2011) Updated 2023
- Landscape and Development (2008)
- Local Landscape Designations (2012)
- Sustainable Urban Drainage Systems (2020)
- Trees and Development (2020)
- Waste Management (2015)
- Placemaking and Design (2010)
- Guidance on Householder Development (2006)

CONSULTATION RESPONSES:

Please note that full responses have been published online but for the purposes of brevity; consultee responses are summarised below.

Scottish Borders Council Consultees

Heritage and Design Officer: No objections however design amendments requested with respect to the following:

- Design development required for the junction between the north elevation and fourth storey / roof terrace.
- Design development required to the battlement walkway (removal of glazed balustrade).
- Confirmation of approach to gate piers, well, steps and any other surviving features within the grounds.
- Confirmation of current condition and nature of ha-ha and proposed works to ha-ha (could be conditioned if required).
- Improved door design to door within the bow
- Transoms should be retained where these exist

The applicant has revised the scheme in line with the aforementioned comments. The amended proposal is considered to be acceptable and further details can be adequately controlled via condition. As a result, no objections are raised subject to conditions.

Archaeology Officer: No objections subject to conditions and informative

Roads Planning Service: No objection to the principle of development however, additional information was requested with respect to the provision of parking, a Traffic management Plan, proposed improvements to the access and confirmation that these works can be carried out on land out with the applicants control. The applicant has addressed the outstanding matters to the satisfaction of the roads officer and therefore no objections are raised subject to conditions.

Outdoor Access Officer: Initially requested further information with respect to non-vehicular use, signage and additional details of surfacing and boundary treatment to the core path. The applicant has provided this to the satisfaction of the outdoor access office therefore no objections raised subject to an informative.

Landscape Architect: Initially requested further information/ clarification in the form a detailed inventory and appraisal of the historic landscape and remaining features, the submission of a tree survey (including an Arboricultural Impact Assessment (AIAI) and a Woodland Management Plan. Those have been submitted to satisfaction of the landscape architect and therefore no objections are raised subject to conditions.

Ecology Officer: A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application. This confirmed the main following points:

- Signs of badgers found near the site boundary
- Site has negligible suitability for roosting bats however the habitat is suitable for commuting and foraging bats
- Structure provides limited opportunity for breeding birds although woodpigeon nests were identified in cervices
- Shed appears to be used as perch by Barn Owls
- Trees and habitats suitable for reptiles and amphibians, although no evidence was found

Following this, the Ecology officer raised no objections but requested the submission of an Arboricultural Assessment in relation to the proposed tree removal. This has been provided by the applicant and considered by the Ecologist. No objections are raised subject to conditions and informative.

Environmental Health Service: No objections subject to condition

Contaminated Land Officer: No objection subject to condition

Flood Officer: No objections

Statutory Consultees

Denholm and District Community Council: Objected to both the original and revised proposal, mainly on the following grounds:

- use of single track road to access and serve the site to the proposal, which is not owned by the applicant
- disruption and inconvenience to neighbours and track users
- lack of visibility on track will adversely impact road safety

Historic Environment Scotland: Supportive of application

Architectural Heritage Society of Scotland: No reply

Scottish Civic Trust: No reply

Scottish Water: No objections

Non-Statutory Consultees

The Society for the Protection of Ancient Buildings (SPAB Scotland): Objected to the overall form, scale and detailing of the proposed extensions which are considered to be harmful to the special interest and significance of the tower and its setting.

KEY PLANNING ISSUES:

The key planning issues with these applications are whether the proposed development constitutes appropriate development in accordance with the National planning Framework (NPF4) Local Development Plan 2016, particularly as regards to roads safety, access, siting, scale, form and design of the development; and impact on the listed building.

ASSESSMENT OF APPLICATION:

Policy Principle

Policy 9 of the NPF4 is supportive of the reuse of brownfield derelict land and buildings. Policy 17(viii) also supports the reinstatement of former dwellings. The principle of the proposal is therefore considered to be acceptable at the national level. This is further reflected in Policy HD2(d) of the Local Plan which supports the restoration of houses provided that its overall design is acceptable to the host building and wider landscape setting. Consequently, the principle of a residential dwelling is supported; however it is considered vital that a condition strictly controlling its use solely as Class 9 is attached to any forthcoming consent.

Design and Impact on the Listed Building

The application site is a part-demolished Category B listed towerhouse, constructed of sandstone of varying sizes with a mix of squared rubble and random rubble with ashlar quoins. Some sections have been altered with brickwork. The remaining structure consists of a basement and five upper floors. There is no roof and the interior structure is no longer evident.

The supporting Conservation Statement confirms that the existing structure is of evidential, historical, aesthetic, socio-economic and archaeological value. It has been subject to numerous changes over time therefore much of the original evidential fabric has been lost or modified through time.

The proposal has been submitted following an earlier pre-application undertaken by the applicants in December 2020. The proposal involves significant works to retain and extend the ruin including; the refurbishment of the tower and Georgian building remains, the addition of extensions to the north and south (one more traditional and the other hybrid/ contemporary) and the reinstatement of associated landscaping including the reconstruction of walled gardens. Traditional material palette is proposed which consists of restoring and repairing existing stone, harling, slate roofs and timber fenestration details. The supporting structural appraisal confirms that the existing structure can be adequately repaired, structurally strengthened and incorporated into the proposed refurbishment scheme

It is accepted that the proposed extensions are substantial and will change the character and appearance of the existing building. However, the proposals have been amended and are now in line with the Heritage and Design Officers' initial comments. The revised scheme is now considered to be acceptable and details in relation to materials, methodology and repair schedule and their potential implications can be suitably controlled via condition. It is considered that the proposals will positively contribute to the historic evolution of the building. The alterations and extensions have been sensitively designed, including contemporary architecture, helping to improve its legibility and securing its long-term viability. As amended, the proposals will conserve, protect and enhance the character, integrity and setting of the listed building, compliant with the aims of Policy EP7 of the LDP and Policy 7 of NPF4.

Road safety and parking

The site is accessed via a private track that lies outwith the ownership of the applicant. The roads officer has been consulted on the proposal and no objections were raised to the principle of development. However, additional information was requested with respect to the provision of parking, a Traffic Management Plan, proposed improvements to the access and confirmation that these works can be carried out on land outwith the applicant's control.

As noted above under representation, the majority of the objections received were on the grounds of inadequate/unsafe access and an unacceptable increase in the level of traffic. Furthermore, concerns were also raised that the applicant does not have any rights/ ownership to upgrade the track, as part of the remedial works needed to provide a satisfactory access.

It should be noted that matters regarding ownership and rights of access are not strictly planning matters afforded full weight in the decision making process. Legal rights of access and ownership would normally fall outwith the realms of planning. However, in this case, for the proposed development to be considered favourably, improvement works to the existing access are required to provide an adequate access. This would involve land outwith the applicant's ownership, and failure to deliver the required level of improvements could prejudice implementation of the whole development.

Consequently, reasonable assurance is needed that upgrades to the access which include; the widening and tarmacking of the access and trimming back overhanging branches to provide adequate visibility can be implemented and secured via conditions. This must meet the 6 tests of enforceability as set out in the Planning Circular 4/1998 (the use of conditions in planning permission). The applicants have provided a solicitor's letter (originally submitted for a previous application on the site) confirming that they have a legal right of access, and to carry out some works for its upgrade.

On that basis, it is considered that there is a reasonable prospect that the required level of road improvements can be implemented. Precise details of the extent of works required to improve the access can be secured via an appropriately worded suspensive planning condition requiring the works to be carried out before development commences. Provided the works required by RPS are carried out in a satisfactory manner, there will be no harm in terms of vehicular access or road safety as a result of the proposed development.

With respect to parking, there is ample space for the provision of four car parking spaces turning. This will ensure adequate parking and turning is available, in accordance with the standards set out in the LDP.

On balance, and following receipt of legal confirmation of the applicant's right to carry out some upgrading works to the track, it is considered that the proposal will not have an unacceptable adverse impact on road safety or parking.

Outdoor Access

The access track to the site is classified as a Core Path (128). The tarmac track, including verges is currently used by non-vehicular path users. As noted above, a large number of objections were received on the grounds of making this access unsafe to existing users. The Outdoor Access Officer has been consulted on the proposal and did raise initial concerns that the tarmac track may result in less room for walkers, cyclists and horse riders. However, the applicant has provided further clarification on this matter, confirming that the access will be maintained and additional signage will be added to improve its legibility. The Outdoor Access Officer is satisfied with this approach subject an informative reminding the applicant that the access must remain for public use.

Residential Amenities

Due to the siting of the proposal and considerable distances to the nearest neighbours. There are considered to be no significant adverse impacts in terms of overlooking, loss of privacy, daylight, sunlight, or overshadowing. However, it is acknowledged that there will be an increase in noise and activity generated by the comings and goings of the future occupants of the proposal and construction workers during the construction phase.

The supporting Traffic Management Plan states that the construction period will be approximately 18 months and there will be a maximum of 50 workers at peak times. Whilst it provides some mitigation measures to minimise adverse impacts on amenities and users of the path, it is considered important that a detailed construction Method Statement is submitted and approved, prior to development. Additionally, a condition will also be attached to restrict construction work times.

Subject to compliance with the terms of the suggested conditions, the proposals are considered to have an acceptable impact on the residential amenity of nearby properties.

Archaeology

The remains of the standing tower house are of national significance with significant archaeological evidential information. As noted by the archaeology officer, archaeological finds/ and or deposits will be present and therefore formal historic building recording will be required of those remains, the new walled garden and the renovation and repair of the ha-ha boundary feature. Furthermore, with respect to the debris and below-ground work of the house and immediate area, a programme of archaeological works will also need to be carried out. Such matters can be sufficiently conditioned with any forthcoming consent. This will ensure full compliance with development plan policies covering archaeology and the historic environment.

Ecology

The Preliminary Ecological Assessment submitted identifies that the site as providing low suitability to support protected species, and sets out recommendations for the site's ecological enhancement. The Ecology Officer has reviewed the supporting information and requested an Arboricultural Assessment due to the removal of some of the trees. This has been provided and the Ecology officer is satisfied that there will be no adverse impacts on local biodiversity as a result of the proposal subject to conditions and informative.

It is also considered that the nearby Site of Special Scientific Interest and Special Area of Conservation, including their qualifying features, will not be at risk from the proposed development.

Policy 3 of the NPF requires ecological enhancements, and a condition can be imposed requiring a scheme, which may include additional planting and/or bird/bat boxes as appropriate.

Trees, landscaping and visual impacts

The site consists of tree groups and woodlands whereby some are subject to a Tree preservation Order (SBC33). The applicant has submitted an Arboricultural Impact Assessment Woodland Management Plan and Historic Landscape Appraisal in support of the application. Those have been reviewed by the Arboricultural officer who is satisfied that the only a modest number of trees will be removed to accommodate the proposal. Furthermore, the trees covered by the TPO will not be adversely affected by the proposal.

Consequently, subject to the attachment of conditions, the proposal will have an acceptable impact on the existing trees woodlands, biodiversity and the wider Special Landscape Area.

Services

The application form states that the proposal will be connected to the mains water supply but foul drainage will be via a new septic tank, discharged to land via a soakaway.

Scottish Water have raised no objections and confirm that there is sufficient capacity to in the Robertson Treatment Works to service the development. However, there is no waste water infrastructure in the immediate vicinity.

The Environmental Health Officer has been consulted on the proposal and has raised no objections to the proposed drainage arrangement. Notwithstanding this, a condition will be attached requesting written confirmation from Scottish Water that the development can be adequately serviced. Additionally, a condition is also recommended, requesting further details of the foul drainage strategy, to ensure that there are no adverse impacts to public health as

a result of the proposal. Surface water drainage shall follow sustainable drainage techniques and can also be covered by condition.

Flood risk

The Council's internal planning mapping records indicate that parts of the site are prone to surface water flooding. The vulnerable areas only relate to small section of the northern and south western boundaries. The Council's flood officer has no objections to the proposed development. The development is considered compliant with relevant development plan policies covering flooding.

Land Contamination

The application site appears to have been previously used by the military and is therefore potentially contaminative. Consequently, the contaminated land officer has requested that a pre-commencement condition requiring investigation, and where required remediation. On that basis, there are considered to be no adverse impacts on land contamination as a result of the proposal.

Waste storage

There is considered to be ample space within the curtilage of the proposal to accommodate refuse storage. Notwithstanding, a condition is recommended, requiring precise details to be submitted and approved.

Contributions

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

CONCLUSION

Subject to a legal agreement, conditions and informatives the development will accord with the relevant provisions of the Development Plan and there are no material considerations that would justify a departure from these provisions. Furthermore, and subject to conditions, it is considered that the development will not detract from the special architectural and historic interest of the Listed Building.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

22/01588/FUL

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The 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.

3. The use of the development hereby permitted shall fall within Use Class 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended, and no other use shall be permitted unless further written consent is obtained from the Planning Authority.
Reason: to allow the Planning Authority the ability to exercise control future intensification of the application site.
4. Prior to the commencement of development, the developer shall submit for approval in writing by the Planning Authority, details on the proposed Biodiversity Enhancement scheme for the site. Thereafter, no development shall take place except in strict accordance with the approved scheme.
Reason: To enhance the ecological interest in accordance with Local Development Plan EP3 and NPF4 policy 3.
5. Prior to commencement of development, a Species Protection Plan for badgers shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved in writing SPP.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
6. Prior to commencement of development, a Species Protection Plan for breeding birds and barn owls shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved in writing SPP.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
7. Prior to the commencement of development, the developer shall submit for approval in writing by the Planning Authority a sensitive lighting scheme for the site. Thereafter, no development shall take place except in strict accordance with the approved plan. Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.
8. No development shall take place unless in strict accordance with the tree protection measures and Method Statement contained in the Arboricultural Impact Assessment (TD Tree & Land Services Ltd, March 2023).
Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.
9. Only the trees identified on site (as per approved Arboricultural Impact Assessment) and agreed in writing by the Planning Authority shall be removed.
Reason: The existing trees represent an important visual feature which the Planning Authority considers should be substantially maintained.
10. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which shall be first have been submitted to and approved in writing by the Planning Authority, and shall include:
 - i. Details of proposed tree planting (including species, sizes, indicative numbers) which is referred to but not detailed at Item T1 of the Operations Schedule 2023-2028 Woodland Management Plan
 - ii. Details of all fencing and boundary treatment
 - iii. Details of all surfaces

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

11. No development shall take place except in strict accordance with the Woodland Management Plan. All works, amendments and updates to the plan must be agreed in writing by the Planning Authority and thereby implemented.

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

12. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

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

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.
- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

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

13. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the

Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.

This should include historic building recording and evaluation work, but it may not be limited to these aspects alone;

Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

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

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

15. No development shall take place until the applicant has secured the implementation of a programme of archaeological work (which may include excavation) in accordance with a Written Scheme of Investigation outlining a Historic Building Survey which has been formulated by, or on behalf of, the applicant and submitted to and approved in writing by the Planning Authority. Access should be afforded to allow archaeological investigation, at all reasonable times, by a person or persons nominated by the developer and agreed to by the Planning Authority. Results will be submitted to the Planning Authority for review in the form of a Historic Building Survey Report.

Reason: To preserve by record a building of historical interest.

16. No development shall commence until precise engineering details for the upgrading of the access route (to include construction and visibility) have first been submitted to and approved in writing by the Council. Thereafter, the agreed upgrading works to the access track shall be completed in accordance with the agreed details prior to the commencement of development hereby approved.

Reason: To ensure the access route is suitable for the anticipated vehicular traffic generated by the development hereby approved.

17. The parking area and access specified on the approved site plan shall be implemented prior to the occupancy of the dwellinghouse and subsequently retained free from obstruction for the parking of four vehicles in perpetuity thereafter.

Reason: To ensure the provision of adequate off-street parking.

18. Before any works commence a scheme shall be submitted to and approved in writing by the Local Planning Authority indicating proposals for the satisfactory storage of refuse in

accordance with BS.5906. The approved scheme shall be implemented upon occupation of the development and thereafter retained.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse.

19. No development is to commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

20. The development hereby permitted shall not be commenced before a fully detailed foul drainage strategy, demonstrating that there will be no negative impact to public health has been submitted to and approved by the Planning Authority.

Reason: in the interests of public health.

21. No development shall commence until detailed proposals for surface water drainage have first been submitted to and approved in writing with the planning authority. The dwellinghouse hereby approved shall not be occupied until the approved surface water drainage arrangements are installed. All hardstanding areas shall be drained by means of porous surfacing, or drained to a permeable or porous area or surface within the application site. All drainage measures shall be maintained in perpetuity in order to manage surface water run-off within the site.

Reason: To ensure surface water is sustainably managed.

22. Notwithstanding the details shown in the consented application, samples and sample panels of all external materials and finishes shall be prepared on site for prior approval by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved materials.

Reason: The materials to be used require further consideration to ensure a satisfactory form of development.

23. Large scale details for all new windows and doors (1:20 sample elevations and sections, and 1:1 moulding profile sections), other architectural features and key junctions should be submitted to and approved in writing by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved details.

Reason: To ensure satisfactory form of development.

24. Construction or remediation work comprising the use of plant, machinery, or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1300 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity.

25. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall include:

- Details of sequence of operations
- Details of segregated pedestrian walkway
- Site delivery management and frequency
- Site waste management
- Site lighting during
- Noise dust and dirt mitigation measures

Reason: In the interest on residential amenities, road safety and public access to core path.

Informatives

1. In the event that bats are discovered following the commencement of works, works must stop immediately and the developer must contact NatureScot for further guidance. Works can only recommence by following any guidance given by NatureScot. The developer and all contractors are to be made aware of accepted standard procedures of working with bats at www.bats.org.uk.
2. The ALGAO Scotland Historic Building Recording Guidance can be found at; [ALGAO Scotland Buildings Guidance 2013.pdf](#).
3. The responsibility of any tree works identified lies with the land owner. Any constraints in relation to trees, such as felling licences, should be applied for through the relevant Government Body. All tree works will be carried out by qualified arborists in accordance with British Standard BS3998:2010.
4. With regards to Condition 16, the required engineering details should include the proposed construction makeup, clarification over which area this is to be implemented, areas where vegetation is to be trimmed back to provide adequate visibility and areas where widening is to be provided to allow vehicles to pass within the carriageway.
5. Core path 128 is on the shared use tarmac road and corridor and includes the verge of the route. Core Path 128 is outwith the curtilage of a residential property. Public rights of access apply for non-vehicular path users on the Core path. There is public interest for recreation to use the Core path and woodland area to access locations where it is possible to view the outside of the derelict building of Cavers House.

22/01587/LBC

I recommend the application be approved subject to compliance with the following schedule of conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until the following have been submitted to and approved in writing by the planning authority:
 - a) Schedule, with methodology and specifications, for repairs to existing fabric at Caver House, the walled garden and other landscape features
 - b) Details of internal wall finishes, including materials (which shall be vapour open) and treatment of historic features.Thereafter, no development shall take place except in strict accordance with the approved details.
Reason: To ensure satisfactory preservation of this Listed Building

3. Notwithstanding the details shown in the consented application, samples and sample panels of all external materials and finishes shall be prepared on site for prior approval by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved materials.

Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which preserves the Listed Building

4. Large scale details for all new windows and doors (1:20 sample elevations and sections, and 1:1 moulding profile sections), other architectural features and key junctions should be submitted to and approved in writing by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved details.

Reason: To ensure satisfactory preservation of this Listed Building

DRAWING NUMBERS

9430/0-LP	Location Plan
9430-3.02 Rev A	Existing Site Plan
9430/3-15 Rev A	Existing floor plans
9430/3-17 Rev A	Existing Elevations
9430/3-18 Rev A	Existing 3D views
9430/3-19 Rev A	Proposed plans 1
9430/3-20 Rev A	Proposed plans 2
9430/3-22 Rev A	Proposed Elevations
9430/3-21 Rev C	Proposed Roof Plan
9430-0-PL-02C	Proposed Site Plan
9430/3-23 Rev A	Proposed Sections
9430/3-24 Rev A	Proposed 3D views
9430/3-25 Rev A	Contextual Elevations 1
9430/3-26 Rev A	Contextual Elevations 2
9430/3-27 Rev A	Walled Garden
9430/3-28 Rev A	Proposed Owl House
Drawing 1	Plan of Wooden Fingerposts

Reports

Cavers Castle Traffic management Plan dated 22.02.2023
Arboricultural Impact Assessment dated March 2023
Historic Landscape Appraisal dated March 2023
Woodland Management Plan 2023-2028
Conservation Statement dated September 2022
Preliminary Ecological Assessment (PEA) dated September 2021
Structural Appraisal dated September 2022

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

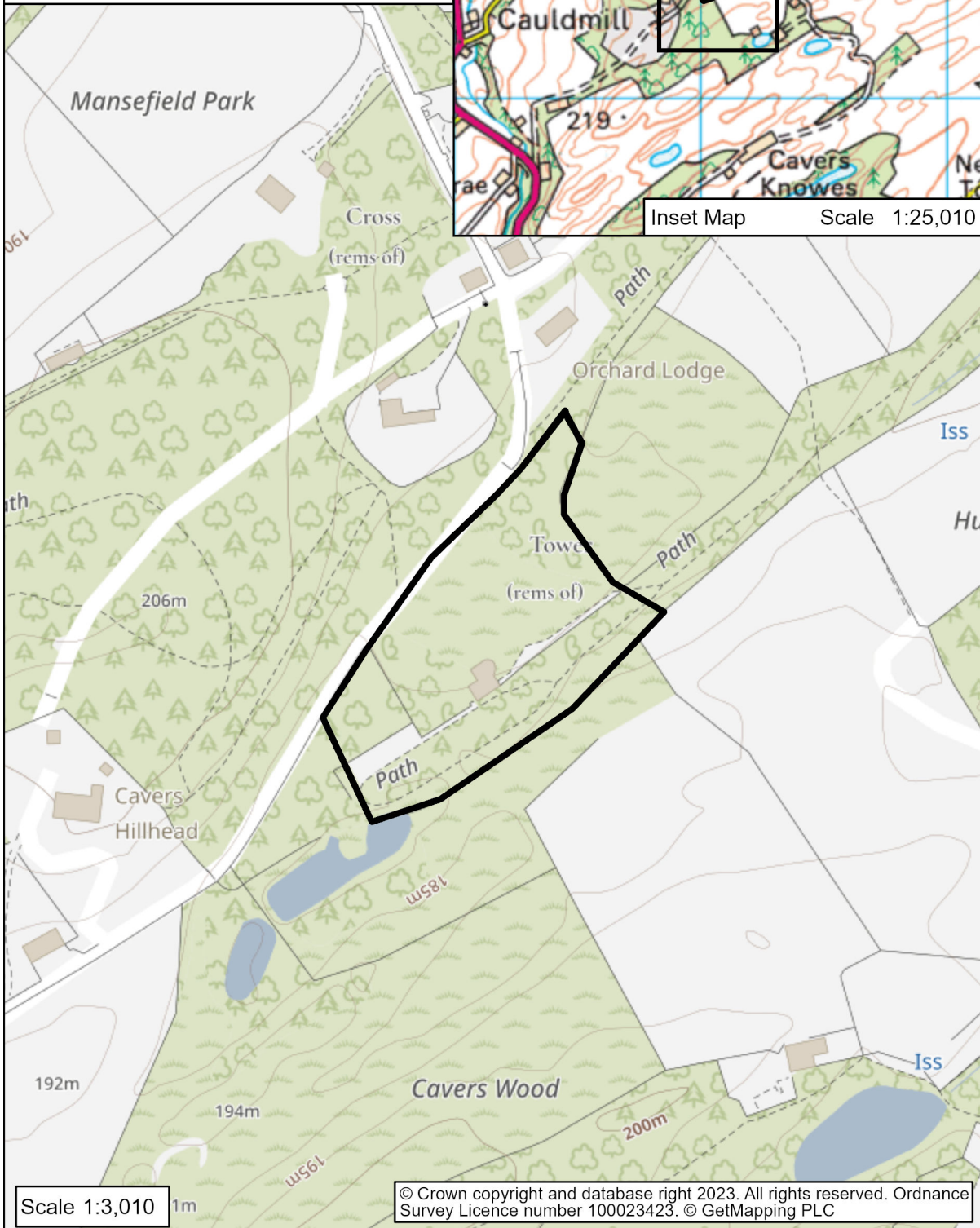
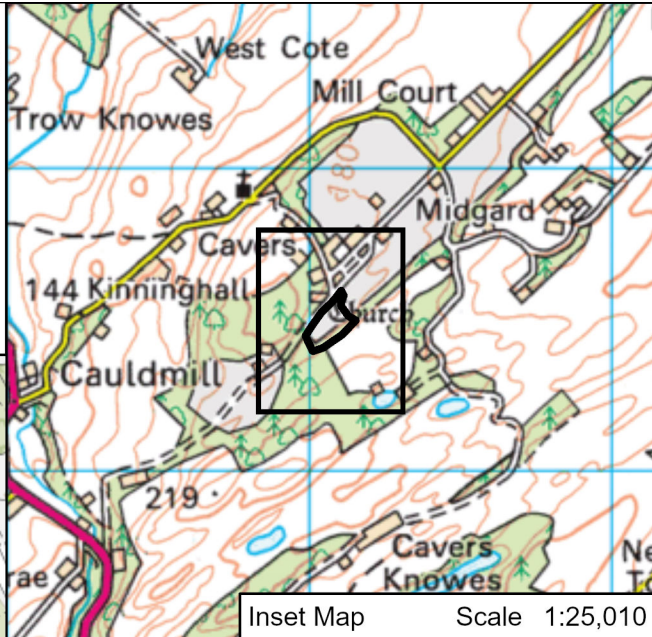
The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Alla Hassan	Assistant Planning Officer



22/01587/LBC & 22/01588/FUL
Cavers House, near Hawick



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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

15 JUNE 2023

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 23/00382/FUL

OFFICER: Cameron Kirk
WARD: Mid Berwickshire
PROPOSAL: Removal of condition 5 of planning permission 21/00794/FUL pertaining to visibility splay
SITE: Land East of Thistle Brae, The Hardens, Duns
APPLICANT: Mr Richard Wood
AGENT: N/A

PLANNING PROCESSING AGREEMENT: A planning processing agreement has been agreed until 22 June 2023.

SITE DESCRIPTION

The application site relates to Plot 3, The Hardens, which is located approximately 2 miles north west of the centre of Duns. Plot 3 is the second last plot to be developed within the building group. The dwellinghouse granted under planning permission 21/00794/FUL is nearing completion. The application site is rectangular in shape and slopes towards the south. There is a row of listed cottages to the east and two modern dwellinghouses are to the north west and west. The site is served by an existing private access road from the C98 public road.

PROPOSED DEVELOPMENT

Permission is sought to remove condition 5 from planning permission 21/00794/FUL (approved 27 January 2022).

Condition 5 of planning permission 21/00794/FUL states:

No development shall commence until a detailed drawing showing visibility improvements to the north east at the junction onto the public road (a splay of 2.4m by 100m) has been submitted to and approved in writing by the Planning Authority. The visibility splay shall be provided before occupation of the dwellinghouse and shall be maintained in perpetuity thereafter.

Reason: To enable safe vehicle access on to the public road.

PLANNING HISTORY

Application site:

06/01486/OUT Erection of four dwellinghouses and formation of new access road. Granted 27 August 2007.

07/00397/FUL Formation of site access and service layby. Granted 08 June 2007.

09/01327/AMC Erection of dwellinghouse with integral garage (Plot 3). Granted 04 December 2009.

13/00045/FUL Erection of dwellinghouse with integral garage (change of house design previously approved 09/01327/AMC) (Plot 3). Granted 14 March 2013.

17/00645/FUL Erection of dwellinghouse and garage (Plot 3). Granted 26 June 2017.

18/00214/PREAPP – Pre-application enquiry.

18/00872/FUL Erection of dwellinghouse (Plot 3). Granted 09 November 2018.

21/00794/FUL Erection of dwellinghouse with detached garage. Granted 27 January 2022.

Neighbouring plots:

08/00263/REM Erection of dwellinghouse and detached garage (Plot 1). Granted 13 May 2008.

08/01727/REM Erection of dwellinghouse and detached garage (Plot 2). Granted 17 December 2008.

REPRESENTATION SUMMARY

A total of nine letters of representation, eight objections and one general comment, have been received by the Planning Authority. This does not include multiple representations from the same household which equates to ten letters in total. All issues raised have been considered. The key material planning considerations raised in objections relate to impacts on road safety

APPLICANTS' SUPPORTING INFORMATION

- Supporting letter

DEVELOPMENT PLAN POLICIES:

National Planning Framework 4

Policy 18 – Infrastructure first

Scottish Borders Council Local Development Plan 2016

PMD2: Quality Standards

OTHER PLANNING CONSIDERATIONS:

Planning Circular 4/1998: The Use of Conditions in Planning Permissions

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: No objection. RPS has discussed the original condition with colleagues from both the Council's Legal and Planning Enforcement teams, and it

would appear that the relevant condition cannot be enforced from a Planning perspective. This is due to the land relating to the condition being outwith both the ownership of the applicant and the red-line boundary for the site. However, the visibility splays were conditioned, and provided, in the interests of road safety via a previous application for the site which included the formation of the access. This application was 07/00397/FUL and related to the formation of a site access and a service lay-by. The visibility splays provided as part of that application are the same ones as were requested under application 21/00794/FUL. As they had already been provided, it would now appear following on from further discussions that there was no need to require that they be provided again and there was no need for the condition to have been included in the approval of the 2021 application. As the previously provided splays are deemed to be within the public road boundary, the Council have powers under the Roads (Scotland) Act 1984 to ensure the splays are retained, therefore there is no further requirement for them to be requested under the 2021 application.

They appreciate, that by supporting the removal of this condition, this may give the objectors the impression that there will therefore be no control over the visibility at the access, however, as intimated above, this is not the case. The Council, as Roads Authority, have the powers to ensure the previously provided visibility is maintained through serving notice on the appropriate land owner to remove any obstructions to visibility. If no action is forthcoming through discussions with the land owner, or any notice should it be served, the Council can remove any obstructions and reclaim any reasonable expenses from the landowner if needs be.

KEY PLANNING ISSUES:

- Whether the principle of removing the condition would be acceptable, having particular regard to the six tests of planning conditions set out in Policy 18 of National Planning Framework 4 and in Planning Circular 4/1998: The Use of Conditions in Planning Permissions;
- Whether there would be any adverse impacts arising from the proposal in respect of road safety.

ASSESSMENT OF APPLICATION:

Permission is sought to remove condition 5 from planning permission 21/00794/FUL. The pre-commencement element of this condition requires a detailed drawing showing visibility improvements to the north east at the junction onto the public road (a splay of 2.4m by 100m) to be submitted to and approved in writing by the Planning Authority prior to any works commencing on site.

The applicant's agent submitted a drawing (drawing no. 9632.PL5 A) to satisfy the pre-commencement element of condition 5. Roads Planning Service considered the drawing and they confirmed that it was acceptable to demonstrate that the visibility splay could be physically achieved to the north east at the junction onto the public road. The pre-commencement element of condition 5 has therefore been satisfied.

The second part of condition 5 however, requires the visibility splay to be provided before occupation of the dwellinghouse and for that to be maintained in perpetuity thereafter.

The applicant wrote to the Planning Authority to advise that they would be unable to implement the visibility splay required by condition 5 as they have no legal control over the land to which it would be formed. They advise that the owner of the land will not permit them to form the visibility splay, as required by condition 5. In light of this, they

have submitted the current application to remove condition 5 from planning permission 21/00794/FUL.

In determining this application the Planning Authority must have regard to Policy 18 of National Planning Framework 4 and Planning Circular 4/1998: The Use of Conditions in Planning Permissions. The removal of condition 5 from planning permission 21/00794/FUL must be considered against the six tests below:

1. **necessary** – the condition would not be necessary to grant planning permission. It would however improve the existing visibility at the access on to the public road which would be to the benefit of road safety;
2. **relevant to planning** – the condition is relevant to planning as it aims to provide a safe means of access to the development from the public road;
3. **relevant to the development to be permitted** – the condition is relevant to the development that was granted permission as the use of the access onto the public road would intensify as a result of the development as an additional dwellinghouse would use this access. The condition aims to improve the visibility at the access on to the public road;
4. **enforceable** – the condition is unenforceable as the applicant has no control over the land in which the visibility splay must be formed. They would be unable to from the visibility splay unless the sought permission from the landowner;
5. **precise** – the condition is precise and it make it clear to the applicant and others what information is required to be submitted to satisfy the condition and at what stage the visibility splay must be formed;
6. **reasonable in all other respects** - the condition is not reasonable as the land is located outwith the application site and the applicant does not have sufficient control over the land to enable those works to be carried out.

Condition 5 of permission 21/00794/FUL fails to meet two of the six tests. As the applicant has no control over the land in which the visibility splay would be formed, the condition is unenforceable and it is not reasonable. It therefore fails to meet the tests of enforceability as set out in Circular 4/1998.

A number of representations have been received by the Planning Authority that raise concerns regarding the impact the removal of condition 5 from planning permission 21/00794/FUL would have on road safety.

It should also be noted that five properties already use this junction for access and egress onto the public road from the private road. Whilst the development granted under planning application 21/00794/FUL will intensify the use of the existing access, it will not result in additional traffic movements to the detriment of road safety, given the visibility splays have already been provided under an earlier consent.

Roads Planning Service has been consulted as part of the assessment of this application. They do not raise any concerns regarding the removal of condition 5 as they acknowledge that the applicant has no control over the land to which the visibility splay would be formed. In their consultation response, they refer to the original planning permission 07/00397/FUL that was granted to from the site access and associated service layby. Condition 2 of this permission required a visibility splay of 2.4x100m to the north east and 2.4x160m to the south west to be provided before the development becomes operational. It is understood that the visibility splays were provided at the time the site access and service layby were constructed.

In Roads Planning Service's previous consultation responses to planning applications 17/00645/FUL, 18/00872/FUL and 21/00794/FUL they requested that a condition be attached that required improvements to the visibility splay to the north east. Although the visibility splay had previously been provided to the north-east it had not been maintained. The Planning Authority has, however, consistently attached the condition recommended by Roads Planning Service to earlier consents requiring improvements to the visibility splay to the north east.

Roads Planning Service acknowledge in their consultation response to this application that the visibility splays have already been provided at the new access, and there is no longer a requirement for the improvements to be provided again or for the condition to be included in the planning permission granted under 21/00794/FUL. As the visibility splays are deemed to be within the public road boundary, the RPS has confirmed that Council have powers under the Roads (Scotland) Act 1984 to ensure the splays are maintained in perpetuity. This may necessitate the serving of a notice under the relevant act if visibility splays are not maintained. The Council also has powers under this act to remove any obstructions and reclaim any reasonable expenses from the landowner.

An unauthorised fence was erected in the north east visibility splay in 2022. The Roads Planning Service is currently pursuing the removal of this fence as it impedes visibility and it poses a risk to road safety. The Roads Planning Service has written to the landowner and requested the fence be removed. However, (at the time of writing) it would appear the fence remains in-situ. Roads Planning has advised that they will continue to pursue the matter under the Roads (Scotland) Act. Whilst not being pursued under planning legislation, it is important to note that the removal of the unauthorised fence will continue to be pursued by the Council, and the overall outcome (to remove the fence and improve visibility) will be the same.

As the removal of a condition effectively grants a new planning consent, it would be appropriate to attach any conditions or applicant informatives to the new permission that remain outstanding.

CONCLUSION:

In consideration of the above, the removal of condition 5 from planning permission 21/00794/FUL would not unduly impact upon road safety. The visibility splay has already been provided under an earlier grant of planning consent, and powers available under the Roads Planning (Scotland) Act 1984 will allow the Council to ensure visibility is maintained. The Condition fails to meet the six tests of enforceability as set out in Circular 4/1998 and cannot be enforced. The proposal accords with the relevant provisions of the National Planning Framework 4 and Scottish Borders 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:

It is recommended that the application be granted, subject to the following condition:

1. The development shall be implemented in accordance with the approved plans and drawings pursuant to planning permission 21/00794/FUL. The schedule of conditions attached to planning permission 21/00794/FUL, excluding condition 5 of 21/00794/FUL which is removed by this permission, still apply to this

development, together with the drawings/information approved by the Planning Authority to discharge those conditions.

Reason: To secure control over matters agreed and already controlled by and under conditions attached to the original planning permission.

DRAWING NUMBERS

Plan Ref	Plan Type
9362.PL5	Location 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.

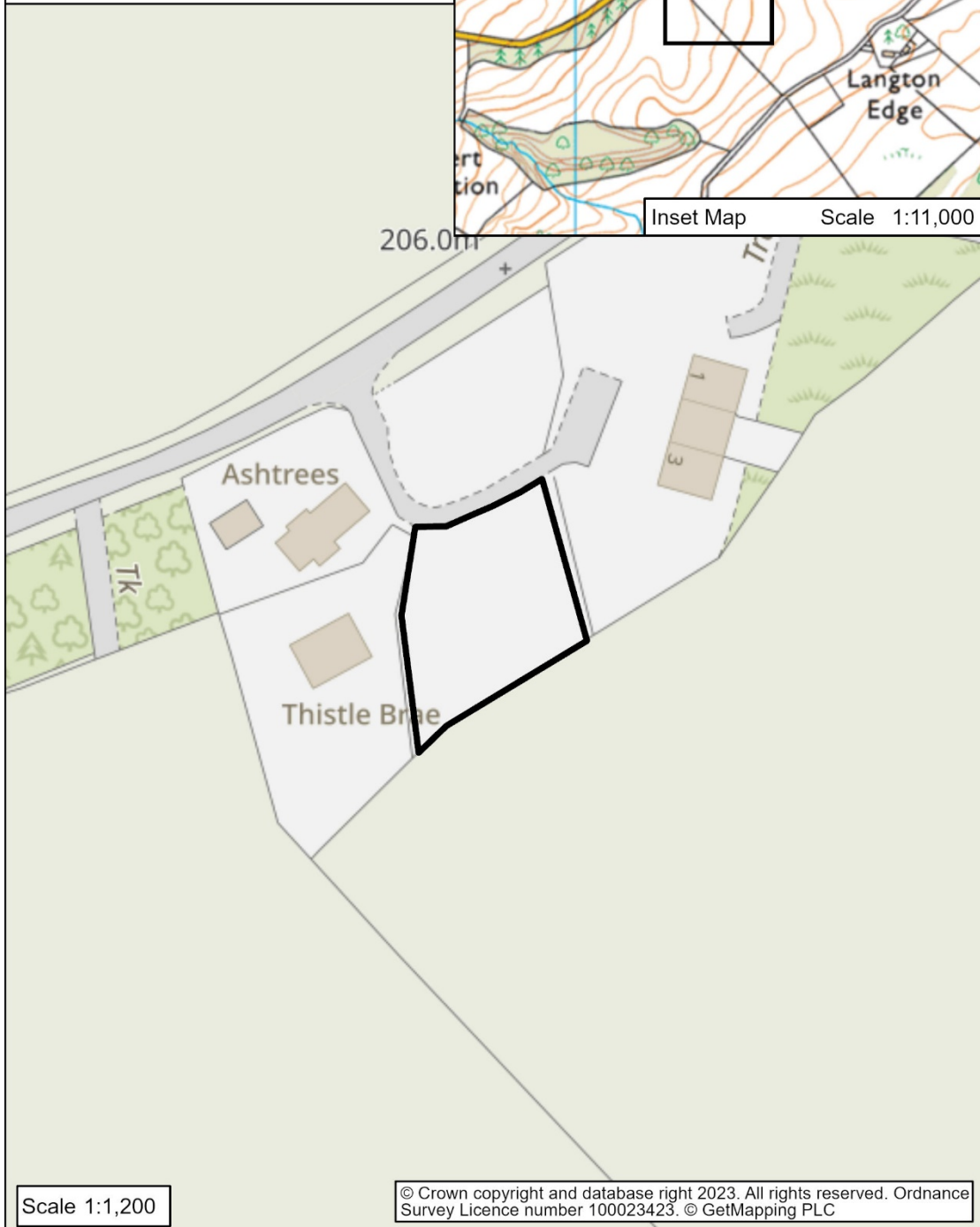
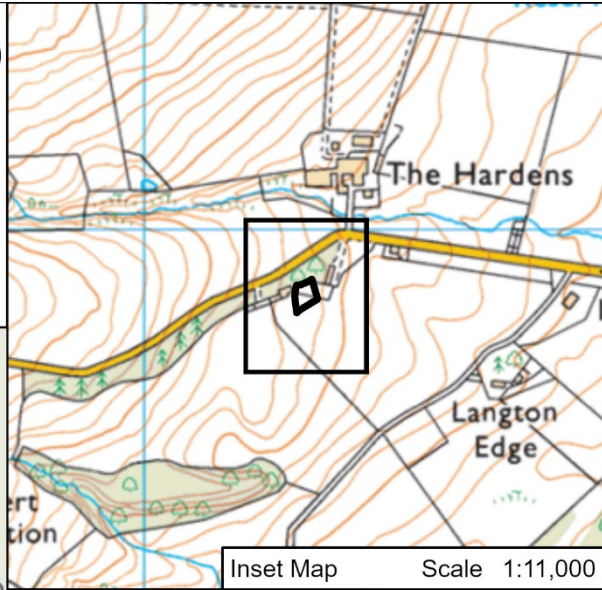
Author(s)

Name	Designation
Cameron Kirk	Assistant Planning Officer



23/00382/FUL

Land East of Thistle Brae,
The Hardens, Duns



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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

15 JUNE 2023

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 22/01988/FUL

OFFICER: Mr Scott Shearer
WARD: Mid Berwickshire
PROPOSAL: Construction and operation of battery energy storage system facility with ancillary infrastructure and access
SITE: Land West Of Eccles Substation
Eccles
Coldstream
APPLICANT: Eccles Grid Stability Limited
AGENT: SLR Consulting Limited

PLANNING PROCESSING AGREEMENT:

A planning processing agreement is in place for the application to be determined at the 15th June P&BS Committee.

SITE DESCRIPTION

The application site is located approximately 2.8km to the east of the village of Eccles in Berwickshire. The site extends across two fields. The Eccles electricity substation, managed by Scottish Power Energy Networks lies directly to the west of the site. Access is provided via the A697, which lies directly to the south. The site separated from the public road by mature hedging.

Todrig Farm is located approximately 200m to the north, A R Timber Products, a commercial sawmill is located on the opposite side of the road to the south west and Hatchedize Farm to the south east. Three residential properties, Woodside, The Bungalow and Rossander, are located approximately 80 metres to the south of the application site.

The site is not located within or adjacent to any designated landscapes. No ecological or heritage designations lie within or immediately adjacent to the site. The site is designated as Prime Quality Agricultural Land (PQAL) within the Local Development Plan 2016 (LDP).

PROPOSED DEVELOPMENT

Consent is sought for the installation of a Battery Electricity Storage System (BESS) and associated infrastructure with a maximum storage capacity of 50MW. The proposal constitutes a Major Application under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 because the development constitutes the construction of an electricity generating station with a capacity in excess

of 20MW (NB where capacity exceeds 50MW consent is required under Section 36 of The Electricity Act 1989. This development does not meet this higher threshold).

The main components of the proposals are:

- Forty battery units arranged in 10 blocks of four
- Ten 11kV transformers and power conversion blocks
- 132kV transformer
- Substation
- Switch and maintenance rooms
- Construction access
- Maintenance access
- Security fencing
- Acoustic fencing
- Landscaping

PLANNING HISTORY

Previous planning applications on this site comprise:

- 21/00507/FUL - Erection of synchronous condenser and associated ancillary infrastructure - Land East Of Eccles Substation Eccles – Approved
- 21/01299/FUL - Formation of access junction and track to provide maintenance access for the Eccles Synchronous Condenser – Withdrawn
- 21/01567/FUL - Formation of access junction and track to provide maintenance access for the Eccles Synchronous Condenser – Land South East Of Eccles Substation – Approved
- 13/00247/FUL - Construction of 400kV Series Capacitor Bank Compound, associated access road, drainage and landscaping works – Approved

The following planning history is also relevant to the proposal and the immediate surrounding area:

- 22/01532/S36 - Erection of Battery Electricity Storage System (BESS) and Associated Infrastructure - Land East Of Fernyrig Farm – SBC recommended approval to the Energy Consents Unit (ECU), final determination is awaited from ECU
- 23/00249/FUL - Extension to the existing substation and erection of two hybrid synchronous compensators - Land North Of Eccles Substation – Under consideration
- 22/00429/S37 - Erection of 33Kv overhead power line - Land Between Todrig Farm Eccles And Station Road Industrial Estate Duns – No objection
- 21/01725/FUL - Installation of Synchronous Compensator – Land West Of Eccles Sub Station – Withdrawn following access issues

REPRESENTATION SUMMARY

No third party representations have been received.

APPLICANTS' SUPPORTING INFORMATION

The application has been supported by:

- Planning and Access Statement
- Historic Environment Desk Based Assessment
- Preliminary Ecological Assessment
- Landscape and Visual Assessment
- Noise Impact Assessment
- Flood Risk Assessment
- Transport Assessment
- PAC Report

CONSULTATION RESPONSES:

Environmental Health: No objection. Satisfied that the development will not give rise to noise levels which would pose any amenity concerns. Recommend that noisy construction work should be limited to Monday to Friday 0700 – 1900, Saturday 0800 – 1300 with no permitted noisy work on Sunday or public holidays unless agreed with the Council.

Roads Planning Service: No objection. Road access issues have been thoroughly discussed during previous applications. Confirm that location of the accesses are acceptable. Matters covering; visibility splays, construction details and lining of the new access should be agreed by conditions.

DEVELOPMENT PLAN POLICIES

Local Development Plan 2016 (LDP):

Policy Reference	Policy Name
PMD1	Sustainability
PMD2	Quality Standards
ED9	Renewable Energy Development
ED10	Protection of Agricultural Land and Carbon Rich Soils
HD3	Protection of Residential Amenity
EP1	International Nature Conservation Sites and Protected Species
EP2	National Nature Conservations Sites and Protected Species
EP3	Local Biodiversity
EP8	Archaeology
EP10	Gardens and Designated Landscapes
EP13	Trees Woodlands and Hedgerows
EP15	Development Affecting the Water Environment
IS5	Protection of Access Routes
IS8	Flooding
IS9	Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

- Biodiversity (2005)
- Landscape and Development (2008)
- Local Biodiversity Action Plan: Biodiversity in the Scottish Borders (2001)
- Local Landscape Designations (2012)
- Placemaking and Design (2010)
- Renewable Energy (2018)
- Trees and Development (2008)

National Planning Policy Framework 4 (NPF4)

Policy Reference	Policy Name
1	Tackling the climate and nature crises
2	Climate mitigate and adaptation ³
3	Biodiversity
5	Soils
6	Forestry woodland and trees
7	Historic assets and places
11	Energy
14	Design, Quality and Place
22	Flood risk and water management
23	Health and safety
29	Rural Development

Other Planning Considerations

Energy Policy

- The Scottish Energy Strategy (SES): The Future of Energy in Scotland (2017)
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
- The Scottish Government, Update to the Climate Change Plan 2018-2032: Securing a Green Recovery on a Path to Net Zero (2020)
- The UK Government Energy White Paper 'Powering our Net Zero Future' 2020
- Climate Change Committee (CCC), The UK's Sixth Carbon Budget (December 2020)
- Scotland's Energy Strategy Position Statement 2021

KEY PLANNING ISSUES:

- Planning Policy Principle
- Impact on Prime Quality Agricultural Land
- Landscape and Visual Impacts
- Impacts on Road Safety
- Impacts upon the Built and Natural Environment, including Protected Species
- Noise impacts
- Impact on Drainage

ASSESSMENT OF APPLICATION:

Planning Policy Principle

The proposed development is located on land that benefits from an implementable permission for electricity infrastructure for Scottish Power Energy Network (SPEN) under consent 21/00507/FUL. It is understood that SPEN are no longer pursuing the siting of this infrastructure on this site and are instead seeking to site similar equipment to the rear of the existing substation. This is being considered under application 23/00249/FUL. Nevertheless, the presence of an implementable permission for energy related operations is a material consideration for this application.

The development will not generate electricity, instead, it provides a location where it can be imported, stored and exported to meet the demands of the grid network. Policy 11 (Energy) of NPF4 promotes the development of battery storage as a renewable technology which can assist in meeting zero emissions targets. It is anticipated that the development will store energy from both renewable and non-renewable sources. The development also draws support from Policy 1 (Sustainable Places) of NPF4, which requires that significant weight is given to developments that seek to address the climate emergency and Policy 2 (climate mitigation and adaptation) by reducing future energy emissions.

At a local level, Policy ED9 Renewable Energy Development and the Renewable Energy SG confirm SBC are supportive of a range of renewable energy developments to reduce carbon dioxide emissions and address the global climate emergency. To achieve net zero, there will be greater demands to store energy and more emphasis placed on meeting our energy demands from renewable sources such as wind and solar. During and after the transition to net zero, there will be times when these technologies are not able to generate enough electricity or have operational issues. At these times, surplus energy stored at battery storage stations can be used to meet grid demands. It is also worth considering that by having greater storage potential in the short term it may help to reduce the amount of non-renewable energy which is required to be generated which can help to lower carbon levels over this period.

This proposal will play an important role as part of the wider mixture of renewable energy technologies to decarbonise electricity supplies and meet the commitments of the Climate Change Act. The proposal aligns favourably Policies 1, 2 and 11 of NPF4 which promote developments which help to meet net zero targets and complies with the aims of Policy ED9 of the LDP. The primary test for this development is whether it can be accommodated without unacceptable significant adverse impacts or effects, giving due regard to relevant environmental, community and any cumulative impact considerations. This will be assessed in subsequent sections of this report.

Impact on Prime Quality Agricultural Land (PQAL)

The site is allocated as PQAL within the LDP. The Macaulay Institute has classified the site as being Class 2 PQAL where the land is capable of producing a wide range of crops. Policy ED10 seeks to avoid developments that result in the permanent loss of PQAL unless certain policy criteria are met or the proposal is for renewable energy development which is compliant with the objectives and requirements of Policy ED9. Policy 5 (Soils) of NPF4 has adopted a similar position where development on PQAL is only acceptable under certain criteria, one of which is that the development is for the generation of renewable energy.

Other than that area of the maintenance access, the majority of the site does not appear to be actively used as farmland. As established above, this proposal contributes to the overall mix of renewable energy developments which are required to meet net zero emissions targets which are embedded in national planning and energy policies. There are benefits of the development being located on this area of land where its close proximity to the Eccles substation is understood to maximise the efficiency of exporting stored electricity to the grid and reduce the extent of associated equipment such as high voltage overhead lines and pylons.

It is accepted that there is a land use planning rationale for this site being a suitable location for this type of development with the site also benefiting from an implementable permission to develop the PQAL. Nevertheless, the categorisation of the proposal being a form of renewable energy development does render it as being exempt from restrictions that could be imposed by Policy ED10 of the LDP and Policy 5 of NPF4.

Policy ED10 requires that renewable developments which take place on PQAL is fully compliant with the requirements of ED9. The proposal is assessed against all relevant criteria of ED9 below.

Landscape and Visual

NPF4 Policy 11 and LDP Policy ED9 requires consideration of the proposed developments landscape and visual impacts. The application has been supported by a Landscape and Visual Appraisal, which includes a zone of theoretical visibility and photographs from selected viewpoints. Policy PMD2 of the LDP also requires that the development is of a high quality design and respects the visual amenity of its environment.

The siting of the proposal means the development is set back from the A697. The 'substation connection infrastructure', which includes electrical pylons and the main transformer, are located to the rear of the site and adjacent to similar equipment in the neighbouring Eccles substation. The maintenance and switch room flank the substation equipment. The layout is dense but it does appear well thought-out. The compound is enclosed with a combination of 2.74m high palisade fencing and a 4m high acoustic fence. The acoustic fencing extends from the western boundary around to the south west corner enclosing this side of the battery units. The height of the equipment is relatively low but the potential impact of the acoustic and palisade fencing could be greatest in landscape and visual terms.

The development is located within landscape character type (LCT) 106 Lowland with Dumplins which is a gently undulating landscape dominated by the regular pattern of large arable fields. The development would alter the topography of the site. While the precise finished ground levels are unknown the extent of the change is unlikely to be significant. This part of the LCT is already characterised by the presence of the Eccles substation. When compared to the scale of the equipment within the existing substation and the height of the equipment approved within application 21/0507/FUL, the components of this development are much smaller, which will limit potential impacts on the landscape.

The siting of the development back from the A697 and behind the established road-side hedge will generally screen direct views of the development from the A697. Formation of the maintenance access will not likely impact on the hedge but its retention can be covered by planning condition.

The ZTV suggests that there is some visibility to the north, east and west. These are not views from any significant receptors. As already stated, the developments low lying nature of means that visibility will often be filtered by the intervening landscape. In the limited instances when the development is visible, attention will be drawn to the much taller apparatus contained within the Eccles substation alongside this development. It would be sensible if the landscaping strip along the eastern boundary were extended around the top of the site to screen views from the north. The applicants have agreed that this can be accommodated by pushing the layout of the proposals in a southerly direction. Agreement of the final layout and landscape details can be agreed by condition.

The battery units will be set within aluminium enclosures coloured white (RAL9003). A green material finish, similar to the colouring of the maintenance and switch room would be preferred, however the development is positioned alongside existing light grey coloured equipment at the Eccles substation and for the most part it will be screened by landscaping and acoustic fencing. In this context, the white colouring of the battery units is not harmful. The precise material finish including colour of all structures can be agreed by condition. This should also include the final detail and finishes of the acoustic and palisade fencing to ensure the equipment integrates with the character of the surrounding area.

It is considered that the development would not adversely impact on the landscape character or visual amenity of the surrounding area subject to final agreement of the siting and design of all equipment, finished site levels, all external material finishes and colours and improved landscaping around the boundaries of the site. If Members were minded to approve this application, it is recommended that these matters can be addressed by suitably worded planning conditions.

Access

The impact of the development on road safety are considered against Policy 11 of NPF4 and LDP Policy EP9. In addition Policy LDP Policy PMD2 requires all development to avoid causing any adverse impacts on road safety.

The site is accessed directly via the A697. Road safety implications have previously been investigated under application 21/00507/FUL. The site is already served via an existing field access directly to the SE of the main compound. This access point will provide access for construction operations, however, it has restricted eastward visibility on to the A697 and considered unsafe for use as a permanent site access. A further application for amended access proposals on to the A697 was submitted under application 21/01567/FUL. This includes proposals to close the construction access once the construction phase is complete.

This latest proposal has mirrored the access arrangements previously accepted under applications 21/00507/FUL and 21/01567/FUL. Roads Planning remain satisfied that these access arrangements are acceptable. Further details of the maintenance access are required to be agreed in the form of; its construction specification, including surfacing, kerbing and gates; visibility splays, although it is has been accepted that visibility over sufficient distances can be provided from this point in both directions; and road lining. Each of these matters can be addressed by planning condition. It will still be appropriate for the construction access to be permanently closed off after the development becomes operational which will see a post and wire fence installed across the access and road verge reinstated to avoid multiple accesses on the A class road. In addition to these works it would be appropriate for a section of hedging to be planted across this access to add further screening from what otherwise would be a

gap along the site of the road to further screen the development and protect the visual amenity of the area. The incorporation of hedging at this location can be agreed via the landscaping condition.

Residential Amenity

Policy ED9 requires the impacts on communities and individual dwellings (including noise impacts) to be considered with Policy 11 of NPF4 seeking impact on amenity to be addressed by the project design and mitigation. Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted and Policy 23 (Health and safety) of NPF4 seeking to guard against developments which pose unacceptable noise issues.

The closest neighbouring residential properties lie to the south on the opposite side of the public road. The development will not pose any adverse impacts on the visual amenity of these dwellinghouses. A Noise Impact Assessment has been carried out which has considered noise impact from the operation of the equipment on neighbouring residential properties. The noise assessment concludes that the development will not generate noise levels to the detriment of residential amenity of neighbouring properties. A planning condition is recommended to control noise levels of all plant and machinery.

Flood Risk and Hydrology

Policy ED9 and IS8 of the LDP and Policy 11 of NPF4 requires consideration of the effect of renewable energy development on hydrology and flood risk.

The Eccles Burn and a tributary of the Wallace's Brook are located approximately 250m to the north and 180m to the northwest of the application site. SEPA flood mapping confirms that the site is outside of areas of flood risk associated with these watercourses. There is no evidence to suggest that the development poses any flooding concerns.

The development creates a sizeable area of hard surface which will generate surface water. Policies IS9 of the LDP and Policy 22 (Flood risk and water management) seek for surface water to be handled through sustainable urban drainage systems (SUDS). It will be important that surface water does not impact on the public road. Agreement of a detailed drainage layout, in accordance with SUDS principle can be agreed by planning condition.

Ecology

The proposal has to be assessed against policies EP1, EP2 and EP3 of the LDP and Policy 3 of NPF4 which seek to protect international and national nature conservation sites, protected species and habitats from development.

The site is not located with or in close proximity to any designated ecological sites. A Preliminary Ecological Assessment has been carried out which identifies there is no evidence of any protected species within the application site. There is potential for breeding birds within surrounding habitats, therefore, development works should not commence during the breeding season unless suitable checks are undertaken.

In accordance with Policy 3 of NPF4 and EP3 there are opportunities for biodiversity enhancements to take place, most notably the provision of wildlife strips and hedgerow

management. These matters can be addressed by suitably worded planning conditions.

Cultural Heritage

The application has to be assessed against Policy ED9 of the LDP and Policy 7 of NPF4 in respect of impacts on the historic environment and in this case principally Policies EP8 and EP10 which seek to protect archaeological assets and Gardens and Designed Landscapes respectively.

There are known archaeological assets within the surrounding environment. A series of trial-trenching was undertaken within the site as part of application 13/00247/FUL with no evidence of any buried archaeology found.

The Mount, motte-and bailey castle SAM is located 1.5km to the east overlooking the Leet Water. The Hirsell Garden and Designed Landscape (GDL) is located approximately 1.8km to the east of the site. The low lying nature of the development and its location alongside taller electrical equipment ensures it would adversely affect the setting of either historical asset. The extension of boundary planting around the NE of the site will help to further screen development from the SAM.

The development does not adversely affect the setting of any Listed Buildings or Conservation Areas.

Having considered the proposal against relevant LDP policies covering cultural heritage, including archaeology and NPF4 policy provision on these matters, the development will not pose any conflicts subject to condition securing suitable boundary planting.

CONCLUSION

The development would contribute towards meeting Scottish Government national energy targets and the transition towards net zero. The proposal would result in some minor landscape and visual impacts but these will be localised and will not result in unacceptable adverse impacts, subject to suitable landscaping/boundary treatments and agreement of the final appearance of the equipment. Noise impacts will not result in unacceptable adverse impact on residential amenity, subject to conditions regulating noise emissions from the site. Suitably worded planning conditions can also agree appropriate access to the site during both the construction and operational phase of the development. Overall, it is accepted that the development complies with prevailing policies of the Scottish Borders Council Local Development Plan and NPF4 and there are no material considerations that would justify a departure from these provisions, subject to the agreement of matters covered within the recommended planning conditions.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application be approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.

2. No development shall commence until the following precise details have been submitted to and agreed in writing with the Planning Authority;
 - i. The final site layout
 - ii. The design and appearance of all buildings and equipment to be installed within the site including their external material and colour finish.
 - iii. The design and appearance of all acoustic fencing, means of enclosure and gates including their material and colour finish

Reason: Further details are require to achieve a satisfactory form of development which respects the character and amenity of the rural area.
3. No development shall commence until a scheme of phasing has been submitted to agreed in writing by the Planning Authority. This shall include a programme for completion of the main elements within the development including the siting of the battery storage equipment, ancillary infrastructure, the construction access and the maintenance access. Once approved, the development shall then be carried out in accordance with the approve scheme.

Reason: To ensure that the development of the estate proceeds in an orderly manner.
4. No development shall commence until a scheme of landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include;
 - i. Existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. Indication of existing trees and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration and thereafter no trees or hedges shall be removed without the prior consent of the Planning Authority.
 - iii. Location of new trees, shrubs and hedges, which includes extending the landscaping around the northern boundary of the site and landscaping at the reinstated roadside verge following closure of the construction access.
 - iv. Schedule of plants to comprise species, plant sizes and proposed numbers/density
 - v. Programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.
5. No development shall commence until precise details of the access upgrades are submitted to and agreed in writing with the Planning Authority, the details shall include;
 - i. Visibility splays of 2m x 215m in either direction at the junction with the A697.
 - ii. Specification of the surfacing and kerbing of the new access between the carriageway of the public road and site gates.
 - iii. The laying of a white edge line in accordance with diagram 1010 of the Traffic Signs Regulations and General Directions 2016 across the new access with the carriageway of the public road.

Thereafter the development should be completed in accordance with the agreed details and retained in perpetuity thereafter, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that the access is formed to an appropriate standard which conforms to road traffic regulations and protects the integrity of the public road.
6. Within 2 weeks of the development hereby approved being brought into use the construction vehicular access shall be permanently closed off in accordance with the details shown on the approved drawing (drawing no. ECB02). Notwithstanding

the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order, the existing access shall not subsequently be reopened and no new access, other than that approved under this planning permission, shall be formed, laid out or constructed under the terms of Class 8 of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: To ensure that the development is carried out as proposed and to minimise the number of accesses into the development, in the interests of road safety.

7. No development shall commence until the detailed drainage design which complies with SUDs principles has first been submitted to, then approved in writing by the Planning Authority. Thereafter the agreed details shall be fully implemented prior to the site becoming operational, unless otherwise agreed in writing.

Reason: To ensure the site is adequately drained and does not increase the likelihood of flooding within and beyond the site

8. No development shall commence until a scheme of decommissioning and restoration of the site including aftercare measures has been submitted for the written approval of the Planning Authority. The scheme shall set out the means of reinstating the site to agricultural use following the removal of the components of the development. The applicants shall obtain written confirmation from the Planning Authority that all decommissioning has been completed in accordance with the approved scheme and the scheme shall be implemented within 12 months of the final date electricity is exported from the site.

Reason: In to ensure that the site is satisfactorily restored following the end of the operational life of the development in the interests of the amenity of the area.

9. No development shall commence until full details of the proposed lighting for the development and an impact assessment of obtrusive light from the development have been submitted to and approved in writing by the Planning Authority. All lighting shall be provided and thereafter retained in accordance with the approved scheme.

Reason: In order to minimise the amount of obtrusive lighting from the development in the interests of the residential and visual amenity of the surrounding area.

10. Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR30 at all other times when measured within any noise sensitive dwelling (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: In order to protect the residential amenity of nearby properties.

11. No works in connection with the development hereby approved shall be undertaken during the breeding bird season (March to August), unless in strict compliance with a Species Protection Plan for breeding birds, including provision for pre-development supplementary survey, that shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved Species Protection Plan for breeding birds.

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

12. No development shall commence until a proportionate Biodiversity Enhancement Plan has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved Biodiversity Enhancement Plan.

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

Informatives

With reference to Condition 5 it is recommended that:

1. Specification for access surfacing: 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.
2. Junction radius to be kerbed using 125mm by 255mm 45 degree splay kerbs.
3. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

<u>APPROVED DRAWING NUMBERS</u>	<u>TITLE</u>
ECB-02	Location Plan
ECB01	Aerial Plan
ECB02	Site Plan
ECB04	Existing Site Plan
ECB05	Proposed Site Plan
ECB06	Cross Section
ECB07 1	Elevations
ECB07 2	Elevations
ECB08	Floor Plan
ECB09	Roof Plan
ECB10	Fencing
ECB11	Site Access

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

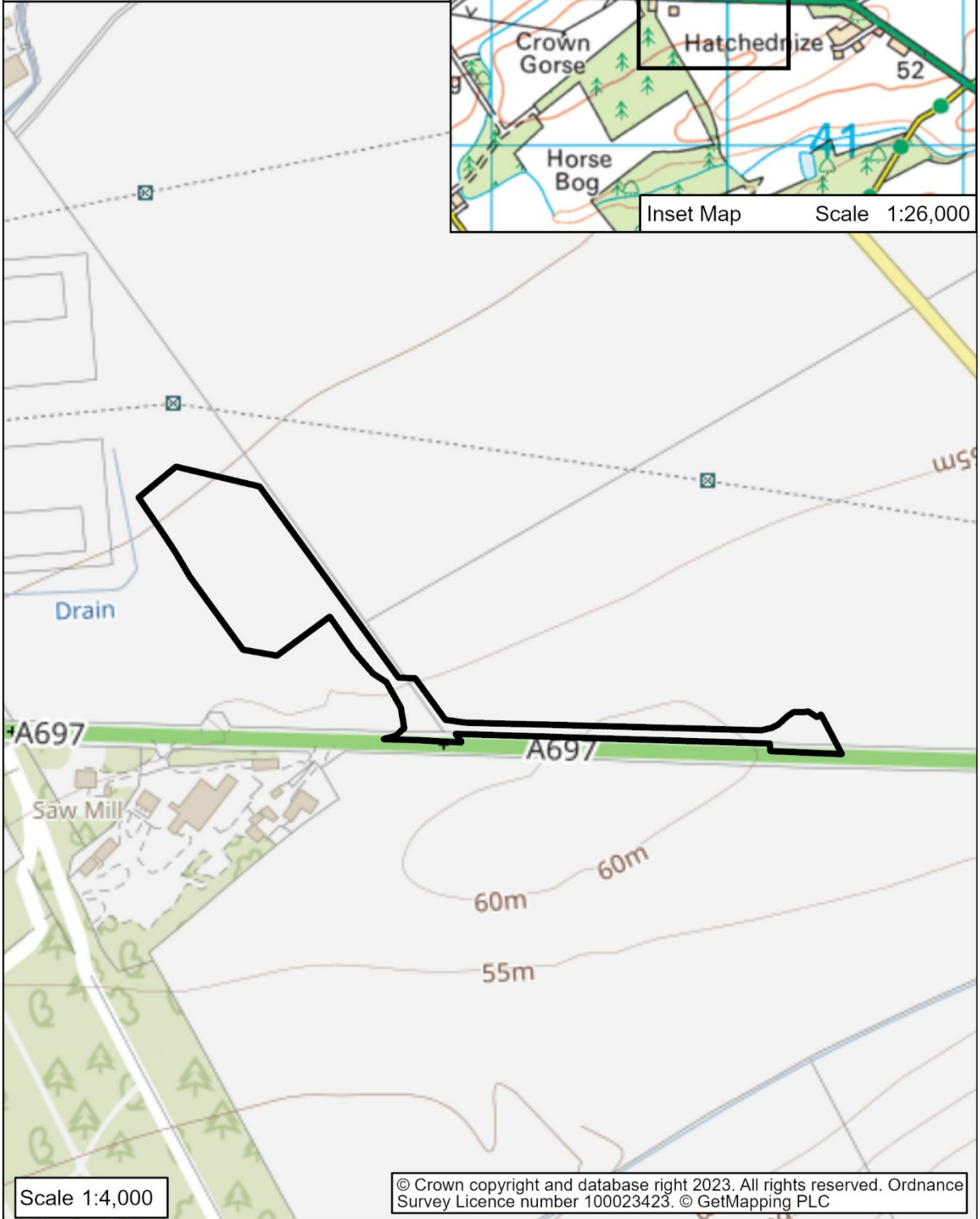
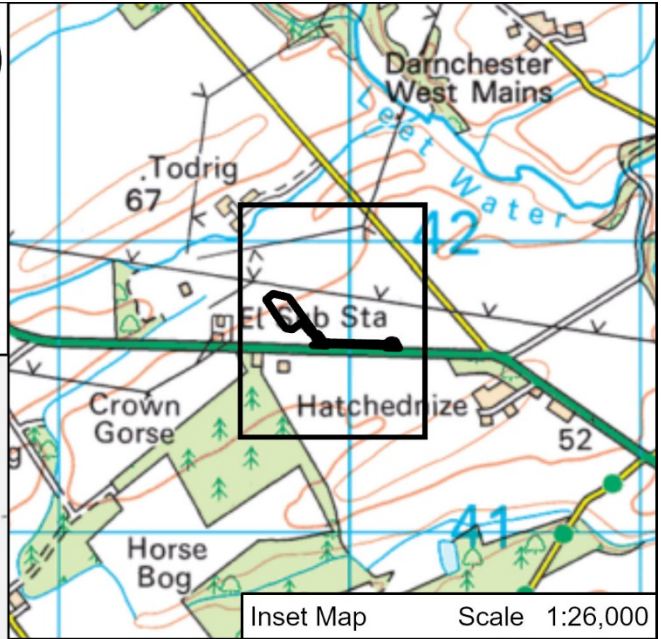
Author(s)

Name	Designation
Scott Shearer	Peripatetic Planning Officer



22/01988/FUL

Eccles Substation



Scale 1:4,000

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

15 JUNE 2023

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 22/01993/FUL

OFFICER: Carlos Clarke
WARD: Tweeddale East
PROPOSAL: Erection of dwellinghouse
SITE: Land Adjacent Rose Cottage, Maxwell Street, Innerleithen
APPLICANT: Mr Raymond Keddie
AGENT: D & H Farmer

SITE DESCRIPTION

The site comprises a roughly triangular area of undeveloped land, enclosed by a low timber fence. It is located on the corner of Maxwell Street and Damside, and along its north-easterly side is a public path. There are residential properties immediately to the north, west (beyond a private road) and south (beyond Maxwell Street). The site is within Innerleithen Conservation Area.

PROPOSED DEVELOPMENT

Full Planning Permission is sought for a single detached house, with access from Maxwell Street to serve two parking spaces. The house would be 1 ½ storey, with a slate roof and rendered walls. A summerhouse would be sited in the rear garden, north of the house.

PLANNING HISTORY

Previous planning applications comprise:

98/00374/FUL – Erection of 2 dwellinghouses and extension to Rose Cottage to form garage – refused in July 1998 because *“The inclusion of a house on Plot 2 (i.e. the current site) does not meet the criteria under Tweeddale Local Plan Policy 2 in that it would have a significant adverse effect on the amenities of adjoining property and the community generally. Further, the proposed development of Plot 2 would adversely affect the special character and appearance of this Conservation Area.”*

An appeal against the above decision was dismissed in February 1999. Planning Permission was subsequently granted under 98/00875/FUL in September 1998 for one house that was subsequently built as ‘Holly Hill’, thus omitting the current site.

01/00838/FUL – Erection of dwellinghouse with integral garage - refused in September 2001 because *“The proposal will be contrary to policy 43 of the Local Plan in that development of this area of open space will have a detrimental impact on the special character and appearance of the Conservation Area.”*

02/02049/FUL – Erection of 900mm high fence around site – approved in February 2003

18/00728/PPP – Erection of dwellinghouse – refused in November 2018 because “*The proposed development at this site would be contrary to policies PMD5, EP9 and EP11 of the Scottish Borders Local Development Plan (2016) in that development of this area of green space will have a detrimental impact on the townscape structure of the settlement and the special character and appearance of the Conservation Area.*”

The decision on the above was overturned by the Local Review Body in June 2019 when the decision was made to grant Planning Permission in Principle subject to a legal agreement for development contributions and conditions. The decision notice was not issued, however, because the legal agreement was never concluded.

REPRESENTATION SUMMARY

Objections and a petition, representing six properties, have been submitted in response to the application including assessments of the application and the applicant’s porosity test calculations. All are available to view in full on *Public Access*. A summary of the key issues raised is:

- The site history should be considered in full
- The application is incomplete with fundamental information missing
- The site has never had a substantial building on it. A previous Appeal Reporter considered that its development would detract from the character of Innerleithen Conservation Area. Valuable amenity space would be removed
- The site is not allocated for development in the Local Development Plan 2016
- The site has been used for storing building materials and may be contaminated
- The right of way was altered without authority
- Existing drains cannot cope. SUDS measures are not proposed and the soakaway cannot be achieved.
- The previous decision by the Local Review Body was fundamentally flawed. Surface water drainage should not be left to the Building Warrant stage
- Privacy impacts from the dwellinghouse and summerhouse
- The proposed fence is not supported
- The height would be in contrast to green amenity and affect the landscape of this singular, distinctive Conservation Area

APPLICANT’S SUPPORTING INFORMATION

The initial application was supported by a Design and Access Statement, available to view *on Public Access*. During the processing of the application, porosity tests results were submitted (discussed in the assessment section of this report)

DEVELOPMENT PLAN POLICIES:

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity

Policy 6: Forestry, Woodland and Trees

Policy 7: Historic Assets and Places

Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings

Policy 12: Zero Waste
Policy 13: Sustainable Transport
Policy 14: Design, Quality and Place
Policy 16: Quality Homes
Policy 18: Infrastructure First
Policy 22: Flood Risk and Water Management

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
EP9 - Conservation Areas
EP11 - Protection of Greenspace
EP13 – Trees, woodlands and hedgerows
IS2 – Developer Contributions
IS5 – Protection of access routes
IS7 – Parking provision and standards
IS9 – Waste water treatment standards and SUDS
IS13 - Contaminated Land

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

Development Contributions (2011) Updated 2023
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)

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: No objections subject to conditions requiring parking for two vehicles; details of the footway crossing; and the crossing to be formed as per standard details.

Estates Service: No reply.

Education and Lifelong Learning Service: No reply

Statutory Consultees

Innerleithen and District Community Council: No reply

Scottish Water: No objection. Capacity at Innerleithen Water Treatment Works is unable to be confirmed. There is currently sufficient capacity for a foul only connection

in the Walkerburn Waste Water Treatment Works. Capacity at either works cannot be reserved. Scottish Water will not accept surface water connections into their combined sewer system. There may be exceptional circumstances for brownfield sites only, though this will require significant justification.

KEY PLANNING ISSUES:

The key planning issues are whether the proposed development constitutes appropriate infill in accordance with the statutory Development Plan and supplementary guidance, particularly as regards the siting, scale and character of the proposed development, including loss of amenity space; impacts on neighbouring amenity; and whether it can be adequately serviced. Where there may be conflict with the Development Plan, other material considerations must also be accounted for, including the most recent decision by the Local Review Body

ASSESSMENT OF APPLICATION:

Principle

Policy 9 of the National Planning Framework 4 (NPF) does not support greenfield development unless specifically supported by Local Development Plan (LDP) policies. In this case, LDP Policy PMD5 supports infill development. Policy 16 of the NPF supports small scale infill opportunities within settlement boundaries, where they are supported by an agreed timescale build-out and are consistent with the spatial strategy. In this case, there is no agreed timescale for build-out, though given the small scale of development, and previous Local Review Body (LRB) decision, this is not necessary. The site is not inconsistent with the spatial strategy. Loss of open space was a concern to this service when considering the previous application, however, the LRB determined that a dwellinghouse would be compliant with the LDP being "*an appropriate infill site within the Innerleithen Conservation Area*". The LRB's decision is a more substantial material consideration in this regard given it was made under the same LDP as currently applies. The previous LRB decision could, in fact, still be issued, if a legal agreement were to be concluded. The LRB decision represents a more substantial consideration than any previous decisions, as a result. Overall, therefore, it is considered that the principle of a house on this site can be accepted as being compliant with the statutory Development Plan.

Services

Water supply and foul drainage are to be obtained from the mains. A condition can require evidence on behalf of Scottish Water that connections have been granted.

As regards surface water drainage, the proposal is for storm water to drain to a soakaway. The location was revised during the processing of the application, and the most recent porosity test was witnessed by the Council's Building Standards Service. This has demonstrated that there is porosity that would indicate that a soakaway appears feasible for the development. It will be for the Building Warrant application to address detailed matters, and a condition can regulate accordingly. A condition can also require the parking area to be drained suitably within the site.

Ecology

There are no ecological designations affected, nor ecological impacts requiring an assessment. Policy 3 of the NPF requires ecological enhancements, and a condition

can be imposed requiring a scheme, which may include additional planting and/or bird/bat boxes as appropriate.

Contamination

The planning officer's Report of Handling on the previous application (18/00728/PPP) noted that *'In discussions with the Enforcement section it was confirmed that the site was cleared up with removal of weeds and bags of builder's rubble following an enforcement order in the past. These materials being stored atop the land rather than within the land'*. There was no requirement, therefore, imposed on the LRB's decision as regards contamination and it would not be appropriate now, under the current application, to condition land contamination.

Trees, landscaping and boundaries

There would be no risk to trees of value to the Conservation Area or local amenity. A single new tree is proposed, along with a section of instant privet hedging to address amenity issues (as noted below), and retention of existing fencing. The site would benefit from additional hedging to the boundaries, and the tree may need relocated depending on drainage requirements. The landscaping requires more detail in any case. A condition can address detailed requirements/additional planting.

Placemaking and design

The general layout, scale and character of the proposals would be sympathetic to the setting, and the character and appearance of the Conservation Area. The applicant was asked to make a number of amendments during the processing of the application and has responded positively. These include - more vertical proportions to the front dormers; slating the rear dormer and improving the window proportion; exposing the rafter ends; pitching the porch; and, incorporating surrounds/mullions to the front elevation. The roof is to be slated, along with the dormers, with the wall finish a suitably specified render, and timber clad porch and rear projection, along with timber sash windows. Hardstandings include setts and pavements. Subject to conditions, the proposal will be a complementary addition to the Conservation Area.

Energy efficiency

The application does not contain information regarding the energy credentials of the development, though it has an open southerly orientation, and meeting and exceeding carbon emissions reduction targets under the Building Standards are matters most suitably addressed via the Building Warrant process. Any measures to achieve this should, however, be appropriate in their visual and amenity implications so a condition is recommended to obtain details of the same, and regulation of any noise from, for example, an air source heat pump, if proposed.

Neighbouring amenity

As regards daylight, sunlight and outlook, having accounted for potential impacts and the orientation and layout of the adjacent property to the north (Damside Cottage including extension/alterations approved under its own Planning Permission 18/00413/FUL), effects on this property in these regards will not notably undermine its amenity. Other properties will also not be determinatively affected in these regards.

As regards privacy impacts, overlooking of Damside Cottage's garden and facing window from facing rooflights was a concern; as was overlooking of the same

property's garden and facing window from the proposed living room window and dining/kitchen. Albeit the design statement refers to possible 1.8m high fencing being erected for screening, this would be visually unsympathetic. Instead, the proposal is now to install a section of instant privet hedging to the same height. This would address privacy impacts from the ground floor openings. As regards the rooflights, these have been positioned higher, and a condition can ensure they will be 1.8m above internal floor level (which will not conflict with Building Standards). With these mitigation measures, the proposal will not unreasonably intrude on the privacy of Damside Cottage, and will not have adverse impacts on other properties.

It is not considered the summerhouse would have consequences for neighbouring amenity as regards light and privacy that would be unreasonable in this context.

Road safety and parking

Two parking spaces are proposed, and the Roads Planning Service raise no concerns. Conditions can be imposed as required by the RPS. There is an existing footway crossing though it may need adjusted to suit the access.

Access route

The path along the north-eastern side of the site was confirmed by the Outdoor Access Officer (during the processing of 18/00728/PPP) as being a public right of way. The LRB determined that, if consent were granted, a condition should secure this route from obstruction. This application initially included it within the site, however, a revised site layout now excludes it from the garden ground, with the existing fence retained. A condition can reinforce this requirement.

Waste storage

This is referred to on the site plan, though a more recessed position would be recommended so bins are not stored beyond the house frontage. A condition can require a small modification to ensure this is the case.

Contributions

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

CONCLUSION

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

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.

2. The development shall be implemented in accordance with the plans and drawings approved under this consent, unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
3. 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 arrangements, unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure the development is adequately serviced.
4. The dwellinghouse shall not be occupied until surface water drainage is installed either in accordance with the approved site plan and soakaway design, or alternative measures first agreed in writing with the Planning Authority. All hardstanding areas shall be drained by means of porous surfacing, or drained to a permeable or porous area or surface within the application site. All drainage measures shall be maintained in perpetuity in order to manage surface water run-off within the site.
Reason: To ensure surface water is sustainably managed.
5. Notwithstanding the reference on the approved site plan, a revised bin storage area plan shall be submitted for the written approval of the Planning Authority prior to development commencing. The bin storage area shall be provided in accordance with the approved revised plan prior to occupancy of the dwellinghouse, and retained free from obstruction for the storage of bins associated with the dwellinghouse.
Reason: To safeguard the character and appearance of the Conservation Area.
6. The access and parking area shall be implemented in accordance with the approved site plan prior to occupancy of the dwellinghouse, and retained free for the parking of two vehicles associated with the dwellinghouse. The access shall incorporate a footway crossing, details of which have been approved in writing by the Planning Authority prior to development commencing. The crossing shall accord with the Council's standard specification DC10, unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure the development is adequately accessed and serviced.
7. The development shall be implemented in accordance with the plans, drawings and external material specifications approved under this consent, subject to:
 - a) The bottom of the rooflights lighting the bedrooms on the north elevation to be no less than 1.8 metres above the bedroom floor level, and the rooflights shall be dark grey in external frame colour and fitted flush to the slate;
 - b) The south (front) elevation porch door and screens to be timber or composite material in construction;
 - c) The timber cladding colour for both the dwellinghouse and summerhouse and the colour of window surrounds/mullions/cills to be subject to the prior written approval of the Planning Authority;
 - d) The exterior of all windows within the dwellinghouse to be white;
 - e) The dormer and summerhouse roofs to be dark grey/anthracite in colour;
 - f) The rooflight to the south elevation to be dark grey in external frame colour and of 'conservation' specification, details of which shall be subject to the prior written approval of the Planning Authority;

g) Any external renewable energy measures being implemented only in accordance with details first agreed in writing with the Planning Authority. The development shall be implemented only in accordance with the approved details.

Reason: To safeguard the character and appearance of the Conservation Area and amenity of neighbouring properties.

8. Further details of hard and soft landscaping comprising the following shall be submitted for the written approval of the Planning Authority prior to development commencing:

a) A detailed specification for the instant privet hedge, which shall be implemented in full prior to occupancy of the dwellinghouse and maintained at a height of 1.8 metres above ground level;

b) A schedule of planting within the site, including trees, hedging and ground cover, in addition to that specified on the approved plan;

c) Hardstanding specifications;

d) Timescale for implementation of planting;

e) Maintenance scheme for planting.

The landscaping shall be implemented and maintained in accordance with the approved details.

Reason: To safeguard the character and appearance of the Conservation Area.

9. The existing boundary fencing shall be retained, and the existing public right of way shall not be incorporated into the curtilage of the dwellinghouse, in accordance with the approved site plan.

Reason: To safeguard an existing public right of way.

10. No development shall commence until details of a scheme of post-construction ecological enhancements, including timescale for implementation, have been submitted to and approved in writing by the Planning Authority. The approved details shall be implemented within the approved timescale.

Reason: To provide a reasonable level of ecological enhancement relative to the environmental impact of the development in accordance with the statutory development plan

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

Reason: To protect the residential amenity of nearby properties.

Informatives

1. All works within the public road and footway must be carried out by a contractor first approved by the Council as Roads Authority.

DRAWING NUMBERS

Site plan	D001 Rev B
Proposed elevations	D002 Rev A
Proposed floor plans	D003 Rev A
Percolation test results and soakaway design	

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.

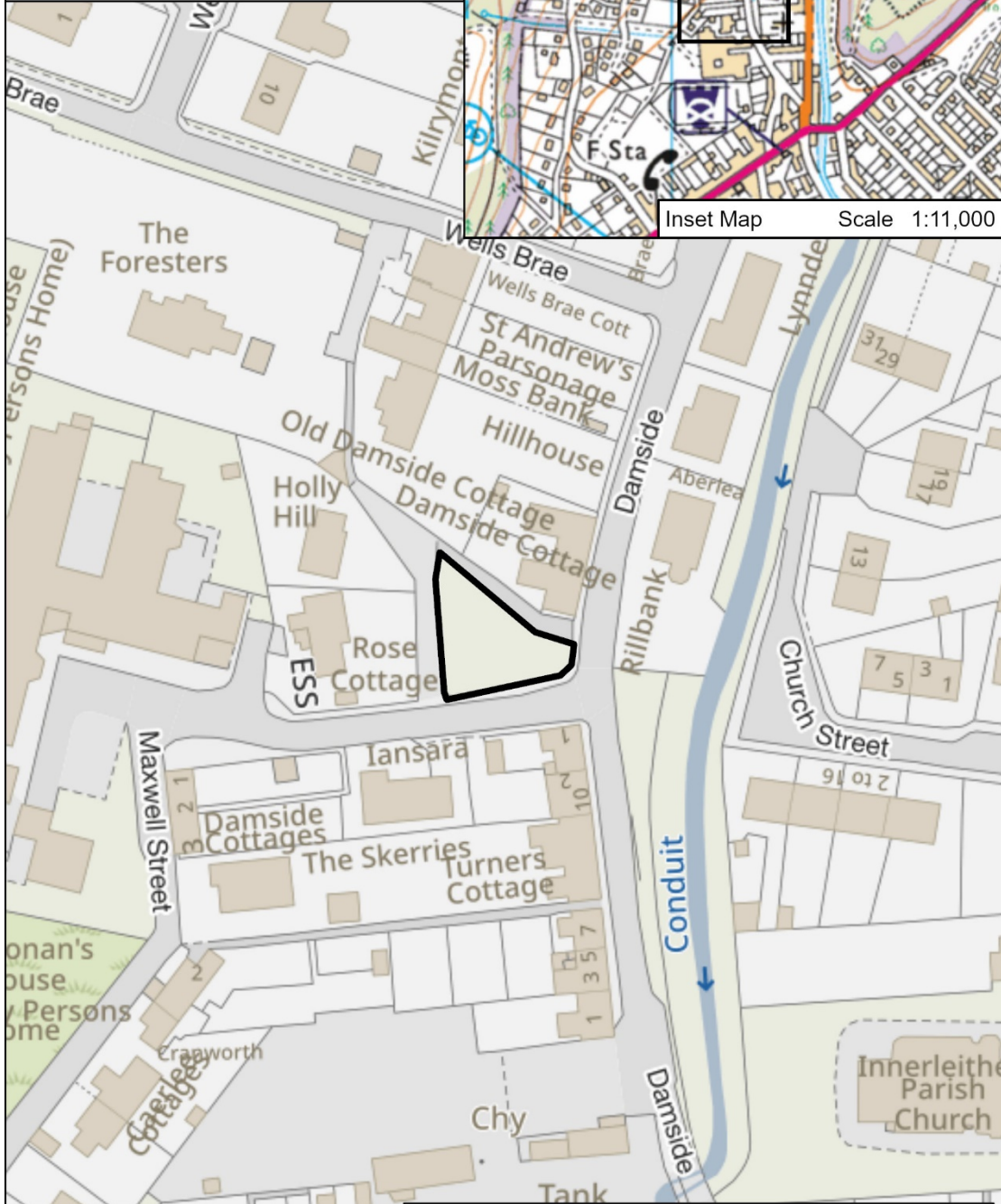
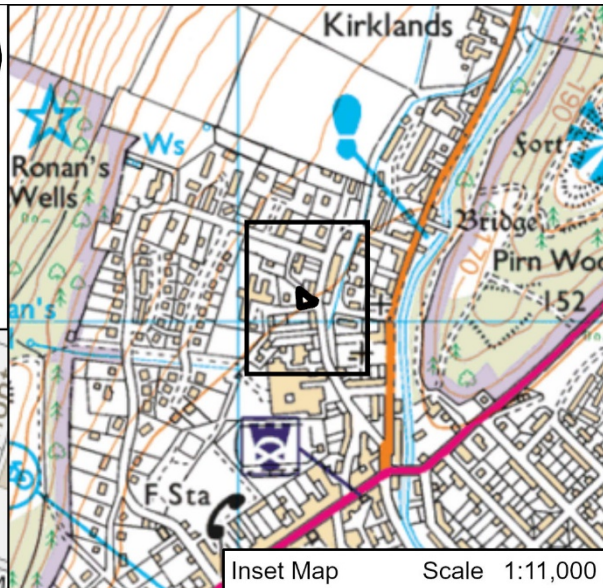
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22/01993/FUL

Maxwell St, Innerleithen



Scale 1:1,200

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