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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 5TH FEBRUARY, 2024

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 MONDAY, 5TH FEBRUARY, 2024 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.

N. MCKINLAY,
Director Corporate Governance,

26 January 2024

BUSINESS	
1.	Apologies for Absence
2.	Order of Business
3.	Declarations of Interest
4.	Minute (Pages 3 - 12) Consider Minute of the Meeting held on 8 January 2024 for approval and signature by the Chair. (Copy attached.)
5.	Applications Consider the following applications for planning permission:
	(a) Site Of Former March Street Mills, March Street, Peebles - 23/00883/CON & 23/00884/FUL (Pages 13 - 42) Residential development comprising of 50 houses and flats with associated work and change of use to boiler house/engine house to commercial use. (Copy attached.)
	(b) Baillieknowe Farm, Stichill, Kelso - 23/01613/FUL (Pages 43 - 54) Formation of new access road and entrance to farm cottages and formation of improved access to farmhouse and yard. (Copy attached.)
	(c) Land North of Jedforest Hotel, Jedburgh - 23/01340/FUL (Pages 55 - 64) Modification of Condition 15 pertaining to pedestrian links to bus stop and condition 20 pertaining to contamination land assessment of planning permission 20/00109/FUL. (Copy attached.)

6.	Appeals and Reviews (Pages 65 - 72) Consider Briefing Note by Chief Planning and Housing Officer. (Copy attached.)
7.	Any Other Items Previously Circulated
8.	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**

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Committee Room 2/3, Council Headquarters, Newtown St. Boswells and via Microsoft Teams on Monday, 8th January, 2024 at 10.00 am

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

Apologies:- Councillors A. Orr

In Attendance:- Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D. Inglis), Solicitor (S. Thompson), Lead Officer Heritage and Design (D. McLean), Heritage and Design Officer (S. Roberts) and Democratic Services Officer (W. Mohieddeen).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 4 December 2023.

DECISION

AGREED to approve the Minute for signature by the Chair.

2. **APPLICATIONS**

There had been circulated copies of the Minute of the Meeting held on 4 December 2023.

DECISION

AGREED to approve the Minute for signature by the Chair.

3. **SUPPLEMENTARY PLANNING GUIDANCE: NEWSTEAD CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN**

There had been circulated copies of a report by Director Infrastructure and Environment that sought adoption of the Newstead Conservation Area Appraisal and Management Plan as Supplementary Planning Guidance, following public consultation. A Conservation Area Appraisal and Management Plan (CAA & MP) aimed to identify the special architectural and historic interest of a conservation area and provide guidance on its management. CAA & MPs were intended to provide clarity in the planning process, provide robust decision-making under adopted planning policy, inform local communities, promote the heritage of the area, and may assist funding applications. They fulfilled the Council's statutory duty to review its area for conservation area designation and to formulate proposals for their preservation and enhancement. Newstead CAA & MP was the first of a proposed programme for review of all 43 conservation areas in the Scottish Borders. The Draft Newstead CAA & MP was subject to public consultation for a period of 12 weeks from 22 May – 14 August 2023. A public meeting was held on 13th June and nine comments were received in response to the consultation. These responses were reviewed and used to inform a finalised CAA & MP. This finalised CAA & MP, in Appendix A of the report, was recommended for adoption as Supplementary Planning Guidance. The Heritage and Design Officer and Lead Heritage and Design Officer summarised the report and answered Members' questions. The Heritage and Design Officer advised that the purpose of the report was to provide clarity for homeowners,

developers and planners to know what is trying to be achieved in the conversation area. Community feedback was summarised in the report and included concerns about creeping change in the conservation area and clarity over what the conservation area meant for the community. The Chair thanked officers for the level of detail into the report.

**DECISION
AGREED to:**

- (a) **Adopt the Newstead Conservation Area Appraisal and Management Plan as Supplementary Planning Guidance to the Local Development Plan; and,**
- (b) **Authorise the Chief Planning Officer to monitor and review the CAA & MP and to make such minor revisions as are necessary during its lifetime to ensure that the document remains up-to-date and consistent with any change in local circumstances and with prevailing planning policy.**

4. APPEALS AND REVIEWS

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

**DECISION
NOTED that:**

- (a) **An appeal decision had been received in respect of Erection of Advert on Gable, 2 Gladstone Street, Hawick – 23/00041/ADVERT – reporter’s decision: sustained;**
- (b) **There remained 1 appeal previously reported on which a decision was still awaited when this report was prepared on 18 December 2023 which related to a site at Land East of Kirkwell House, Preston Road, Duns;**
- (c) **Review requests had been received in respect of:**
 - (i) **Erection of dwellinghouse, Land West of The Garden House, Brieryards, Hornshole Bridge, Hawick – 22/00532/PPP;**
 - (ii) **Erection of dwellinghouse with access and associated works, Land East of Mos Easley, Teviothead – 23/01007/PPP;**
 - (iii) **Erection of dwellinghouse, Land Adjacent Carnlea, Main Street, Heiton – 23/01065/FUL;**
- (d) **The following reviews had been determined as shown:**
 - (i) **Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10, U-Stor Business Units, Spylaw Road, Kelso – 23/00325/FUL – Decision of Appointed Officer Overturned (Subject to Conditions and Informative);**
 - (ii) **Erection of boundary fence (retrospective), 24 - 1 Ettrick Terrace, Hawick – 23/00847/FUL – Decision of Appointed Officer Overturned (Subject to Conditions)**
- (e) **There remained 5 reviews previously reported on which decisions were still awaited when the report was prepared on 18 December 2023 which related to sites at:**

• Garden Ground of Glenbield, Redpath	• Land South of 1 Old Edinburgh Road, Eddleston
• Land North of Ivanhoe, Dingleton Road, Melrose	• The Blue House Near Swansfield Farm, Reston, Eyemouth
• 58 Waldie Griffiths Drive, Kelso	

- (f) There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 18 December 2023 which related to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.

The meeting concluded at 11.25 am.

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APPENDIX I
APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
23/01352/FUL	Change of Use from Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage or Distribution) to Gym and fitness studio (Class 11 – Leisure)	Units 8 And 9, Carlaw Road, Pinnaclehill Industrial Estate, Kelso

DECISION: Approved as per officer recommendation subject to the following conditions:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The 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 approved use shall be limited to a gymnasium only and there shall be no permitted change to any other use within Use Class 11 (Assembly and Leisure) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) unless a further planning application has been submitted to and approved by the Planning Authority.
Reason: The development has been considered specifically with respect to the merits of the gymnasium against Policy ED1 of the Local Development Plan 2016 and no other uses within Use Class 11 of Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).
4. In the event that the approved gymnasium use ceases, the lawful use of units 8 and 9 (approved under application 21/01894/FUL and marked red on the plans hereby approved) shall revert to its previous lawful use (Classes 4-6) under the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).
Reason: The development has been considered specifically with respect to the merits of the gym against Policy ED1 of the Local Development Plan 2016 and no other uses within Class 11.
5. The use of units 8 & 9 (marked red on the plans hereby approved) as a gymnasium shall not commence until further details of commercial waste storage facilities are submitted to and approved in writing by the planning authority. The use hereby approved shall not commence until the agreed waste storage facilities are in place. The waste storage facilities shall remain in perpetuity for the duration of operation of the gymnasium.
Reason: To ensure appropriate facilities are in place for the storage of refuse.

Reference
22/00725/FUL

Nature of Development
Change of use of church,
alterations and extensions
to provide dwellinghouse for
holiday let

Location
Burnmouth Church,
Stonefalls, Burnmouth,
Eyemouth

DECISION: Approved as per officer recommendation subject to the following conditions and informatives:

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. 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.
3. 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
4. No development shall commence until a Scheme of Details for the Design and Construction of Parking and Turning has been submitted to and approved in writing by the Planning Authority. The Scheme of Details shall include:
 - measures to ensure the stability of the site and surrounding land.
 - information regarding existing slope stability, ground bearing conditions, and any cumulative effects of construction work on the surrounding slopes and neighbouring structures.
 - precise details of parking and turning construction and layout including existing and proposed site levels.
 - details of surface water drainage for parking, turning and other hard surfaces.
 - details of stone walling/ cladding enclosing the raised parking and turning areas; and
 - details of enclosing fencing, including finish/ colour.Thereafter the development shall be carried out in strict accordance with the approved Scheme of Details and the agreed parking and turning area shall operational prior to the commencement of conversion works to the former church building. The parking and turning area, including the agreed stone walling/ cladding and surface water drainage shall be completed in strict accordance with the approved Scheme of Details prior to the occupation of the development hereby approved.
Reason: To ensure there is no adverse effect on the integrity of the Special Area of Conservation; to ensure the parking and turning is operational prior to commencement of works and then completed prior to occupation; and to control its drainage and appearance.

5. The dwellinghouse hereby approved shall be occupied for holiday use only and shall not be used as a person's sole or main residence or as temporary or permanent residential accommodation. The occupation of the holiday let shall be restricted to genuine holidaymakers and shall not be let to the same individual, and/or to different individuals within the same family, group and/or party, for any period of time in excess of 4 weeks in total within any consecutive period of 13 weeks. The operator shall maintain an up-to-date register of the names of all holiday makers staying in the holiday units and their main home addresses. This information shall be made available for inspection at all reasonable times by an authorised officer of the Planning Authority.
Reason: To ensure compliance with the adopted development contributions policy, to retain effective control over the development and to ensure that the property, in line with the details presented in support of the planning application, is only ever used to accommodate short-term holiday lets and is not used as a private dwellinghouse by any long term or permanent residents without the express granting of planning permission.

6. This permission shall only permit the conversion, adaptation, and extension of the existing structure. It shall not purport to grant permission for the erection of any new dwelling/s nor for any extensive rebuilding which would be tantamount to the erection of a new building/ dwelling. If elevational drawings are inconsistent with floor plans, elevation drawings of the alterations shall take precedence, unless otherwise agreed with the Planning Authority.
Reason: Permission has been granted for the conversion of the existing building to habitable accommodation in a location where a new dwelling/s would not otherwise be appropriate, and to ensure alterations to the building are sympathetic

7. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details, including photos of samples and product names and specifications, of the materials to be used in the external areas of the development have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details. This shall include photos of wet dash render sample for the external redecoration; details of cast iron rainwater goods; details and photos of standing seam cladding, which shall be used on both the cheeks/ sides and roof of the two extensions hereby approved; and details of proposed replacement windows. All unless where otherwise agreed in writing by the Planning Authority.
Reason: The materials require further consideration to ensure a satisfactory form of development.

8. Prior to the commencement of development, a scheme of details for hard and soft landscaping and boundary treatments shall be submitted to and approved in writing by the Planning Authority. The scheme of details shall include:
 - a. A site plan showing all proposed hard and soft landscaping, including the location of new trees, shrubs, hedges and grassed areas, and fencing/ walling.
 - b. A schedule of plants to comprise species, plant sizes and proposed numbers/density.
 - c. Details of fence/ wall materials and heights; and
 - d. Details of hardstanding materials.
 Thereafter, all planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following occupation or completion, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing, and fencing/ walling shall accord with the agreed details.
Reason: To ensure satisfactory form, layout and assimilation of the development.

9. Prior to the commencement of development, details of bin storage arrangements shall be submitted for the written approval of the Planning Authority. Thereafter the agreed bin storage arrangements shall be in place prior to the occupation of the development hereby approved and retained in perpetuity thereafter.
Reason: To ensure suitable bin storage arrangements are provided, in the interests of visual amenity.
10. No development shall commence until a Species Protection Plan for breeding birds, bats, badgers and hedgehogs and the findings of a pre-commencement checking survey for Japanese knotweed have first been submitted for the written approval of the Planning Authority. Thereafter, the development shall be carried out in strict accordance with the agreed Species Protection Plan and in the event Japanese knotweed is found within or adjacent to the site, in accordance with a mitigation plan for Japanese Knotweed (with timetable for delivery) that has first been submitted to and approved in writing by the Planning Authority. The Japanese knotweed mitigation plan shall be delivered in full in strict accordance with the agreed timetable for delivery. All unless otherwise agreed in writing by the Planning Authority.
Reason: in the interests of biodiversity.
11. Prior to the commencement of development, 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.
12. Core Path 2 that runs through the site must be maintained open and free from obstruction during the development and in perpetuity thereafter, unless where first agreed in writing by the Planning Authority. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order (or any subsequent provisions amending or reenacting that Order), there shall be no additional development on this route which would restrict public access, unless an application for planning permission for such development has been approved by the Planning Authority.
Reason: To protect general rights of responsible public access.
13. The rooflight/s hereby approved shall be of "conservation" design, featuring a single central vertical astragal and black or dark grey framing. The rooflight/s shall be installed to run flush with the slates on the roof. Thereafter, the rooflight/s shall be so retained, unless otherwise agreed by the Planning Authority.
Reason: To protect the character and appearance of the building.
14. Prior to the occupation of the development hereby approved, connection to the mains water supply and public foul sewer shall be in place and made functional and operational, unless first agreed in writing by the Planning Authority. Thereafter, no other water supply or foul drainage arrangements shall be used without the prior 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 supply of any neighbouring properties.
15. No development shall commence until a Construction Traffic Management Plan is first submitted to and approved in writing by the Planning Authority. The development shall only take place in strict accordance with the approved Construction Traffic Management Plan, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety and to ensure that the development proceeds in an orderly manner without adverse impacts on the free flow of traffic on the adjacent public road.

Informatives

1. The Flood Team note that there is a risk of water flowing down the slope and this should be considered within the design. Please contact the Council's Flood Team for more advice on this point.
2. The applicant/developer is encouraged to remove the existing stained glass leaded windows with care and to set them aside for potential future use. The applicant/developer is encouraged to engage with the local community and/or local museums in order to find a suitable alternative use for the existing windows.

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

5 FEBRUARY 2024

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBERS:** 23/00883/CON & 23/00884/FUL

OFFICER: Mr Scott Shearer
WARD: Tweeddale West
PROPOSAL: Residential development comprising of 50 houses and flats with associated work and change of use to boiler house/engine house to commercial use

SITE: Site Of Former March Street Mills, March Street, Peebles
APPLICANT: Whiteburn March Street Ltd
AGENT: Whiteburn Projects

SITE DESCRIPTION

The site which is the subject of the applications is the site of the March Street Mill complex which lies 300m north-west of Peebles High Street. It consists of 2.25 hectares of mill buildings which form the core of the site, an area of allotments contained within the site to the west of the mill buildings and ponds and associated tanks to the east of the buildings towards Dovecot Road. The east and western part of the site are split by a level change with a retaining wall running through most of the site.

The range of buildings within the site contain the principal mill sheds within the centre of the site, the original buildings to the north of the site (containing the Engine House and Boiler House), the Gate House and later Administration Building fronting March Street, the extension to the rear of the Administration Building and other later buildings, extensions, timber additions and infrastructure. The original mill complex dates from the late 19th Century with additions in the early 20th Century. The original complex stretched further north but this area is now largely developed with the housing forming Ballantyne Place. The mill complex is no longer in operation.

The main mill buildings are whinstone and single storey with saw-tooth roof profile and arched headed door and window openings to the east façade. The Engine and Boiler Houses to the north consist of a smaller separate complex, the Engine House being a taller element with tall round headed windows, cast iron roof water tank and cornice detailing. The Administration Building to March Street is linear with continuous slate roof and a single storey floor above a raised basement. The adjoining Gate House is single storey with steep pitched roof and symmetrical frontage. To the north and east of the Engine House are chimneys, other timber buildings and infrastructure including a pond and filter beds.

The site is largely surrounded by existing housing development at March Street, Rosetta Road, Ballantyne Place and Dovecote Lade/Road. An area of industrial uses also lies to the north of the site adjoining Ballantyne Place. A supermarket and car park lie across Dovecot Road to the east. There is a significant level difference

between the mill buildings and the eastern area of the site, demarcated by an access road and a small stand of trees. There are no listed buildings on the site, but it is wholly contained within Peebles Conservation Area. The site is allocated in the Local Development Plan 2016 as modified by the SPG on Housing 2017 for mixed use development (MPEEB007).

The complex currently has its main access on March Street between the Administration Building and the Gate house but there are also accesses from Ballantyne Place, Dovecot Road and Rosetta Road to the allotments.

PROPOSED DEVELOPMENT

23/00883/CON proposes the demolition of all buildings within the site with the exception of the Gate House and Engine House. These will be retained and re-used. Although the buildings are not listed, location within the Conservation Area determines that Conservation Area Consent will be required for their removal.

23/00884/FUL seeks consent for the mixed-use redevelopment of the former March Street Mill site. The original application was submitted for the erection of 71 houses and flats. Through the course of the application the proposals have been revised with the most significant change removing residential development from the lower eastern part of the application site. The application now consists of the following proposals:

- Development of 50 residential units within a mixture of detached, semi-detached, terraced housing and flatted block.
- 12 of the 50 units are affordable provided within the flatted accommodation.
- The Gate Lodge is being retained as single house.
- The Engine House is retained for commercial use.
- Space for allotments is retained along the western side of the site.
- Main vehicular access is provided from March Street with access also provided from Ballantyne Place and Rosetta Road.
- A mixture of on street, in curtilage and parking courts are provided which include dedicated parking for the commercial uses as well as bike store.
- The clocking in shed and gate pillars are to be salvaged and retained on site (to the south of Plot 37).
- Soft landscaping is provided through the development. This includes a green corridor linking the development with the allotments and retention of existing mature trees at the landscaped footpath link along the eastern side of the site.

PLANNING HISTORY

Applications 17/00063/PPP and 17/00064/CON sought permission for the erection of residential units, the formation of a dwellinghouse from the engine house, the formation of office/employment use, the relocation of allotment space, and the erection of workshop units with associated access and infrastructure works; and seeking conservation area consent for the demolition of mill buildings. The applications were presented to the P&BS Committee on 5th November 2018 where it was resolved to continue the application for a site visit. Prior to the site inspection, the applicants for that application Moorbrook Textiles Ltd appealed to the DPEA against non-determination. The PBS Committee still resolved to determine the application where they concluded that the development would have been refused on the basis that the proposals would have resulted in the loss of the allotments, contrary to Policy 11 of the LDP 2016.

The DPEA dismissed the appeal and refused planning permission on grounds that the proposal would result in the loss of the existing allotments and their proposed relocation to the east of the site did not represent an acceptable and adequate replacement.

23/01344/SPN obtained approval for a new substation within the northern end of the existing allotments.

APPLICANTS' SUPPORTING INFORMATION

The application has been supported a full set of existing and proposed plans along with the following reports:

- Design and Access Statement
- PAC Report
- Transport Statement
- Ecology Report
- NPF4 Statement
- Drainage Strategy
- Allotments Report
- Flood Risk Assessment

CONSULTATION RESPONSES:

All consultations are available in full on the *Public Access* portal. The responses received are summarised as follows:

23/00884/FUL

Scottish Borders Council Consultees

Archaeology Officer: No objection. Notes that there is potential of buried archaeology, but this may be limited to area of substation. This can be investigated by condition seeking limited trial trenching. The mill demolitions will remove an element of social history and an enhanced Historic Building Record will be required by condition. This should preferably be undertaken before machinery and internal fittings are removed.

Ecology Officer: No objection, requested submission of further species surveys and an assessment on the suitability of the pond and its potential use for amphibians. Loss of habitats require compensation along with biodiversity enhancements. Following submission of the detailed Ecology Report, the findings of the survey works, and proposed mitigation is accepted.

Flood Risk and Coastal Management: 1st response. Recommended that the lower eastern part of the site may be at risk of flooding from the Eddleston Water, in particular Plots 58-62. A Flood Risk Assessment (FRA) modelled to the increased 59% climate change levels was requested.

2nd response: No objection. An FRA has been submitted with the proposal amended to remove development for the area of identified flood risk. Recommend that a condition is attached to agree detailed drainage plans.

Heritage and Design Officer: 1st Response: The site has been subject to a previous planning application which was dismissed at appeal (17/00063/PPP and 17/00064/CON), and more recently has been subject to pre-application discussion. A site visit has been undertaken. A heritage statement would usefully have been provided as part of the application, to understand the historic significance of the building and area, and to clearly demonstrate how the design has been informed by the character of the site and area.

Given its sensitive location and history, the design, detailing and materials for the site are expected to be of high quality. In accordance with NPF4 Policy 1, 2 and 3, steps should be taken to ensure opportunities to address the climate emergency and nature crises are taken.

The overall proposed layout largely reflects the rectilinear layout of surrounding streets and can be supported. The streets are however dominated by cars throughout. Revisions are required to accommodate parking more discreetly. The 'Main Square' around the retained Engine House and Boiler House requires further development to ensure it is useable and welcoming. An additional connection to Ballantyne Place could usefully be included to help integrate the new development with its neighbours

The March Street elevation is the most prominent part of the site within the conservation area and marks the historic entrance to the site. The surviving entrance gates, piers (and Gate House) should be retained to mark this historic entrance. The Gate Lodge extension can be accepted in principle.

The design of Plots 1-4 is not supported as they neither relate to the strong character of March Street, nor to the character of the existing Administration Building. The streetscape is characterised by well-detailed two storey stone detached or semi-detached symmetrical houses, with slate roofs running parallel to the road and dormers. Analysis of the streetscape and/or Administration Building should be undertaken to directly inform this part of the scheme.

The external steps and balconies to the colony flats would benefit redesign. The fenestration to the front and rear elevations should be revised slightly to ensure greater alignment. The side elevations overlooking the active travel route will have the potential to be a prominent element of the streetscape. The design should be developed to give greater rhythm and proportions and break down the scale of the building in relation to the lower levels of the site. Boundary treatments require reconsideration around the flats. Gabion walls should be avoided, as well as timber fencing. The areas of public space between the blocks and to the east require clear landscape proposals to avoid 'leftover' or poorly maintained spaces. On balance the design of the flatted blocks can be accepted.

House types are generally acceptable subject to minor adjustments. The material palette of mainly brick, render and cladding is largely accepted. More stone should be used to marry the development to the existing historic buildings and the character of neighbouring streets in the conservation area. This would be most appropriate along the main street on the site, or potentially fronting on to the main square. Metal elements should have a black painted finish.

Further information required.

2nd Response: Comments made previously regarding the March Street plots (Plots 1 to 4) have not been addressed. The oblique street view provided does not

demonstrate sufficient sensitivity toward the overall character of the streetscape. An alternative approach is still required as per previous detailed comments. The gate piers and gates should be retained on their current alignment on March Street, even if one (or both) need to be moved to allow a wider entrance road.

Some dominance of car parking still remains.

Alteration of the colony flats to townhouses does relieve some of the previous issues regarding design but do raise concerns regarding the pressure for in curtilage or nearby parking. They also have a limited street presence in placemaking terms. The main route between the site entrance and the Boiler House would benefit by improved activation and definition. It would be appropriate for the central block to be reorientated to front on to the street and create a more positive street frontage.

The site section raises concerns regarding the potential overbearing nature of these blocks alongside the active travel route and indeed in relation to the remaining two houses on the lower portion of the site. Reorientation of the central block would also help alleviate this.

The southern block has been reorientated to front the route and present a side elevation to the main entrance. An improved design involving well-proportioned openings and elevational treatment is required. Additional use of stone to the streetscape is still appropriate.

It is acknowledged that flood issues have required significant alteration of the proposals for the lower (eastern) section of the site. A green space can be accepted in this location, but clarity should be given regarding its use / access. It may be an appropriate location for a community orchard or similar. Boundary treatments to the space should be considered.

It is unfortunate that development at the Dovecote Road site entrance has been lost. Given the need to remove development in this location, an alternative frontage to the site should be provided. A wall and gate piers reflecting the March Street entrance may be appropriate. The Gate House could be relocated here, with associated interpretation.

The revised design to the eastern part of the site results two houses set alongside parking and green space. It may be more appropriate now for these houses to front on to the main access road (or turn the corner), to give a more positive relationship with this street, if that is possible with flooding constraints.

No further information has been provided on alternative options for re-use of some material outside gabions, and alternative designs for gabions.

The material palette for the site should include more use of stone, particularly to the main street through the site and any other key nodes or landmarks.

Further information required.

3rd Response: Retention of the Gate Lodge, Engine House and Boiler House is welcomed. The Gate Lodge has been identified for residential use and the amended design with extension is acceptable. The Engine House and Boiler House are proposed for office/employment use, however an end user does not appear to have been identified. It will be important that re-use of this historic building complex comes forward as early as possible to form an integral part of the site.

Acceptance of demolition of the remainder of the site should be linked to bringing the retained buildings back into use. Sufficient conditions should be attached to ensure that the buildings are brought into use within an appropriate timeframe. Any urgent repairs to the retained buildings should be identified and undertaken.

Interpretation should be included on the site to help understand its history. This could be delivered through public art, street furniture or through the public realm. A condition should be added for this.

The rectilinear nature of the proposed layout generally follows that characteristic of the surrounding streets and can in principle be supported.

The car parking remains relatively dominant although improvements to previous proposals are acknowledged.

Introduction of pedestrian / active travel routes through the site is welcomed. Delivery of a landscape corridor as a key active travel route and useable public space is also welcomed.

Development to the lower (eastern) section of the site has been removed from the current proposal due to flooding constraints. The need for its removal at this point in time is acknowledged, although it does remove the previous improvements to the Dovecot Road frontage and permeability across the site.

Plots 1 to 4 (addressing March Street) are prominent plots in the conservation area and require careful design to ensure they preserve or enhance the character and appearance of the conservation area. The proposed design for plots 1 to 4 has been amended in order to respond more closely to the architecture of March Street. The success of the proposed changes will be subject to high quality materials and detailing, which can be sought by condition.

It remains preferable for the gate piers and gates to be retained on their current alignment on March Street. The proposal now shows the gate piers and clocking on building retained, although not on this alignment. This could be accepted if a street front location cannot be accommodated. The final location and any associated interpretation could be conditioned.

Concerns remain regarding the limited level of relief and activation to the side elevations of the townhouse blocks. Introduction of further windows / doors to SW elevations on plots 27-29, would be beneficial and should be sought by condition. The side elevation of plot 37 does not create a positive wayfinding feature. An improved design involving well-proportioned openings and elevational treatment would be beneficial.

House type 4BD would benefit from a larger window to the front elevation first floor level. The side elevations would also benefit from some refinement.

Concerns have previously been raised regarding the limited re-use of existing materials which would be of benefit to the scheme from a heritage and embodied carbon perspective. Greater use of stone has been advocated. Solar panels should be black with black frames / frameless and minimised glare. Full details will be required of the proposed boundary treatments by condition.

Do not object, subject to conditions

Environmental Health (Contaminated Land Officer): No objection. The former operation of the site as a woollen mill is potentially contaminative. Further assessment of land contamination is required to be addressed by planning condition.

Roads Planning: 1st response. No objection to principle but a series of observations and revisions were raised including:

- Additional parking provision
- Dedicated parking for Engine House
- Parking redesigned so nose-in parking did not dominate streets
- Consideration of pedestrian and cycle movements
- Inclusion of footway from western side of March Street access into the development
- Cycle parking
- EV charging
- Requirement for developer contribution towards Peebles traffic management improvements for each open market dwelling.

2nd response: No objection. Advise sufficient parking numbers are provided and revised layout is not dominated by long rows of parking. Impact of layby parking bays could at Plots 18-23 could be addressed by increased landscaping with development having scope to remove a bay. Advocate the principle of two-way vehicle movements within the site. Advise a footway along side Plots 6 and 7 and between to the rear of Plot 4 to 8. Seek that steps at Engine House are widened. Recommend conditions are attached to provide additional footways, provision of the Ballantyne Place vehicle link before business use in the Engine House becomes operational and confirmation of vehicle charging.

Waste and Recycling: No objection. Advise against the use of a clockwise one-way system which would restrict refuse collection.

Statutory Consultees

Community Council: Object on grounds the development will result in the loss of allotments and use of important greenspace within the town. Fails to align with national policies which support opportunities for food growth. No assessment of the impacts of the development on traffic, infrastructure and local health and school services have been provided. The gabled frontage design for the plots which face on to March Street are not in keeping with existing architectural styles.

Peebles Civic Society: Object. The density of the 71-unit layout is too high for the site. There is insufficient infrastructure, services and employment opportunities within Peebles to support the increased population as well as the loss of employment land at this site. Administration building should be retained and repurposed for business use; its replacement is poorly designed with gabled frontage failing to respect the built form of the conservation area. Three storey blocks within the site are out of keeping. Development results in the loss of allotments and loss of greenspace

Scottish Environmental Protection Society (SEPA): 1st response: Issued a holding objection requesting the submission of a Flood Risk Assessment to consider risk from the Eddleston Water which includes current climate change uplift and assessment of impacts as a result of blockages.

2nd response: No objection. The revised site plan limits the development to land unlikely to flood based on the findings of the FRA. Filling in the pond will not result in the loss of floodplain storage provided its is filled in in line with existing site levels.

Scottish Water: No objection. The applicants are requested to submit a Pre-Development Enquiry to establish water and foul drainage connections. Advise that any surface water drainage connections to their combined sewer will not be accepted.

23/00883/CON

Historic Environment Scotland: Identify the surviving 1880/90 buildings within the site to be the most significant. The Administration Building on March Street adds interest to the appearance of the street and along with the Gate Lodge have greatest public interest. No objection has been raised in response to removal of later structures within the site and welcome retention of Boiler House, Engine Shed and Gate Lodge. Preference remains for the Administration block to be retained, note that conversion may not be straightforward but retention of this structure along with some sheds (easternmost part of buildings 7-9 above the mill pond which are visible from Dovecot Road is recommended. These structures contribute to the character of the Conservation Area where their complete demolition would have an adverse impact.

Scottish Civic Trust: No objection. Welcome the retention of the Engine and Boiler House.

Peebles Civic Society: Object to the loss of the Administration Building which faces on to March Street. The structural issues identified in the Conservation Area Consent Report is not insurmountable. Building occupies an important location and offers potential for conversion to provide new economic/employment opportunities.

Community Council: Object as per response to 23/00884/FUL.

Heritage and Design Officer: No objection. There is a presumption in favour of retention of buildings that make a positive contribution to the conservation area. Acknowledge that the demolition of most buildings was justified and accepted within the previous application. Retention of the Gate Lodge, Engine House, and Boiler House is welcomed. It is imperative that suitable uses are secured for all retained buildings on the site. The Gate Piers, Gates and Gate House should be retained as part of the Gate Lodge ensemble, to mark the entrance to the site (historic and future) and due to its significance in the streetscape and as a marker of historic use.

Would welcome retention of Administration Building and imprecation mill facades that are visible from Dovecot Road. Note that the Administration Building is of interest and has a presence in the conservation however its individual architectural interest is more limited. On balance, provide the gate ensemble is retained to preserve streetscape presence of the former mill is loss is accepted. Conditions covering, historic building recording, reuse of stone, agreement of demolition phasing and treatment of the Dovecot Road site of the site are recommended.

Ecology Officer: As per response to 23/00884/FUL

REPRESENTATION SUMMARY

Seventeen comments of objection have been received in relation to the applications. These are viewable in full on Public Access and include the following grounds of objection:

The allotments are protected as key green space in the LDP and should be protected for a number of reasons, including:

- Allotments are allocated key greenspace in the LDP and should be protected
- Loss of existing allotment land by encroachment of development, access and siting of substation
- Security of allotments compromised new access increases potential for vandalism
- Loss of water point
- 5 existing allotments would be lost and further 15 significantly impacts leaving them unworkable
- Local demand for allotments, proposal results in loss of 10% of existing site
- Residential development encroaches on allotments contrary to previous determination by Reporter
- Fails to protect allotments and meet food growing aspirations of development plan policies and requirements of The Community Empowerment (Scotland) Act 2015

Other grounds of objection are as follows;

- Detrimental to residential amenity
- Increased traffic
- Contrary to development plan
- Congestion caused on surrounding streets
- Local services and infrastructure don't have capacity to accommodate further development
- Overdevelopment, density doesn't respect scale of surrounding development
- Insufficient amenity space
- Insufficient parking provided and no capacity on surrounding streets to accommodate extra parking
- Poor Design doesn't respect the character of surrounding built forms
- Proposed adversely affects special character and appearance of the Conservation Area
- Noise
- Privacy of neighbouring properties affected
- Adversely affect local wildlife with demolition destroying habitats
- Insufficient local employment opportunities for new residents
- Loss of employment land, site should be redeveloped for cultural, economic and heritage purposes.
- Local housing demands require more than 25% of houses to be affordable
- Design does not respect the site's built heritage
- Design and appearance of houses replacing Administration buildings does not respect March Street streetscape and character of conservation area
- Administration should be retained and reused for economic purposes
- Inadequate boundary fencing
- Mature trees removed

Three comments of support have been received citing the following grounds:

- Positive design with good mixture of house types.

- Development will revitalise brownfield site
- Previous allotment issues have been resolved.
- Proposals respect sites mill heritage.
- Provides vital housing to meet local demands
- Incorporates good access routes for pedestrians and cyclists

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 5	Soils
Policy 6	Forestry, woodland and trees
Policy 7	Historic assets and places
Policy 9	Brownfield, vacant and derelict and empty buildings
Policy 12	Zero Waste
Policy 13	Sustainable transport
Policy 14	Design, quality and place
Policy 15	Local living and 20-minute neighbourhoods
Policy 16	Quality Homes
Policy 21	Play, recreation and sport
Policy 22	Flood risk and water management
Policy 26	Business and industry

Scottish Borders Local Development Plan 2016

Policy PMD1	Sustainability
Policy PMD2	Quality Standards
Policy PMD5	Infill Development
Policy ED2	Employment Uses Outwith Business and Industrial Land
Policy ED5	Regeneration
Policy HD1	Affordable and Special Needs Housing
Policy HD3	Protection of Residential Amenity
Policy HD4	Meeting the Housing Land Requirement/Further Housing Land Safeguarding
Policy EP2	National Nature Conservation Sites and Protected Species
Policy EP3	Local Biodiversity
Policy EP7	Listed Buildings
Policy EP8	Archaeology
Policy EP9	Conservation Areas
Policy EP11	Protection of Greenspace
Policy EP13	Trees, Woodlands and Hedgerows
Policy EP15	Development Affecting the Water Environment
Policy EP16	Air Quality
Policy IS2	Developer Contributions
Policy IS5	Protection of Access Routes
Policy IS6	Road Adoption Standards
Policy IS7	Parking Provisions and Standards
Policy IS8	Flooding

OTHER PLANNING CONSIDERATIONS:

PAN 44 Fitting New Housing into the Landscape 2005
PAN 61 Planning and Sustainable Urban Drainage Systems 2001
PAN 65 Planning and Open Space 2008
PAN 67 Housing Quality 2003
PAN 75 Planning for Transport 2005
Designing Streets 2010
HES Guidance on Managing Change in the Historic Environment – Setting

Supplementary Planning Guidance on:

- Affordable Housing 2015
- Development Contributions 2023
- Trees and Development 2020
- Landscape and Development 2008
- Green Space 2009
- Placemaking and Design 2010
- Guidance on Householder Development 2006
- Waste Management 2015
- Biodiversity 2005
- Local Biodiversity Action Plan 2018
- Sustainable Urban Drainage Systems 2020
- Contaminated Land Inspection Strategy 2001

KEY PLANNING ISSUES:

The main determining issues with this application are compliance with Local Development Plan Policies, Supplementary Planning Guidance and NPF4 on development on allocated sites, conservation areas and other cultural heritage matters, greenspace protection, access, flooding, contamination and development contributions.

ASSESSMENT OF APPLICATION:

Planning policy

At the time of determination of applications 17/00063/PPP and 17/00064/CON, the site was not allocated within the Local Development Plan (LDP) for any future land uses. The principle of seeking of a mixed used development on the site not opposed by the Planning and Building Standards (P&BS) Committee. Instead, it was the loss of the current allotment site which was protected as key greenspace and failure to provide suitable compensatory greenspace in accordance with Policy EP11 which led to 17/00063/PPP being refused. As a consequence, the related application for demolition (17/00064/CON) was refused because a suitable proposal for the redevelopment of the site was not provided. Application 17/00063/PPP was appealed to the Scottish Ministers and although the refusal was upheld, similar to the determination of the P&BS Committee, the Reporter did not oppose the principle of a mixed-use development on the site of the former March Street Mills.

Since the previous refusal by the P&BS Committee, the site was included within the Council's Supplementary Planning Guidance on Housing as a mixed used development site to assist in meeting the housing land shortfall within the Scottish Borders under reference MPEEB007. This allocation has been carried through to the

Proposed Local Development Plan (LDP2) where there are a number of site requirements which include:

- Site to be development of a mixture of residential, employment and potentially commercial and community use.
- Indicative capacity for 70 residential units
- The Engine House and Gate Lodge should be retained and reused.
- Vehicular access from March Street and Dovecot Road with link to Ballantyne Place explore with amenity access to Rosetta Road via the current allotment use.
- Allotments on the western side of the site are identified in the LDP as Key Greenspace and require protection line with LDP Policy EP11

Policy PMD3 of the LDP aims to ensure that sites allocated in the LDP are developed for their intended use. NPF4 is also now a material consideration. NP4F Policy 9 specifically supports the redevelopment of brownfield and vacant sites which March Street Mill represents. Its development will help reduce the need for greenfield redevelopment. Policy 16 of NPF4 explicitly supports the development of new homes on land allocation for housing. Similarly, Policy 26 supports development proposals for employment uses on sites allocated for business use in the LDP.

The proposal provides new residential development at a scale which is within the sites overall capacity suggested within the LDP. In the event that flooding challenges are overcome in the eastern part of the site there is potential to develop the site in line with its overall indicative capacity of 70 units, contributing towards the Council's five year housing land supply obligations set by the Scottish Government. The proposals compliance with the indicative housing numbers suggests that the overall density of the development is acceptable.

The development is retaining the Engine House, Boiler House and Gate Lodge. Although only the Engine house/Boiler House is being retained in employment/commercial use. The use of the Gate Lodge for employment purposes was noted as 'preferable' within the site requirements. The employment provision within the redevelopment of March Street has been more heavily weighted towards the Engine/Boiler House where its commercial use is more in keeping with other neighbouring uses at Ballantyne Place. Retaining the Gate Lodge as a residential property does not conflict with the overall aspirations for this site. The allocation specifies that any employment use should be High Amenity business and industrial land as defined by Policy EP1 of the LDP which would restrict the use of the space to Class 4, 5 and 6 uses of the Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended. Although no end user(s) of the space have been identified, a planning condition restricting the use of the Engine House as Class 4, 5 and 6 uses only will ensure it is occupied for appropriate business purposes.

Unlike the previous application, this proposal broadly recognises the western part of the site is Key Greenspace and seeks to retain this ground for allotment use. The precise assessment of the suitability of this aspect of the proposal will be discussed in the relevant Key Greenspace section of this report.

Although objections have been received against this proposal, generally these representations do not object to the overall principle of redeveloping this site and are instead concerned with more detailed matters. In terms of principle for the mixed-use redevelopment of this site, the current Policy and planning history background, is one of full support. The proposed development is considered to represent the

development of an allocated site in a manner which complies with its intended use. The merits of the proposed design, access, key greenspace, conservation area impacts and other material planning matters will be considered below.

Key Greenspace

The existing allotments are designed as 'Key Greenspace' in the LDP (Site reference GSP00B008) therefore in accordance with Policy EP11, developments should seek to protect and enhance the area of Key Greenspace. This is reiterated in the Council's Supplementary Guidance on Housing which specifies in the site requirements that the allotments "require to be protected in line with Policy EP11 Protection of Greenspace." In cases where a development causes the loss of Key Greenspace, Policy 11 only permits such an occurrence where it is justified under the terms of Policy 11 and appropriate comparable open space is provided. NPF4 recognises the importance of protecting greenspace, specifically Policy 20 (Blue and green infrastructure) alongside the benefits it brings to local living principles. Policy 23 (Health and safety) promotes development which provide health benefits with community food growing or allotments seen as an example for how this can be achieved.

The sole reason the previous PPP application was refused was because the proposed re-siting of the allotments to the eastern part of the mill site did not favourably compare with the existing allotment site in either its capacity or physical suitability for allotment use. One of the primary concerns raised by third parties in response to this revised proposal is the impact the development would have on the allotment.

Although the allotments are protected as Key Greenspace, Members are reminded that the LDP Policy cannot protect the allotment from any form of closure as it is privately owned land. The applicants are now landowners of the allotments and they have maintained the informal arrangement which has allowed the Key Greenspace to be utilised as an allotment. It is understood that the ground has been used as an allotment since the 1940s.

This application has been supported by an 'Allotment Report' and a 'Allotment Comparison Layout' (Drawing No; MP/APP03). It is proposed that the development seeks to retain land to the west of the existing mill as an allotment. The 'Allotment Comparison Layout' provides a helpful visual to show the existing allotment arrangement against the arrangement proposed by the applicants. The applicants have identified that the existing allotment site has the following constraints which they are proposing to remove:

- High voltage Electricity cable.
- A kerosene tank.
- Hardstandings required for access to the mill buildings.

It is clear from the comparison layout that the western boundary of the proposed development encroaches slightly into the allotments. Land would also be removed from allotment use from the rear of the proposed flatted block and Ballantyne Place to provide a 3m wide active travel route. This provides the development with access from the existing entry point on Rosetta Road meeting another Site Requirement of this LDP allocation. The substation area would be reorganised and moved further north within the Key Greenspace – NB these works do not require planning permission and benefit from relevant prior approval under consent 23/01344/SPN.

The applicants have calculated that the existing allotment provide approximately 3,202sqm of allotment ground. Through their proposed removal of existing site constraints and ground lost to their proposals, the applicants have calculated that the total area of Key Greenspace left will be 4,008sqm. The substation area is being reorganised and with the ground to the north of the substation referenced as referenced as Area 2 on Drawing No MP/APP03 is proposed to be used as public open space, potentially for community good growing. This proposal would still leave up to 3,738sqm within Area 1 for allotment use.

The development would provide a reorganisation of the Key Greenspace which increases the area of ground for allotment use and the potential for community growing space at the site. Ground where existing constraints are to be removed will be required to be properly treated to maximise its horticultural potential and following assessments as part of the previous appeal it is clear that providing compensatory allotment ground at the existing site is more beneficial than seeking to relocate this use elsewhere. The development would also result in a need to alter the design, size and potentially the number of allotments available. It is worth noting that the layout of the allotments is not a planning matter and is a matter for the landowner and allotment users to agree. The development would also provide another sustainable point of access to the allotments from the green corridor through the development so users were not only relying from access from Rosetta Road. The boundary of the allotment land would also be secured by boundary fencing which would offer similar protection that existing boundaries. The redevelopment of March Street Mills will bring more people to the area and in doing so will increase surveillance of the Key Greenspace. The applicants are also proposing to transfer the title of the land to the Peebles Community Trust (PCT) enabling the community to have stewardship of the land.

Undeniably this proposal directly impacts on existing Key Greenspace and existing allotment users. As this is privately owned land, the Council would not have control over how that the land is used or how the allotment space is laid out. The matter which is to be considered is the impact of the development on the Key Greenspace. Having assessed the merits of the proposals against Policy EP11 and Policies 20 and 23 of NPF4, it is considered that provided that works to remove existing constraints are treated appropriately alongside the community benefits associated with the transfer of the title of this space to the user group, the development is considered to address previous reasons for refusal and would enhance the provision of Key Greenspace at March Street. It is recommended that a Section 75 Legal Agreement is used to ensure the transfer of the allotment land to the PCT, and planning conditions can agree the phasing of removing existing constraints from the allotments and specification and final location of boundary fencing to be erected to ensure the site is properly secured.

Placemaking and Design

The original proposals have been supported by a Design and Access Statement which has also been supported by a NPF4 Statement. These submissions contend that the development will regenerate a derelict brownfield site with a distinctive semi-urban series of varying house types within a layout which responds to the constraints of the site and integrates within the surrounding streetscapes.

Policy PMD2 and Policies 14 and 16 of NPF4 place significant requirements that all new developments, including housing are well designed, follow a design-led approach to create successful places and respect the sense of place and environment in which they are located. Additionally, as this site is included within the

Peebles Conservation Area, LDP Policy EP9 and Policy 7 of NPF4 requires the design of the proposals to respect the special character and appearance of the Conservation Area. The principal considerations from a placemaking perspective are:

- Whether the development demonstrates the six qualities of successful places (healthy, pleasant, connected, distinctive, sustainable, adaptable)
- Whether the development integrates with the sites sense of place and respects the Peebles Conservation Area.

Layout

The site is generally contained behind March Street and its location behind other neighbouring streets results in the site being relatively well concealed within its wider environment. Existing buildings within the site are arranged in a linear manner. The layout of the proposal largely reflects the historic rectilinear layout of the site and the surrounding streets. Buildings have been generally arranged where they address the street with the positioning of block 34 – 37 reoriented to provide greater street presence. The layout ensures that the Engine and Boiler House is integrated within the overall redevelopment and becomes a focal point on approach. Similarly, the Gate Lodge retains a prominent position on entry to the site from March Street.

The current site does not allow public access therefore the introduction of pedestrian and active travel routes through the site improves connection to the surrounding streets and increases permeability within this part of Peebles. The inclusion of a landscape corridor as a key active travel route and usable public space is welcomed accompanied by other pockets of planting which help to break up the developments. Two prominent mature trees are to be retained within the development.

Through the course of the application, revisions have been made to the layout. The most significant changes are the removal of housing from the lower eastern part of the site, which was to be accessed from Dovecot Road, following flooding observations. This part of the site is now identified for 'future development' once flooding issues are further investigated. It is regrettable that the entire site is not being developed under a single consent, but this is not possible at this stage as further examination of potential flooding issues are required. There is a significant level change running through the middle of the site which naturally broke up the site and would have naturally split the development anyway. This level change did not allow for vehicle links between the two sides of the site and would necessitate vehicular access from Dovecot Road.

It may still have been possible to accommodate some form of development within this lower part of the site outwith the floodplain. Nevertheless, the applicant's approach to pause this part of the development will enable a coordinated design approach in response to flooding solutions. This is preferable to any piecemeal development of the eastern part of the site. It is still proposed to remove existing structures including infilling the pond within the eastern part of the site. If approved, it would be sensible to ensure this part of the site is made as attractive as possible ahead of its future development in the event this is delayed so it does not detract from the character or appearance of the conservation area. Included within the treatment of this land it would be appropriate to establish temporary pedestrian access from the upper site to Dovecot Road.

Despite the revisions which have been made, there are still concerns that the street layout is in places dominated by long rows of parked cars. The original proposals fell short on parking numbers so more spaces were required. The majority of parking is mostly on street which had led to parking being prevalent in several parts of the

layout. The nose in parking along the street on the western side of the square has however been broken up by proposed planting.

The same level of break is not provided on the eastern side of the square where parking is provided on both sides of the street in parallel rows. These impacts may not be helped by the location of Blocks 27 – 29 and 30 – 33 retaining their perpendicular orientation to the street. Their garden boundaries to the street will be enclosed by high walls, restricting the street presence of these terraced rows and from Dovecot Road to the east, the side elevation of Plot 30 may appear dominating, occupy higher ground. Discussions about the potential to reorientate these blocks and include some off-street parking were suggested but the applicant was reluctant to make these changes. It is understood that further changes in this location (where they have already changed from Colony Flats to Townhouses) would affect the developments viability and may block the sites open views towards the east.

At the western street, the northern and southern ends lack some termination. Positioning a building at either end in the manner the Engine House provides a focal point to the eastern street. The positioning of Plot 16 and 17, close to the street, will help provide interest with some street presence provided by the taller flatted block to the northwest.

Within the site layout, the Roads Planning Service require small sections of additional footways to be included at the following points:

- Extending from the footway to the rear of Plot 4 to the parking courts behind Plots 1 – 4 and
 - Along the section of round to the south of the square at Plots 6 and 7.
- Provision of these footways can be agreed by condition.

The layout incorporates the original gate piers (the precise location is still to be agreed) and further interpretation of the historic use of the site would enhance the development. This can be delivered though the public realm to further strengthen the sense of place of the redevelopment of the mill site.

Design

Industrial architecture defines the built context of existing buildings within the site except for the existing Administration Building and Gate Lodge on March Street. Outwith the application site within the wider surrounding area traditional architectural styles dominate March Street and Rosetta Road with more modern styles found on Dovecot Road and on Ballantyne Place.

The proposals provide a range of building types and heights which add to the variety of the streetscape. Similar to the applicant's successful redevelopment of Caerlee Mill in Innerleithen, the proposed architectural forms are influenced by the industrial heritage of the site which includes rows of sawtooth buildings and gable frontages. The principle of redeveloping this site with a form of architecture which relates to its industrial heritage is broadly acceptable. That said, development along the sites frontage to March Street is required to respect the character of this part of the conservation area which is characterised by well-detailed two storey stone detached or semi-detached symmetrical houses, with slate roofs and dormer windows, running parallel to the road.

The frontage of the development on to March Street is critical to the development's success and integration with the surrounding area, including the conservation area and also acts as the entrance to the development. Plots 1 – 4 originally included two

semi-detached gable frontage units which faced on to March Street. The design of these units did not relate to the strong character of March Street or the character of the existing Administration Building which is to be removed. Members will note that the Heritage & Design Officer initially objected to the development and raised the development of Plots 1 – 4 facing March Street to be of particular concern. This concern was also raised in a number of public representations and by the Peebles Civic Trust. Various design options for Plots 1 – 4 have however been submitted and considered by officers following several discussions with the applicant.

The options which are now presented have provided more significant changes. The gable frontages have been replaced with roofs running parallel to the street. The depth, form and height of the units generally align with neighbouring plots with the units including projecting gables and wall head dormers which follow features of traditional properties along March Street. The proposals also include improved detailing and more traditional window proportions. The side elevation fronting the entrance to the street has been revised to give relief and activation to the site entrance. The success of the proposals however will be subject to the use high quality materials and detailing, which can be sought by condition. The latest revisions will integrate sympathetically with the streetscape of this part of the conservation area whilst also retaining a simplified contemporary form. This will help link the houses proposed on the March Street elevation to the redevelopment mill site behind.

Behind March Street, the use of gable frontages and sawtooth profiles reflects the design of buildings within this part of the site. At Plots 27 – 37, concerns about the suitability of Colony Flats particularly their associated steps, balconies and their general rhythm has sought to be addressed by changing the building types to Townhouses. The Townhouse blocks do integrate with the style of buildings within the development and remove the need for associated access stairs which officers felt would have an adverse effect on the streetscape. There are concerns regarding the limited level of relief and activation to the side elevations of the townhouse blocks, which front on to public routes. The repositioning of Block 34 – 37 allows Plot 37 to front the main entrance. The plot benefits from a different design and scale to other units in the block, however its side elevation can still be further improved through its window proportions and elevational treatment, so it acts as a suitable wayfinding elevation when entering the development.

The remainder of the house types including the flatted block follow the distinctive appearance of the sawtooth profiles. This valley roof design is not an approach which is a vernacular form of architecture across the Borders, however in this particular location this design clearly replicates the roof profile and gabled frontages of the former mill buildings which are to be removed from the site. The H&DO has commented that the 4BD house type would benefit from a larger window to the front elevation, this can be secured through condition.

All buildings are to be set under slate roofs which is considered appropriate. The wall finishes of mainly brick, render, cladding and reconstituted stone is largely acceptable. In the existing buildings, stone tends to be more dominate on principal elevations. The applicants have been encouraged to utilise more stone at key locations however they have advised that after down takings the stone is unlikely to be suitable for use as a building material for a residential property but could be utilised in gabion baskets. Although this would not be the preferred use for the stone it does enable its reuse within the site. Plots 1 – 4 avoid the use of brick with reconstituted stone more suitably integrating with March Street. The quality of the materials and detailing across the site will however be important and must be

secured by condition. Additionally full details will be required of all proposed boundary treatments, including adjustments suggested by the H&DO.

The proposals are seeking to redevelop this mill site in a manner which directly responds to the historical context of the site. The layout of the development has been improved through the course of the application and further minor changes to the elevations of certain units, material and boundary finishes can be agreed by condition. There are still some reservations regarding the potential dominance of on-street parking particularly to the east of the square and the orientation of some units in this part of the site. However, due to the contained nature of the site any visual impacts arising from these constraints are generally restricted to this part of the development. The key area of improvement has been the redesign of Plots 1 – 4 where the form of the units has an improved relationship with the March Street streetscape and provides a suitable entrance into the development. This street frontage is particularly important and it is considered, on-balance, that the resultant improvements help the design and layout respect the sense of place of the surrounding area, particularly March Street, and relevant placemaking considerations. Subject to a range of conditions covering materials, elevational improvements, incorporation of additional footpaths, boundary treatments and landscaping the proposal is considered to comply with Policy PMD2 of the LDP, the Councils Placemaking and Design SPG and Policies 14 and 16 of NPF4.

Access

The application has been accompanied by an updated Transport Statement. The site requirements are for access to be provided from March Street and also Dovecot Road with two further options for vehicular links from Ballantyne Place to be explored along with amenity access to Rosetta Road via the existing allotments. The proposals should be considered against relevant access requirements within LDP Policies PMD2, IS6 and IS7 along with Policies 13, 14 and 16 of NPF4.

The proposed layout retains the site's primary access from March Street, with vehicle access to the commercial space at the Engine House provided from Ballantyne Place, which also connects into footpath links. The development provides a green corridor through to the allotments which continues to connect with the existing retained entrance at Rosetta Road. The subsequent removal of development from the eastern part of the site has resulted in the omission of the access from Dovecot Road. Again, this is only anticipated to be a temporary measure while the applicants explore resolution to flooding. Due to the level change within the site, it was not possible to provide vehicle access which connected into the streets on the upper western part of the site. For the purpose of this application, its removal does not necessarily undermine the scheme and it is anticipated it can be resolved under separate future proposals. It would be advantageous for a temporary pedestrian access to be formed from Dovecot Road to the footpath at the eastern edge of the development on the upper half of the site to provide connectivity in the event the solution to development within the area of flood risk takes longer than anticipated. It is considered that the proposals provide access in accordance with the site requirements that are achievable for this proposal.

The Roads Planning Service (RPS) has no objection to the development and accepts the revised parking proposals which are closer to a figure of 175%. Agreement of EV charging points is necessary, and this can be addressed by condition. RPS advise that the one-way anticlockwise route which is suggested around the square may not have a positive impact on vehicle movement, but it is understood that this has been

promoted to respond to comments made by the Councils Waste and Recycling team to ensure bin lorry movements are not compromised.

A Transport Assessment has been accepted by Roads Planning and the detailed development proposals are accepted to demonstrate that this proposal does not pose any unacceptable road safety risks and provides suitable means of connectivity into surrounding road and path networks. The development is considered to comply with relevant access provisions and parking number requirements for a development of this scale within an urban environment.

Cultural Heritage

March Street Mills was established in 1885 and was the third textile mill to be constructed in Peebles in the late 19th Century, Tweedside and Damdale Mills having since been replaced by new development. The main mills were single storey in the centre of the site but extending north into the area now occupied by Ballantyne Place housing. The Engine, Boiler and Gate Houses existed and additional extensions to the mill complex occurred in the 20th Century, including the Administration Building fronting March Street.

The site contains no listed buildings, although several Category B and C Listed Buildings exist nearby in March Street and Rosetta Road. The entire site is, however, contained within Peebles Conservation Area and development, including demolition of buildings, requires to be assessed principally against LDP Policy EP9 and NPF4 Policy 7. There is also a requirement for assessment against Historic Environment Scotland advice on demolition of buildings within a Conservation Area.

The development seeks consent to demolish all existing buildings within the site apart from the Engine House, Boiler House and Gate Lodge. A Conservation Area Consent (CAC) Report has accompanied the proposal which considers the merits of all existing buildings, their suitability for conversion and assessment their retention would have on the viability of the development and impact their demolition would have on the Conservation Area.

As part of the 2017 application, consent was sought to demolish all buildings which are proposed for demolition under this current application. The reason the previous application was refused was not as a result of concerns expressed about the loss of particular buildings. Instead, it was in the context that the redevelopment proposals presented under 17/00063/PPP in particular the loss of the allotments was not deemed appropriate.

The broad principle of demolishing buildings within the site was established under the 2017 application, despite it being refused and through allocating this site as a redevelopment opportunity. Similar to the 2017 proposals concerns of residents, HES and Peebles Civic Society have been expressed about the loss of specific buildings within the site, principally the Administration Building which addresses March Street and also facades of the existing mill sheds above the pond which face towards Dovecot Road. Unlike the 2017 proposals, this CON application is supported by detailed redevelopment proposals. There would have been some merit in retaining the Administration Building and particularly some characterful facades of the mill shed however the CAC Report assesses neither of these buildings are suitable for retention with the level of intervention required affecting the viability of the overall scheme.

This application does include the retention and sensitive physical alteration of the Engine House, Boiler House and Gate Lodge to secure the future re-use of these important buildings within the site. The Administration Building occupies an important public location at the mills entrance. This gives this structure historic interest however the H&DO does concede its architectural interest is limited. Revised proposals are seeking to retain the existing Gate ensemble which can provide retention of the streetscape presence of the mill. Further mitigation is possible through the reuse of salvaged materials within the redevelopment.

Accounting for previous determinations and currently policy provisions, it is considered that the demolition of the identified buildings is required to achieve an acceptable and viable redevelopment of this former mill site. The proposals still seek to retain three of the more interesting and architecturally significant buildings. Subject to the conditions suggested by the Heritage Officer, it is considered that the proposals comply with relevant Historic Environment and Local Development Plan Policies.

Policy EP8 of the LDP relates to archaeology and the development has been subject to a desk-based assessment in addition to the heritage and design/access statements. The Council Archaeologist supports the Heritage Officer view that full building recording is carried out by condition. It has also been suggested that there is potential for buried archaeology within the allotments with trenching suggested to be limited to the area of the substation. The substation is approved under consent 23/01344/SPN so these works do not form part of this application therefore it would be inappropriate to pursue any belowground archaeological investigations as a result of this development.

Residential Amenity

Local Development Plan Policies PMD2 and HD3 contain safeguards regarding residential amenity, both in terms of general use compatibility but also direct impacts such as privacy and light. This is explored further in the Council's "Privacy and Sunlight" SPG. NPF4 contains limited guidance on residential amenity, concentrating within Policy 16 "Quality Homes" on the impacts of householder developments on their neighbours.

The impact of the development both on existing residential properties which neighbour the development and also the inter relationship of proposed properties within the site has been considered.

Existing residential properties directly bound the site to the north on Ballantyne Place and the south on March Street. Existing walls separate the site from the residential properties on Ballantyne Place and to the rear of Plots 5-8 within the development towards the rear of houses on March Street. These boundary enclosures are to be retained and will help guard against the development posing any adverse impacts on existing properties outwith the site. Similarly, the siting and positioning of the Plots 1 – 4 and the Gate Lodge do not affect the access to light, sunlight or pose any privacy issues.

Within the development itself the layout of the development along with the scale of the buildings and positioning of openings do not cause any amenity concerns.

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

Ecology

The development is not located within any designated ecological sites.

The application has been supported by the submission of an Ecology Report which includes detailed species surveys. Some of the buildings intended for demolition have suitability for bats and activity surveys have revealed presence. The recommendation is that no demolitions occur until Species Protection Plans are produced for bats and either a Licence is obtained or evidence that no Licence is required from NatureScot. Similarly, a Protection Plan should be submitted relating to breeding birds. Opportunities exist for the creation of new habitats across the site to contribute to the enhancement of biodiversity.

Conditions can be imposed on both consents covering these aspects and, subject to these, the proposal can be in compliance with relevant Local Development Plan Policies EP2 (Protected Species) and EP3 (Local Biodiversity) and Policy 3 (Biodiversity) of NPF4.

Flooding

LDP Policy IS8 and Policy 22 of NPF4 seek to avoid sites being developed which are at risk of flooding. Both SEPA and the Councils Flooding Engineers identified that the eastern part of the site which sits at a lower ground level is at risk of flooding from a 1 in 200-year event. This was known when the site was allocated where it was identified that the detailed development of the site would require to give consideration to surface water flooding and where relevant provide mitigation.

Since the site was allocated, SEPA guidance has increased percentages required for climate change allowances within flooding risk assessments following the adoption of NPF4. The climate change allowance within the River Tweed catchment area has been increased from 33% to 59% and in doing so places larger parts of this site at potential risk of flooding, as confirmed by the Flood Risk Assessment. The applicants originally explored removing the units closest to Dovecot Road from the development to establish if this would be sufficient to address flooding issues. Prior to receipt of consultation responses from both SEPA and the Councils Flooding Engineers the applicants decided to remove all units from the eastern part of the site to allow this application to progress. The higher western part of this site is fully outwith the area of flood risk with both flooding consultees confirming that previous objections have been removed.

The overall redevelopment of the entire March Street Mill site and its wider integration with the surrounding urban environment would be improved if it is possible to redevelop the lower eastern part of the site. It is understood that it remains the applicants' intention to re-develop the eastern part of the site, however further investigation is required to ensure compliance with Policy 22 criteria a) iv. of NPF4. The proposal layout would not restrict the future redevelopment of the eastern part of this site in the event that flood risk issues can be overcome, the merits of such a proposal could only be assessed at this point following submission of another application.

The removal of residential buildings from the lower eastern part of the site ensures the development is free from flood risk and fully complies with Policies IS8 and 22.

Developer 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. NPF4 Policy 18 “Infrastructure First” also states:

“The impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure.”

In relation to this development, it is identified that mitigation in the form of developer contributions is required for the residential aspect of the redevelopment of March Street Mills in the form of financial developer contributions for education, the Peebles Bridge Study and Traffic Management improvements and play space. Each of these developer contributions are considered necessary, reasonable and related to the infrastructure impacts anticipated. These financial developer contributions would be met through a Section 75 Legal Agreement. It should be noted that education and traffic management contributions are only necessary for open market housing and as the Gate House is already classed as a residential property it would not be appropriate to seek contributions for the proposed alteration of this unit. In this case all contributions would be based in the new build element of the development.

Members will note that the SPG on Developer Contributions requires that all residential developments in excess of 17 units are required to provide on-site affordable housing at a ratio of 25% of the overall development. The original 71-unit layout had a 3 unit shortfall of on-site affordable units. The revised proposals provide 12 affordable units within the flatted block. This volume of affordable units meets the number of onsite affordable units required for the revised proposals for 49 new dwellings proposed as part of this redevelopment.

The affordable housing units are all located within a single block to the northwestern corner of the development. Generally, a spread of units through a development is preferable, however this is not viable for this development and could pose future management issues should the accommodation be managed by a Registered Social Landlord (RSL). The accommodation is positioned so that it well connected with the proposed development and also knits in with exiting housing within the surrounding urban environment. Despite the affordable units being provided within the only flatted block within the development the design of the building is in keeping with architecture of other housing within the development and the sites mill heritage. It would be preferable if the units are not the final part of the development to be completed on the site and agreement of the timing of the construction of this block to ensure it is provided in a suitable stage of the development can be controlled by a phasing condition.

At this stage, no confirmation has been provided regarding the tenure of the affordable units, i.e., whether this will be managed by a RSL, mid-market rent etc., nevertheless the tenure of the units can be controlled by a suitably worded planning condition to ensure that the accommodation is provided in a manner which meets the Councils definitions of affordable housing as specified within the SPG on this topic.

It is acknowledged that some representations, refer to the current health care provision and other services in Peebles. There are concerns that such a large development could overrun the current provision. Such concerns frequently arise in many towns across the Borders when faced with housing development and

population growth. This issue is regularly reviewed during the Development Planning process and, relevant service providers such as the NHS are routinely consulted when land is allocated, and growth planned. This allows service providers to plan appropriately for the anticipated level of growth expected within any housing market area.

Subject to the final agreement of relevant financial developer contributions by legal agreement and control of the occupation of the identified affordable units by planning condition, it is considered that the development will comply with the relevant Development Plan Policies, including IS2, 16 and 18.

Other Issues

Other matters relating to land contamination and final agreement of surface water drainage, water supply and foul water treatments can be handed by planning conditions. The merits of the proposed development have been considered against all relevant provisions of the development plan and there are no other areas of potential conflict.

CONCLUSION

The application site is heavily constrained by its former use, location within the floodplain, relationship with neighbouring uses (including the allotments) and its location within the towns Conservation Area. The proposals are considered to secure the regeneration of an important brownfield site to provide housing to meet local needs and also retain employment use at the site. The development does impact on the existing allotments however it is felt that the proposal retains sufficient space for the allotment use at their current location in accordance with Greenspace Policy. Additional benefits will also be provided by seeking to transfer the allotment land to the Peebles Civic Trust allowing the community to have stewardship of the function of the Key Greenspace. The form of architecture does relate to the sites mill heritage. The proposal does however present some design challenges within the site but importantly the frontage of the development which addresses March Street has been improved to a point where the development will not adversely affect the character and appearance of the Peebles conservation area and an on-balance recommendation can be made.

Overall, it is considered that the benefits that the development would provide which include the redevelopment of brownfield land within the settlement boundary with housing that will assist with meeting housing demands and securing the continued commercial and allotment uses at the site outweighs the limitations of parts of the internal layout. On balance, the proposed development is considered to be acceptable when considered against the Development Plan and other material factors, subject to compliance with the proposed schedule of conditions and legal agreements.

RECOMMENDATIONS BY CHIEF PLANNING AND HOUSING OFFICER:

23/00884/FUL – I recommend the application is approved subject to a legal agreement addressing the transfer of the March Street Allotment to the Peebles Civic Trust, affordable housing provision and development contributions towards education, traffic management improvements with Peebles and play space and 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 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 development hereby approved shall only be carried out in strict accordance with a programme of phasing of all development works which has first been submitted to and approved in writing by the Local Planning Authority. The scheme of phasing shall agree the phasing of demolition, all development works and works to remove existing constraints from the March Street Allotments.
Reason: To ensure that the development proceeds in an orderly manner and secures a mixed-use development in accordance with the Local Development Plan and Supplementary Guidance.
4. All residential units identified as 'Amenity' housing on the Accommodation Schedule dated 5th December 2023 shall meet the definition of "affordable housing" as set out in the adopted Local Development Plan 2016 and Supplementary Planning Guidance "Affordable Housing" 2015 and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority prior to development commencing.
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools.
5. No development shall commence until precise details (including samples where required by the Planning Authority) of all external materials and colours for all buildings within the development, and the plot layout distribution for those colours, has first been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved samples.
Reason: To ensure external materials are visually appropriate to the development and sympathetic to the surrounding area.
6. No development shall commence until precise details (including samples where required by the Planning Authority) of all surfacing materials for the proposed roads, footpaths and parking spaces to be submitted to, and approved in writing by, the Planning Authority before the development commences. The development is then to be completed in accordance with the approved details.
Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and in a manner which enhances the character and visual appearance of the development.
7. No development shall commence until revised drawings have been submitted to and agreed in writing with the Planning Authority to address the following elevational revisions on the following buildings:
 - Plot 37 requires agreement of a revised south elevation.

- Plot 27 requires agreement of second wall material finish.
- Plot 27 and 33 require agreement of additional openings on their south west elevation.
- Plot 7, 16 and 17 requires agreement of a larger 1st floor window on its southwest elevation.

Reason: Further refinements to the detailed design of these plots are required in the interest of placemaking and visual amenity.

8. No development shall commence until a scheme of details showing the introduction of footways at the following locations;

- i. To the rear of Plot 4 to the parking courts behind Plots 1 – 4 and
- ii. The section of round to the south of the square at Plots 6 and 7.

The details shall be agreed in writing with the Planning Authority and completed in accordance with the phasing proposals.

Reason: To ensure that the proposed development is laid out in a manner which offers adequate provision for pedestrians.

9. Prior to the use of the engine house becoming operational, the vehicular link from Ballantyne Place and the parking bays associated with the engine house must be fully implemented, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the engine house is suitably served by vehicular access and supporting infrastructure.

10. No development shall commence until a scheme of details showing the EV charging infrastructure which will be placed within the site has been submitted to and agreed by the Planning Authority. The details shall include how the charging points will be placed in relation to the parking bays and how it is proposed the charging points will be operated and maintained. The EV charging infrastructure to be put in place in a timeframe which is first agreed within a phasing plan.

Reason: To ensure that development is carried out in a manner which ensures the occupied units are provided with suitable EV infrastructure.

11. No development shall commence, (notwithstanding the details provided in the approved drawings), until a detailed scheme of boundary treatments has first been submitted to and approved in writing by the Planning Authority. The scheme shall include;

- i. the location of all proposed walls (including gabion baskets), fencing, gates and hedges
- ii. the detailed design, height and materials of all walls and fences
- iii. use of any salvaged stone within boundary enclosures
- iv. the precise means of boundary treatments and gates to enclose the March Street Allotments.

All boundary treatments within the application site shall accord with the approved scheme and shall be implemented in accordance with an agreed schedule.

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

12. No development shall commence until a scheme of hard and soft landscaping works 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. existing landscaping features and vegetation to be retained and, in the case of damage, restored.
 - iii. soft and hard landscaping works
 - iv. final location of gatepiers and all public art and street furniture
 - v. A programme for completion and subsequent maintenance.
- Reason: To ensure the satisfactory form, layout and assimilation of the development.
13. No development shall commence until a scheme of details to demonstrate the treatment of the eastern part of the application site identified for 'Future Development' on Drawing No MAST-SSM-DR-AR-00050 Rev P11, following demolition the completion of demolition and site removals from this part of the site. The scheme shall include provision for a temporary footway from the development to Dovecot Road.
- Reason: To ensure this part of the site is treated appropriately so it does not detract from the setting of the Conservation Area and provide connectivity to Dovecot Road.
14. No development to be commenced until a fully designed and detailed surface water drainage scheme with SUDs features, attenuation and outfall, is submitted to, and approved in writing by, the Planning Authority. The scheme shall include an implementation and maintenance programme. The scheme then to be implemented in accordance with the approved details.
- Reason: To ensure the sustainable disposal of surface water in a manner that safeguards neighbouring land/property and to ensure future maintenance for the scheme.
15. No development shall commence until written evidence is provided on behalf of Scottish Water that the development will be serviced by mains foul drainage and public mains water supply.
- Reason: To ensure the development can be adequately serviced.
16. 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. and thereafter
- 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.

17. No development shall take place on the site until either of the following has been provided to the Planning Authority:
- a European Protected Species (EPS-bats) or
 - a copy of a statement from SNH stating that such a licence is not necessary for the specified development.

Reason: To safeguard European Protected Species on the site.

18. Prior to the commencement of development, the developer shall submit in writing to the Planning Authority a detailed Species Protection Plan for bats. Thereafter, no development shall take place except in strict accordance with the protection plan so approved.

Reason: To safeguard European Protected Species on the site.

19. Prior to commencement of development, a Species Protection Plan for breeding birds shall be submitted to and approved by the Planning Authority. Any development shall, thereafter, be carried out in accordance with the approved SPP. The SPP shall include provision for a pre-development supplementary survey and a mitigation plan, where any works are proposed within the bird breeding season (March to August). No development shall commence during the bird breeding season unless the development is implemented wholly in accordance with the approved SPP.

Reason: To safeguard breeding bird interests on the site.

20. Prior to the commencement of development, the developer shall submit for approval by the Planning Authority, details of the proposed Biodiversity Enhancement scheme for the site which shall include measures for soil management, breeding birds, bats, badgers and reptiles. Thereafter, no development shall take place except in strict accordance with the approved scheme.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and NPF4 policies 3 and 4.

21. The Engine House and Boiler House shall be used for Class 4, 5 and 6 uses as stipulated within the Town and Country Planning (Use Classes) (Scotland) Order 1997, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order.

Reason: To ensure these buildings are used for appropriate employment uses in accordance with Policy ED1 of the Local Development Plan and the required uses of these structures within the sites allocation.

23/00883/CON - I recommend the application is 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 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. The buildings and walls to be demolished are only those as shown on the approved plans, no other buildings shall be demolished without the prior approval of the Planning Authority.
Reason: To ensure satisfactory preservation of historic buildings and walls within the site and to safeguard the character of the Conservation Area.
3. No demolitions to take place until a scheme for the salvaging and retention of stone from the demolitions has been agreed with the Planning Authority, the demolitions and retention of salvaged stone within the site then to proceed in accordance with the agreed scheme.
Reason: To ensure that replacement development incorporates salvaged stone from the development and to safeguard the character of the Conservation Area.
4. 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.
5. No development shall take place on the site until either of the following has been provided to the Planning Authority:
 - a European Protected Species (EPS-bats) or
 - a copy of a statement from SNH stating that such a licence is not necessary for the specified development.Reason: To safeguard European Protected Species on the site.
6. Prior to the commencement of development, the developer shall submit in writing to the Planning Authority a detailed Species Protection Plan for bats. Thereafter, no development shall take place except in strict accordance with the protection plan so approved.
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breeding season (March to August). No development shall commence during the bird breeding season unless the development is implemented wholly in accordance with the approved SPP.

Reason: To safeguard breeding bird interests on the site.

8. Prior to the commencement of development, the developer shall submit for approval by the Planning Authority, details of the proposed Biodiversity Enhancement scheme for the site which shall include measures for soil management, breeding birds, bats, badgers and reptiles. Thereafter, no development shall take place except in strict accordance with the approved scheme.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and NPF4 policies 3 and 4.

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

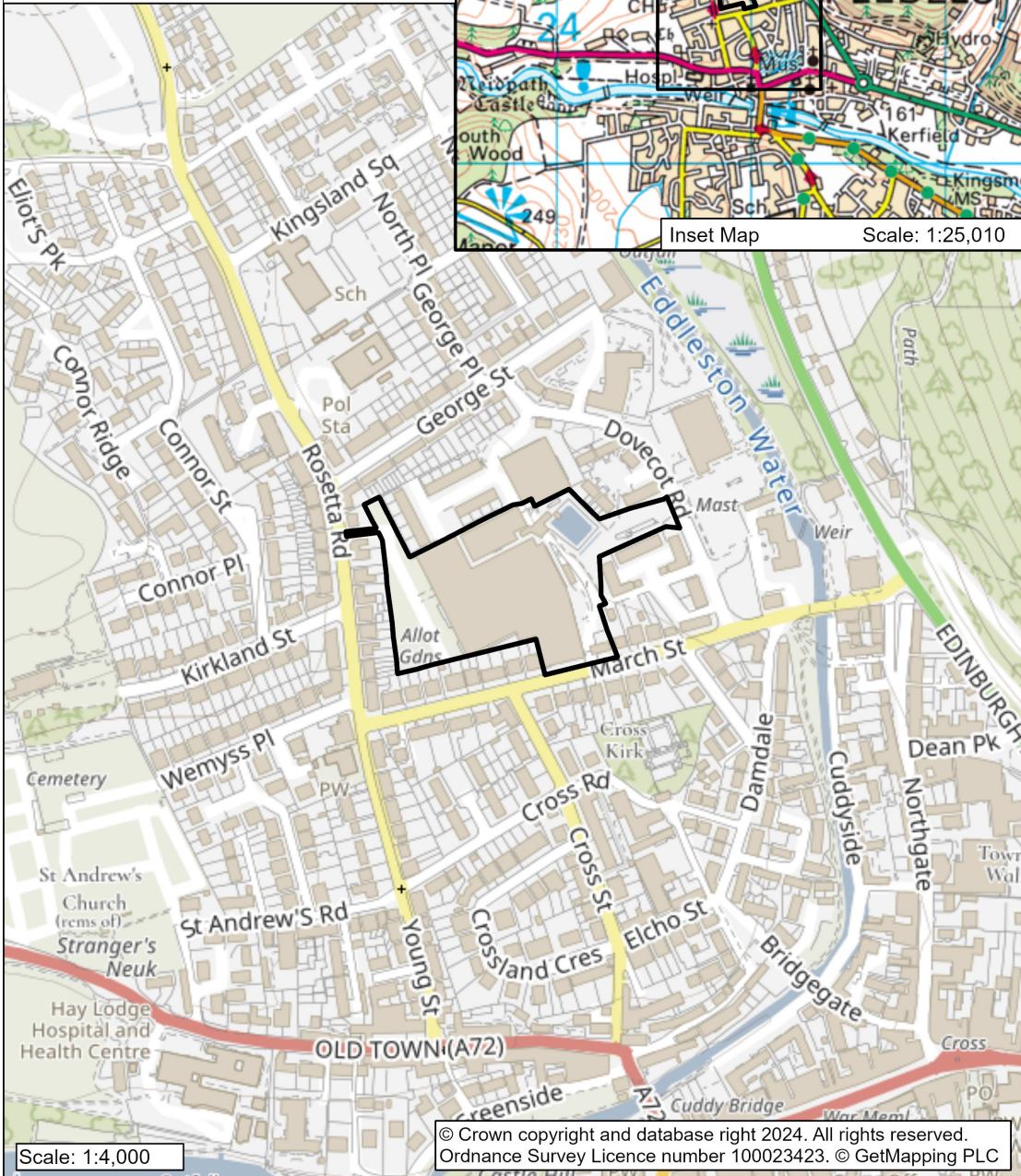
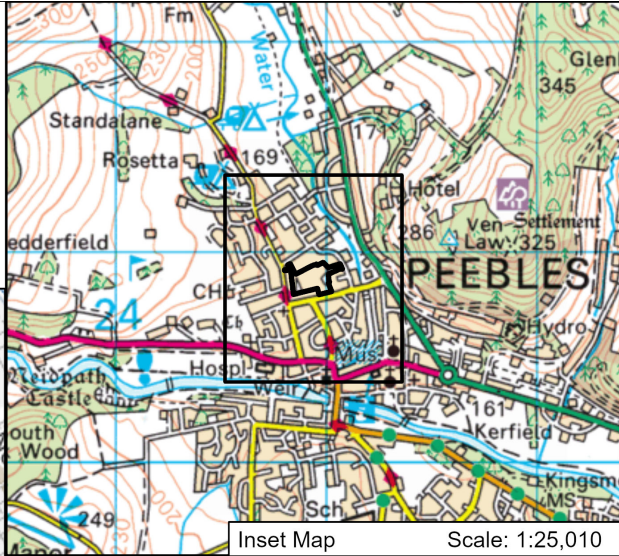
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Scott Shearer	Principal Planning Officer (Local Review and Major Development)



23/00884/FUL & 23/00883/CON
March Street Mills
Peebles



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

5 FEBRUARY 2024

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 23/01613/FUL

OFFICER: Euan Calvert

WARD: Kelso and District

PROPOSAL: Formation of new access road and entrance to farm cottages and formation of improved access to farmhouse and yard

SITE: Baillieknowe Farm, Stichill, Kelso

APPLICANT: F B R Seed

AGENT: R G Licence Architect

PLANNING PROCESSING AGREEMENT

A processing agreement is in place to allow the application to be determined by Committee in February 2024.

SITE DESCRIPTION

The application site is located at Baillieknowe Farm and Numbers 1-9 Baillieknowe Farm Cottages, Stichill, Kelso. This is a traditional farm steading located to the south of Stichill. The farm buildings are located to the east of the B6364, Kelso Road. The Farmhouse, Cottages and all farm traffic are presently accessed from the same road junction which is proposed for improvement in this application. There is also an historic gated entrance to Baillieknowe Farmhouse but this has long fallen in to disuse due to the dangerous location and poor sightlines where it meets with the B-class road.

There is a farm track, 240m in length, which connects the Ednam Road to the rear of the Cottages and leads through to Baillieknowe Farm. This track is proposed to be widened and surfaced and a new junction formed on to the Ednam Road.

PROPOSED DEVELOPMENT

Full Planning Permission is required for improving the existing vehicular access serving the B6364, Kelso Road. A second vehicular entrance is proposed to serve the C46 Ednam Road. This second vehicular entrance would give a dedicated vehicular access for the Cottages and the Site Plan now shows proposals for a turning head formed west of no.1 cottage with row of 1.2 m high steel bollards closing off vehicular access to and from the farmyard.

Baillieknowe has recently changed ownership and these road changes are proposed in advance of proposals to either redevelop the traditional farm steading as a future housing development or alternatively modernise the farm buildings to support an enhanced farm business. Either proposal will require access through the steading to be closed.

The Site Plan and Layout Road Type A show proposals for a new sealed surface bellmouth in place of the hedgerow, located 42m east of the present field entrance. The bellmouth would give access to the field and a 5.5m wide sealed surface road would loop back (at a 50m arc) to the route of the existing farm track.

Site Plan and Layout Road Type B show proposals for an improved junction serving the existing farmhouse and farmyard. This would be surfaced in a bound material. Visibility splays would be created, 74 m south and 132m north. These verge changes would necessitate the removal of trees and walls for a gravel surfaced splay. Two existing steel sheds would be removed (under permitted development rights) for this road to provide access directly to the Farmhouse in future.

DETERMINATION BY PLANNING AND BUILDING STANDARDS COMMITTEE

The application requires to be determined by the PBS committee under the Council's scheme of delegation as a substantial body of opposition exceeding five objections from separate households has been received each containing material planning considerations.

PLANNING HISTORY

There is no planning history.

Preapplication discussions have been had with the Planning Authority concerning proposed redevelopment of Baillieknowe Farm.

REPRESENTATION SUMMARY

A total of 12 representations have been received comprising 11 objections and 1 support comment.

The principal grounds of objection can be summarised as follows.

- Minor road to Ednam is unsuitable for additional traffic.
- Safety and amenity impacts from increased traffic.
- Change to the character/identity of the land. Does not fit in with its surroundings.
- Loss of prime agricultural land.
- Power lines and a sewerage pipe along the existing track.
- Noise.
- Loss of residential amenity.
- Loss of open space.
- Keep traffic on the outskirts of the village.
- Danger to pedestrians
- Blind corner/ acute turn on Greenlaw Road.
- Loss of trees
- Baillieknowe traffic is much more easily and safely accommodated by the main B6364 road than it would be by the single track C46.

The Community Council object and make the following points:

- Welcome improvements to Farmhouse/ B6364
- Do not welcome closing off access to B6364 to Cottages.
- Concerned for more issues on C46 arising from farm traffic/ large vehicles/ more traffic
- Concerned for pedestrian safety on C46 - only a short stretch of maintained footpath (opposite Baird Cottages)
- Concerns that this is a first phase of wider development.
- Proposals will have significantly detrimental impact on the village as a whole and beyond.

Support comments raise the following points:

- Proposed road would serve adjacent gated paddock to allow LPG tank to be filled.

APPLICANT'S SUPPORTING INFORMATION

In support of the application, the following was submitted:

- Clarification of Roads Department Comments

DEVELOPMENT PLAN POLICIES:

National Planning Framework 4 (NPF4)

Policy 1 – Sustainable places

Policy 2 – Climate mitigation and adaptation

Policy 13 – Sustainable transport

Policy 14 – Design, quality and place

Policy 15 - Local Living and 20-minute neighbourhoods

Policy 18 – Infrastructure first

Scottish Borders Local Development Plan 2016

PMD1 – Sustainability

PMD2 – Quality standards

PMD4 – Development Outwith Development Boundaries

HD3 – Protection of residential amenity

IS9 – Wastewater treatment standards and SUDS

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

Placemaking and Design (2010)

CONSULTATION RESPONSES:

Full responses have been published online and the consultee response is summarised below.

Scottish Borders Council Consultees

Roads Planning Service: Further information required; A traffic statement considering:

- Current / anticipated traffic movements from cottages.
- Current / anticipated traffic movements from Baillieknowe Farm.
- Larger potential effects of diverted traffic on the town.
- Clarification of potential agricultural vehicular movements, either from farm or to access nearby fields.
- Exact proposed location, and method, of termination of access from Farm to cottages.
- Clarification of road types, these appear to be mislabelled.
- Justification for new accesses - are they to service existing properties only or are further phases of development anticipated and if so, to what level.

Second response: Broadly supportable. No objection subject to conditions requiring the precise construction details and visibility splays being provided prior to works commencing:

- Construction details of each access to be agreed prior to work commencing
- The existing access to Baillieknowe Farmhouse from B6364 to be stopped up. Details to be provided and agreed, to be implemented within 3 weeks of new access becoming operational.
- Clarification required on whether pedestrian link between cottages and farm is to be retained.

Suggested applicant informative note:

The Roads Authority advise that should a subsequent application for residential development of the Baillieknowe site be received, suitable consideration to be given to a vehicular link between the cottages and farm.

KEY PLANNING ISSUES:

The key planning issue is whether the proposed development in this location constitutes appropriate development in accordance with the National planning Framework 4 (NPF4) and the Scottish Borders Local Development Plan 2016, particularly as regards landscape impact and road safety considerations.

These proposals are limited to widening an existing farm track, creating a new junction and improving an existing junction. Account should be taken for the fact that Class 27 of the GDPO allows the carrying out on land within the boundaries of a private road or private way of works required for the maintenance or improvement of the road or way.

ASSESSMENT OF APPLICATION:

Policy Principle

Local Development Plan 2016

Road Type A – Baillieknowe Cottages to Ednam Road

The development proposals are beyond the Development Boundary of Stichill therefore the primary consideration must be criteria of Policy PMD4: Development Outwith Development Boundaries of the Local Development Plan 2016. The policy states that development shall usually be refused outwith this boundary, where not on allocated sites. Criteria for exceptions to the Policy are identified and it is appropriate to consider whether there are significant community benefits arising within these proposals.

It is considered that the public road safety benefits of this proposal offer significant community benefit that outweigh the need to protect the Development Boundary. The Cottages have historically been part-and-parcel of the farm operation and the existing domestic vehicular movements through the working farm steading have been accepted. However, Baillieknowe Farm is now in different ownership and it is understood that proposals are in place to enhance and enlarge the farm operation or potentially progress a housing development at this location. Either way, this application proposes to separate vehicular movements for obvious road safety and future farm operational reasons. The nine Cottages are proposed to be given a dedicated access road served directly from the minor public road to Ednam – the design of Road Type A is considered compliant with Road Authority standards. The change will have net road safety improvements, both for Farm safety and for the owner/occupiers of the Cottages.

Development Boundary

The Cottages, farmyard and Farmhouse are presently enclosed by the Development Boundary whereas the track in question runs parallel to the rear gardens of residential properties which form the extent of Stichill Development Boundary. The track is an unbound stone surface which is contiguous with the adjacent field system.

The track is considered a logical extension of the built-up area. This proposal (at 5.5m in width) is considered appropriate in scale for the village and these proposals would not prejudice the character, visual cohesion or the built-up edge of the settlement, although given the heavily engineered nature of the proposed road, mitigation is recommended. This is discussed in more detail later in the report.

In terms of landscape impact, 190m of widened and surfaced roadway would follow the alignment of existing field boundary and hedgerow. There would be no loss or damage to trees/ hedgerow. The first 75m of road would arc into the field - This realigned junction is necessary to achieve forward visibility for vehicles emerging on the C46. The location of the present junction on to the Ednam Road is sub-standard in terms of junction visibility (towards Ednam) and cannot be supported for improvement.

The proposals for a dedicated vehicular access to serve No1-9 Baillieknowe Farm Cottages can be supported by Local Planning Policy PMD2 (criteria o to s) in that they are acceptable in road design standards (Accessibility). It is considered that this proposal is compliant with criteria of Policy PMD4 and can be treated as an exceptional approval in so much as this will represent a logical addition to the built-up area of the village and will not have an adverse effect on the surrounding road infrastructure. It is perhaps worth noting that Policy PMD4 is primarily aimed at larger scale developments such as new housing developments or employment generating uses, but the principles remain the same for small scale developments such as this.

The Roads Planning Officer has estimated the frequency of movement as only four vehicles an hour arising from these nine Cottages and, contrary to third party objections, this will have negligible impact on road safety of the surrounding public road network. The road safety and sufficiency concerns of the objectors are noted, specifically for the increased use of the road and the Greenlaw junction in Stichill.

Members should be aware that these concerns for increased traffic and adverse road safety have been fully considered by the Roads Authority. The C46 is considered sufficient in design for this limited increase in traffic movements. No off-site road improvements are required to accommodate the additional trips from the cottages on to the public road. This decision must also be cognisant of the road safety improvements arising for the owner/ occupiers of Cottages 1-9 as they will be able to access the public road network without having to travel through a working farm steading.

Members should be aware that under the General Permitted Development Order, there are permitted development rights for the applicant to improve this private track without planning consent. Provided certain criteria are met, the existing track could be improved with deemed consent allowing vehicular access to and from the cottages using the existing field access and track onto the Ednam Road.

The Roads Planning Service has now considered the amendments and remain broadly supportive. Further details however can be secured by planning condition:

- The existing access to Baillieknowe Farmhouse from the B6364 to be stopped up. Details to be provided and agreed, to be implemented within 6 weeks of new access becoming operational.
- A pedestrian link between the farm cottages and farm is to be retained.

Road Type B – Baillieknowe Farm and Farmhouse.

The proposed improvements to the existing road junction from the farm steading to the B Lass Kelso Road are supported both by the Roads Planning Service and members of the public. It is proposed to introduce significantly improved junction visibility to the B6364 to ensure forward visibility in both directions resulting in road safety improvements for all road users.

The proposals will require a number of mature trees and hedgerow to be removed as well as relocation of an existing dry-stone dyke/retaining wall. This is likely to require compensatory planting and mitigation, but this is discussed in more detail later in the report.

The objections received from third parties on road safety grounds must be weighed against the development plan, material planning considerations and the professional advice of the Road Planning Service. The objections based on road safety and sufficiency are not found to be valid by the road engineers and it is accepted that the nominal additional vehicle movements (four per hour) can be accommodated on the C46.

It is considered that the potential impacts to road safety in the village will not be significant given the level of use proposed. These proposals will be a safety improvement for the Cottages and will provide direct vehicular access to the nearby school and to the village without a circuitous route through a working farm steading.

National Planning Framework 4

The application is considered to be compliant with National Planning Framework 4 specifically Policy 13 – Sustainable Transport; Policy 14 - Design, quality and place; Policy 15 - Local Living and 20 minute neighbourhoods; and Policy 18 – Infrastructure first.

Policy 13 – Sustainable Transport

It is clear that there are sustainable transport benefits arising from these proposals including the improved links for Baillieknowe Cottages to Ednam School, Stichill Village Hall and the nearby public park.

Policy 14 - Design, quality and place

The proposals are considered to be compliant with the “qualities of successful places” in so much as these changes will create a well-connected network that make moving around the village easier and reduce car dependency.

Policy 15 - Local Living and 20-minute neighbourhoods

These road improvements are acknowledged to be primarily for the benefit of vehicular movements, but they will encourage, promote and facilitate walking, wheeling or cycling or using sustainable transport options.

Policy 18 – Infrastructure first

This policy aims to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking. It is considered that these road improvements are in accordance with this approach given the future aspirations for further development at Baillieknowe.

Residential Amenity

Concerns for loss of residential amenity are noted but no adverse effects are identified from improving an existing farm track for the existing dwellinghouses. It is accepted that there is the potential for an increase in noise/ vehicle activity and light, but this can be accommodated in this edge of village location. The location for development is close to existing residential dwellings to the south of the village but it is felt that they are sufficiently distant from the

proposed road (serving the cottages) and will be screened by an existing mature hedgerow that separates the site from nearby properties.

Visual impact

A heavily engineered design is proposed over the length of Road Type A. However, it is not considered that the visual impact of this will be significantly detrimental to the local area. The alignment is on the route of existing track (which can be improved under permitted development rights) and would be close to the field edge/ existing hedgerow. It is felt that the road will be a discrete addition and will not be overly prominent in the landscape. However, in order to ensure assimilation with the wider rural surroundings, acknowledging that a new junction will be formed and existing roadside hedging on the Ednam road will be removed to provide junction visibility splays, a landscaping scheme, which may include hedgerow and specimen tree planting (including compensatory measures for loss of roadside hedgerow) is recommended.

In the case of Road Type B there will be visual impacts arising from the loss of trees, vegetation and lowering or removing natural stone walls. This will open up views into the farm steading from the public road and should be suitably mitigated. Any loss of visual amenity must however be weighed against improvements to road safety, and it is considered that these changes can be accepted, given the presently poor standards of visibility and consequential road safety issues of both junctions. A landscape scheme should also be a condition of approval to ensure that the boundary treatments and compensatory planting (2 for 1 replacements) is suitably designed, and implemented, for these proposals.

Any ecological impacts arising from the removal of these trees can be managed through a suitably worded condition requiring pre-commencement surveys and ensuring the trees are removed before the bird breeding season, or in accordance with a species protection plan.

Services

Concerns for impacts on services and drainage are noted but these issues are non-determinant to the application. The road construction proposals include an acceptable surface drainage scheme.

Waste Storage

The plans submitted with the application do not show proposals for waste storage. Further details are required as to the future collection of bins associated with the existing dwellings and this can be covered by suitably worded planning condition.

Road safety and Parking

The Council's Roads Planning Service has offered conditional support to the scheme. There is no road adoption required in this instance as the Cottages are historic and the proposals will benefit road safety for the owner/ occupiers and visitors of the Cottages. It is anticipated that the calculated journeys through the village will not generate a level of traffic that would negatively affect the nearby public roads. The applicant has confirmed that the field to the east of the steading and cottages is presently served from the C46 through the extant gate and there will be no more or less agricultural movements arising from these proposals.

It is recommended that stopping-up of the road between the farm and the Cottages is a condition of approval to ensure the route does not become a through route (for vehicles) and to ensure no additional farm movements through the village. Stopping up of the existing

farmhouse drive and junction is also recommended. This can also be covered by appropriately worded condition.

Following the submission of the supporting information and amended plans, the proposed development is now considered to be in compliance with NPF4 and LDP 2016 in that the road improvements would represent a logical addition to the village without adversely impacting the character and appearance of the village. The new access routes and junction improvements will significantly improve road safety and junction visibility on the public road network.

CONCLUSIONS

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. The development is considered to be a justified exception to Policy PMD4. Subject to conditions ensuring road design standards and stopping up of the farm road, the application is, on balance, considered acceptable.

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 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. No development shall commence until;
 - a. precise construction details of the proposed road between Baillieknowe Cottages and C46;
 - b. precise details of the proposed turning head and stopping-up of the road adjacent to no.1 Baillieknowe Cottages; and
 - c. precise details of stopping up of the existing vehicular access to Baillieknowe Farmhouse from the B6364have first been submitted to and approved in writing by the Planning Authority.
Thereafter the approved in writing scheme of details shall be fully implemented within 6 weeks of the new access becoming operational, unless otherwise agreed in writing with the Council.
Reason: To ensure the access is formed to an appropriate standard and the existing substandard access is closed off.
4. Prior to works commencing, visibility splays of 2.4m by 97m north-west and 100m south-east at the junction with the carriageway of the C46 Ednam Road (as shown in DSW PA03) must be provided and retained thereafter in perpetuity unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure the development is served by an acceptable form of access.
5. No development shall commence until precise construction, landscape and boundary treatment details (plan, elevation and section) of visibility splays of 2.4m by 132m north and 73m south at the junction with the carriageway of the B6364 (as shown in DSW PA04) have been submitted to and approved in writing by the Planning Authority. Thereafter the

approved scheme of details shall be fully implemented within 6 weeks of the new access becoming operational, unless otherwise agreed in writing with the planning authority.
Reason: To ensure the development is served by an acceptable form of access and suitable levels of compensatory planting is provided.

6. Measures to be put in place to prevent the flow of water onto the public road boundary.
Reason: It is an offence to deposit water on to the public road and in the interest of road safety.
7. Prior to the commencement of development, a scheme of details for hard and soft landscaping and boundary treatments shall be submitted to and approved in writing by the Planning Authority. The scheme of details shall include:
 - a. A site plan showing all proposed hard and soft landscaping, including the location of new trees, shrubs, hedges and grassed areas, and fencing/ walling.
 - b. A schedule of plants to comprise species, plant sizes and proposed numbers/density. (Two for one replacement of removed trees)
 - c. Details of fence/ wall materials and heights; and
 - d. Details of hardstanding materials.Thereafter, all planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following completion and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing, and fencing/ walling shall accord with the agreed details.
Reason: To ensure satisfactory form, layout and assimilation of the development.
8. Prior to commencement of development, a pre-development survey for bats, breeding birds and barn owls (and any corresponding Species Protection/ Mitigation Plan) shall be submitted to and approved in writing by the Planning Authority. 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.
9. No development shall commence until further details of bin storage facilities are submitted to and approved in writing by the planning authority. Thereafter the roads hereby approved shall not come in to use until the agreed bin storage facilities are in place. The waste storage facilities shall remain in perpetuity.
Reason: To ensure suitable bin storage arrangements are provided, in the interests of visual amenity.
10. Prior to the commencement of development, 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.

Informative note:

The Roads Authority advise that should a subsequent application for residential development of the Baillieknowe site be received, suitable consideration to be given to a vehicular link between the cottages and farm.

DRAWING NUMBERS

DSW PA06 A LOCATION PLAN
DSW PA02 PROPOSED SITE PLAN
DSW PA03 SITE PLAN ROAD TYPE A
DSW PA04 SITE PLAN ROAD TYPE B
DSW PA05 CONSTRUCTION DETAILS

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

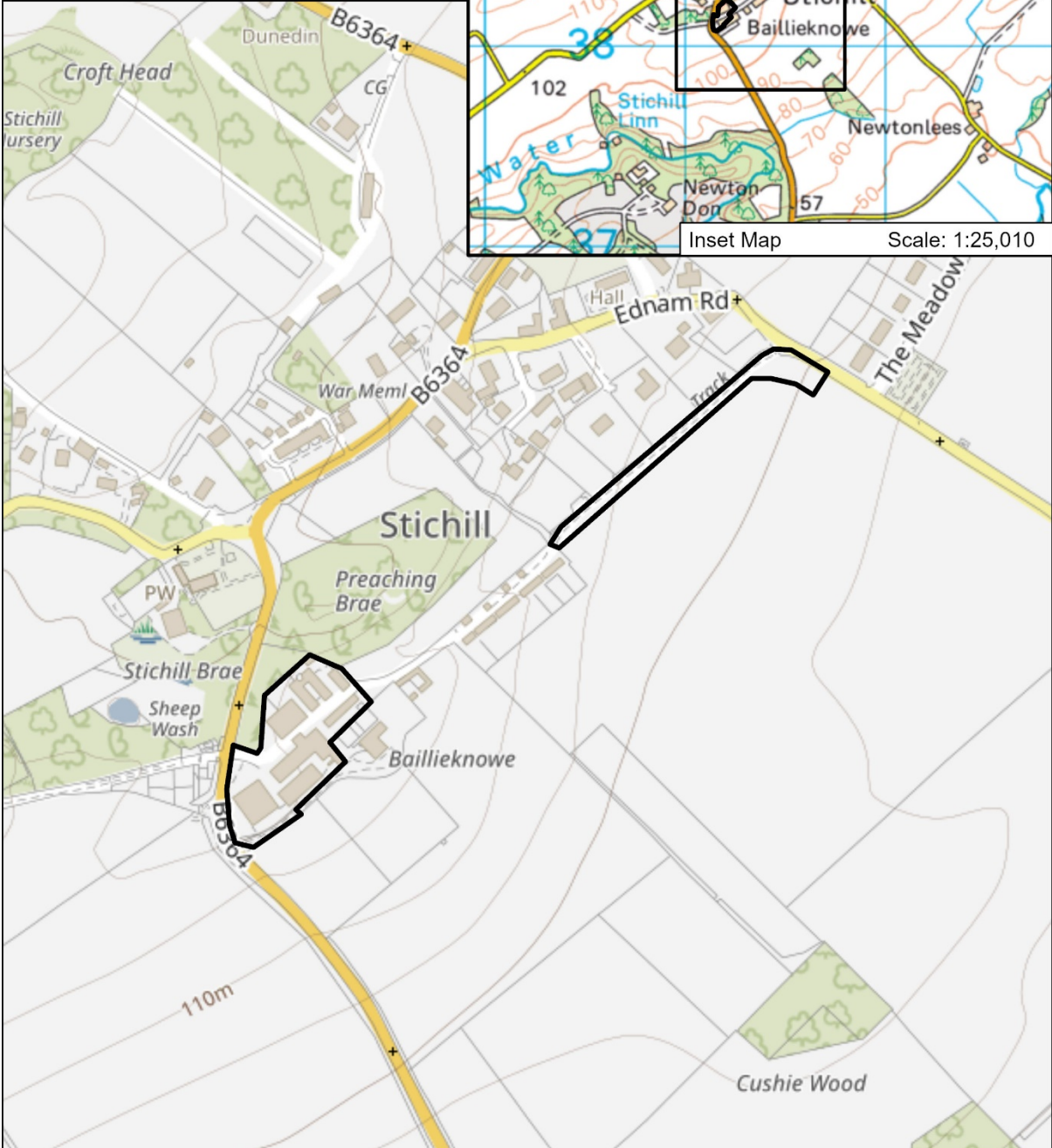
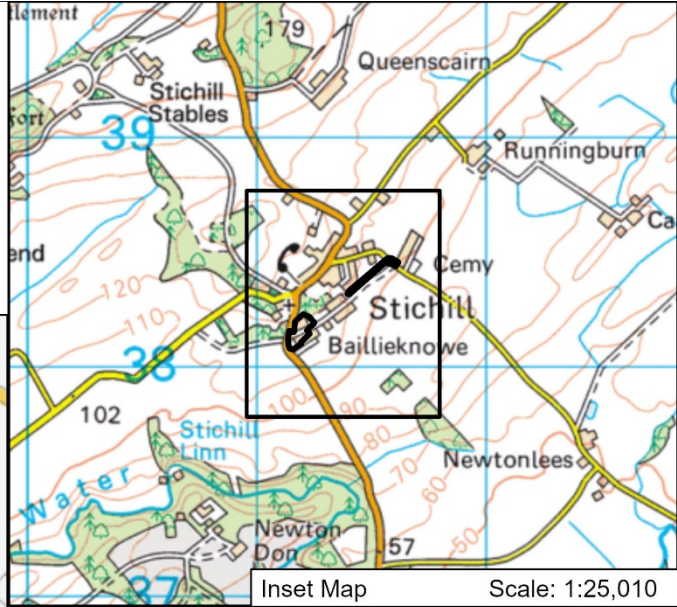
The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Euan Calvert	Assistant Planning Officer



23/01613/FUL
Baillieknowe Farm
Stichill



Scale: 1:4,010

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SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

5 FEBRUARY 2024

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 23/01340/FUL

OFFICER: Mr Scott Shearer
WARD: Jedburgh And District
PROPOSAL: Modification of Condition 15 pertaining to pedestrian links to bus stop and condition 20 pertaining to contamination land assessment of planning permission 20/00109/FUL

SITE: Land North of Jedforest Hotel, Jedburgh
APPLICANT: Mossburn Distillers Ltd
AGENT: Ferguson Planning

SITE DESCRIPTION

The application site is located approximately 5km to the south of Jedburgh and is accessed directly to the east of the A68. It occupies the same site which obtained planning permission for the development of two distilleries and associated works on land of the former Jedforest Hotel, now known as Mossburn House.

The majority of the site is vacant land. An escarpment runs north/south through the site, with the eastern part sitting at a lower level within the floodplain of the Jed Water. A finger of planting extends into the site from the north adjacent to a pond. Further mature woodland is found in the southern half of the site around Mossburn House, Cleathaugh Stables and the three residential properties which sit in the site to the west of the former hotel. The southern corner of the site is enclosed by mature woodland out with the site. The former filling station is located towards the centre of the site on the east side of the A68. Two further residential properties lie directly out with the site to the northeast.

PROPOSED DEVELOPMENT

The application is submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997, as amended, to seek to vary Condition 15 (sustainable travel and access) and 20 (land contamination) attached to consent 20/00109/FUL for the development of two distilleries and associated visitor centres.

It is proposed to vary Condition 15 to remove the need to upgrade the public road to satisfy criteria a) and b) of this condition which requires the nearest bus stop on the A68 to be replaced and pedestrian connections to be provided from the development to the improved bus stop.

The applicant has suggested the following wording:

No development shall commence until detailed plans are first submitted to and approved writing by the Planning Authority in consultation with Transport Scotland. The plans shall illustrate the following information:

- *Plans to demonstrate how the existing access road will be physically stopped up. Thereafter the development shall be carried out in complete accordance with the approved details before the development hereby approved is operational.”*

Condition 20 is proposed to be varied to allow land contamination to be addressed on a phased basis linked to the overall phasing of the development works. The applicant has suggested the following wording:

Unless otherwise agreed in writing and in advance by the Planning Authority, prior to the development of each phase of works, 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.

PLANNING HISTORY

16/00744/FUL – This application first obtained consent for the whisky distillery and associated works at the site. This consent subsequently lapsed before all suspensive conditions were discharged. This did not permit the original permission to be lawfully implemented within the period prescribed by the consent.

20/00109/FUL – Repeat consent was obtained from the distillery development after the original planning permission lapsed. Through 2023 significant progress has been made to discharging the vast majority suspensive conditions attached to consent 20/00109/FUL.

REPRESENTATION SUMMARY

No third-party representations have been received.

APPLICANTS' SUPPORTING INFORMATION

The application has been supported by a covering letter to explain the changes sought to the conditions and further information in response to Condition 20.

DEVELOPMENT PLAN POLICIES:

National Planning Framework 4

Policy 1 Tackling the climate and nature crisis

Policy 2 Climate mitigation and adaptation

Policy 3 Biodiversity

Policy 4 Natural places

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 18 Infrastructure first
Policy 23 Health and safety
Policy 26 Business and industry
Policy 29 Rural Development

Local Development Plan 2016

PMD1: Sustainability
PMD2: Quality Standards
PMD4: Development outwith Development Boundaries
HD3: Protection of Residential Amenity
ED7: Business, Tourism and Leisure Development in the Countryside
EP1: International Nature Conservation Sites and Protected Species
EP2: National Conservation sites and Protected Species
EP3: Local Biodiversity
EP5: Special Landscape Areas
EP8: Archaeology
EP13: Trees, Woodland and Hedgerows
EP15: Development Affecting the Water Environment
EP16: Air Quality
IS4: Transport Development and Infrastructure
IS5: Protection of Access Routes
IS6: Road Adoption Standards
IS7: Parking Provision and Standards
IS8: Flooding
IS9: Wastewater Treatment Standards and Sustainable Urban Drainage
IS13: Contaminated Land

OTHER PLANNING CONSIDERATIONS:

Circular 4/98 Use of Conditions

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Environmental Health (Contaminated Land Officer): No objection following the submission of further information which provided assurances that a phased approach to Condition 20 is acceptable. Recommend that Phase 1C should only commence once the steading investigation has been completed and advise that various contamination proposals are consolidated to help expedite assessment of future submissions.

Statutory Consultees

Transport Scotland: No objection. Note in correspondence with the applicants that further investigations have confirmed that it is not reasonable or pragmatic to require this development to provide a formalised bus stop on the A68 and links to it.

KEY PLANNING ISSUES:

- Whether sufficient justification is provided to vary Condition 15 and remove the requirement to provide a bus stop on the A68 and connections to it.

- Whether a phased submission of land contamination assessments will ensure that development appropriately addresses all site pollution as required by Condition 20.
- Any other material changes since the original decision.

ASSESSMENT OF APPLICATION:

Existing consent

The proposed changes to the consented scheme relate to removing the requirement to provide a new bus stop, the provision of connections from the development to the bus stop and allowing land contamination to be handled in a phased manner. The application does not propose to make any other changes to the consent scheme. This Section 42 application was lodged within the period of implementation of the original consent and can therefore be considered in the normal manner. Only conditions 15 and 20 remain outstanding. All other suspensive conditions have been discharged barring Condition 24 (landscaping) where negotiations are at an advanced stage.

Should the proposed changes to Condition 15 and 20 be acceptable then it is anticipated that the development would be implemented, and a condition can be attached to this permission to ensure the development is undertaken in accordance with all plans and agreements in writing with the planning authority to conditions attached to the live consent (20/00109/FUL).

Condition 15

It is understood that the original requirement for a bus stop to serve this development was derived from Transport Scotland's original assessment of the proposals in 2016. The intention was to formalise a bus stop on the A68 close to the development and also ensure that there were suitable footpath connections from this development to the bus stop. Further investigations into how the bus stop improvements sought by Condition 15 could be addressed revealed that the bus service along the A68 only travels in each direction once a day. Also, the times of the solitary service were not necessarily helpful for visitors to and from this development.

LDP and NPF4 policies do support sustainable travel modes, however it is apparent that accessing the proposed visitor centre by bus is not currently a viable option and there are no suggestions that the frequency and timing of the bus service would improve as a result of this development. This is a matter which is out of the control of the applicants.

Circular 4/1998: The use of conditions in planning permissions lists six test for all planning conditions and should a condition not meet one of the six tests it would not be suitable to impose the requirement or obligation sought by the condition. Included within these tests is the requirement for a condition to be necessary and reasonable.

Due to the limitations of the bus service which this development could utilise and the original consultee (Transport Scotland) who requested the bus stop is now no longer seeking it, it would not be necessary or reasonable for this development to provide the upgrades required to provide the bus stop and associated connections.

The development will still cater for the provision of visitors by private coaches and may be able to utilise private connections to the Borders Railway. This will provide additional sustainable travel options ensuring visitors can access the development by their own vehicle or pre-arranged coach trips if necessary.

The original condition is now longer judged to meet all relevant tests for a planning condition. The developers can encourage customers accessing the development to use other means of sustainable transport connections and it would be in their interest to do so. Under these circumstances, the proposed variation to the condition is considered to be acceptable. Members are advised that Roads Planning have also provided confirmation that they are satisfied with the proposals to address the retained element of Condition 15. This will ensure that the existing access is stopped up. Subject to agreeing the proposed change, the condition is in a position to be discharged.

Condition 20

The development of the Mossburn Distillery is a largescale development which requires significant investment and is usually carried out in a phased approach. Phasing has been agreed in writing with Officers in response to Condition 1 part a) of consent 20/00109/FUL. The initial two phases of development will allow the new A68 access to be formed (Phase 1A) then an access road within the site to be constructed (Phase 1B).

The original land contamination condition required the whole site to be fully assessed and any areas of land contamination remediated before any development works can commence on the site. Initial investigations have been carried out where two areas of localised land contamination have been identified: the former petrol filling station and the former steading. The applicants have advised that the extent of contamination at the steading building cannot be fully investigated until the building is demolished. These works can not take place until the new site access from the A68 (Phase 1A works) and internal access road is constructed (Phase 1B works) and therefore present a hurdle to the development being implemented. The proposed variation to Condition 20 will allow the works within Phase 1A and 1B to be implemented which in turn, will allow the steading block to be assessed and any land contamination remediated. The Council's Contaminated Land Officer is satisfied that the areas of the site which would be developed under Phases 1A and 1B present very little prospect of encountering any contamination.

The proposed variation will ensure that land contamination at the site will be fully assessed and, where necessary, mitigated in accordance with requirements of LDP Policy IS13 and Policy 9 of NPF4 while ensuring that other pre-development works can proceed on a manner that is tied to the overall phased delivery of the development.

Material Changes Since Decision

It is it is necessary to consider whether there have been any significant changes in planning policy or any other material considerations that would be of significance in terms of the acceptability of the development.

Planning Policy

The original application was considered against the Development Plan that was in place in 2016. This consisted of the Scottish Borders Local Development Plan 2016 and Southeast Scotland Strategic Development Plan 2013 (SESplan). Other material considerations also included Scottish Planning Policy (SPP) and National Planning Framework 3 (NPF3).

National Planning Policy

National Planning Framework 4 (NPF4) has replaced both NPF3 and SPP and brought a significant legislative change whereby NPF4 now forms part of the Councils statutory development plan. The proposed changes to Conditions 15 and 20 have therefore been considered against relevant policies within NPF4.

Key to establishing whether the principle of the development is suitable against NPF4 is its compatibility with Policy 29: Rural Development. This policy seeks to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and cultural heritage are safeguarded and enhanced. This development represents a significant economic investment which will help diversify and provide a vital boost to the Borders rural economy. Subject to full compliance with the original schedule of conditions (subject to changes of Condition 15 and 20) it is considered that the impact of this rural development on the environment can be appropriately mitigated. The merits of the proposals have also been considered against other relevant NPF4 Policies including those covering biodiversity, historic assets, health and safety and residential amenity, and there are no areas of conflict that cannot reasonably be covered by condition where relevant.

Local Development Plan

The proposal was considered against the Proposed LDP which has been subsequently adopted and remains the current LDP. There is not considered to be any change to Local Development Plan Policy that would justify any re-examination of the original decision to consent the development or alter its proposed rate of extraction. The original planning conditions will remain in place, and will suitably mitigate and control the appropriate development and operation of the site in accordance with LDP requirements.

Other Matters

Since the last report to Members in 2020, there has been no significant changes to the context of the site. The mitigation which was sought by planning conditions and legal agreement requirements detailed within the previous Committee Report will continue to mitigate the impacts of the development against all relevant provisions of the LDP and also relevant Policy considerations within NPF4.

CONCLUSION

It is considered that the variations proposed to Condition 15 and 20 of consent 20/00109/FUL respond to specific matters which have arisen since the determination of the original approval. The proposed changes will enable transport and contaminated land requirements to be handled sensibly and ensure that this important rural diversification is delivered at Mossburn. There has been no significant policy or other material changes that would determine that the original decision should be re-examined and reversed. The proposed development remains compliant with Policies of the Local Development Plan and relevant Policy provisions of National Planning Framework 4 which now forms part of the Councils statutory development plan, subject to the development being undertaken in accordance with the requirements and mitigation specified by the conditions of the original permission.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

1. With the exception of the conditions hereby approved by this consent, the development shall be implemented in accordance with the plans, drawings, supporting information and schedule of conditions approved under application 20/00109/FUL and in accordance with all agreements/approvals under the terms of those conditions.

Reason: To ensure the development is implemented and operated in accordance with all measures within the approved schedule of conditions under the original planning consent, to ultimately ensure compliance the Development Plan and relevant planning policy guidance.

2. No development shall commence until detailed plans are first submitted to and approved writing by the Planning Authority in consultation with Transport Scotland. The plans shall illustrate the following information:

- how the existing access road will be physically stopped up and a programme for completion.

Thereafter the development shall be carried out in complete accordance with the approved details before the development hereby approved is operational.

Reason: To ensure sufficient access to the development by sustainable transport methods and in the interests of road safety.

3. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to the development of each phase of works, 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 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, and d of this condition; and thereafter;

- a) 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.
- b) 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).
- c) 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.
- d) 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.

DRAWING NUMBERS

Location Plan AL(SK)001
Site Plan Existing AL(SK)002
Existing Topography AL(SK)003
Site Plan Proposed AL(SK)004

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

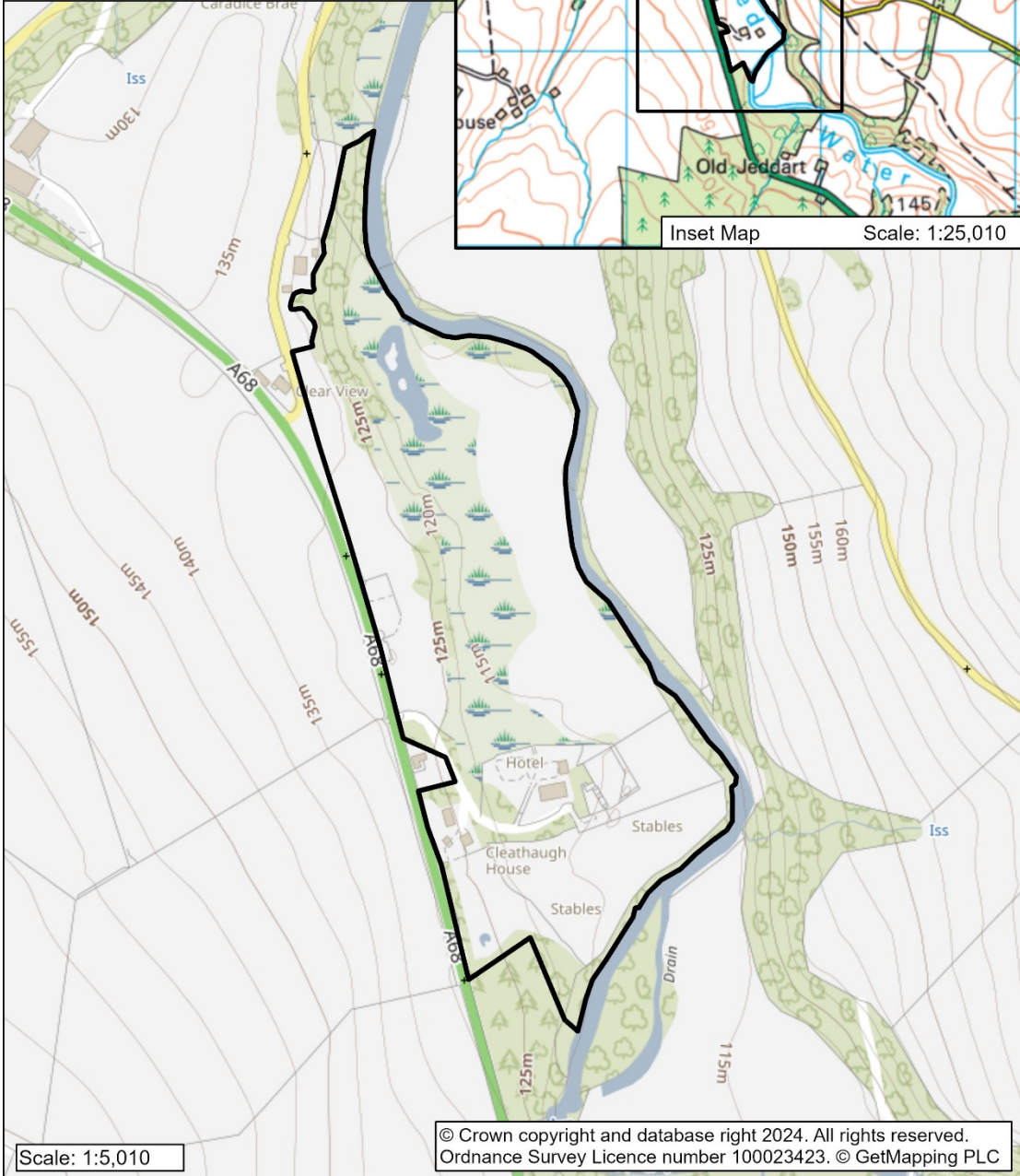
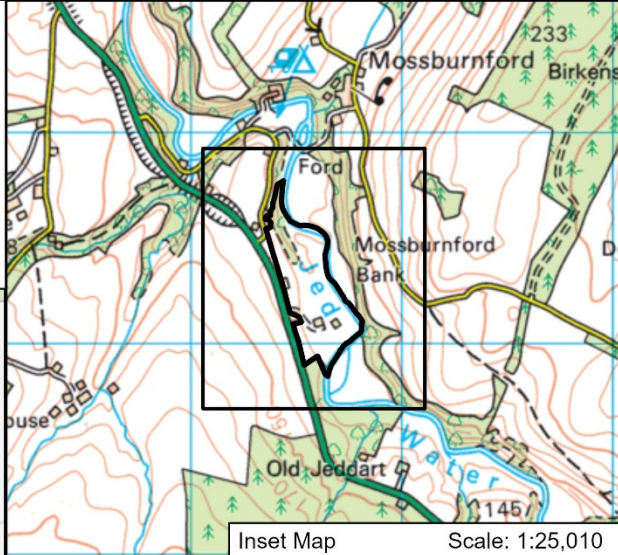
The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Scott Shearer	Principal Planning Officer (Local Review and Major Applications)



23/01340/FUL
Mosburn Distillery
Jedburgh



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PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning & Housing Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

5th February 2024

1 PURPOSE

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

2 APPEALS RECEIVED

2.1 Planning Applications

- 2.1.1 Reference: 23/00140/LBC
Proposal: Replacement windows
Site: Middle House, Kingsmuir Hall, Bonnington Road, Peebles
Appellant: Miss Julie Harrison

Reason for Refusal: The development would be contrary to policy EP7 of the Local Development Plan 2016, policy 7 of NPF4 and the council's SPG "Replacement Windows and Doors" in that that the material, frame dimensions and specifications of the proposed windows would have an unacceptable adverse impact on and detract from the special architectural and historic interest of the listed building. No overriding case for the development as proposed has been substantiated. These conflicts with the development plan are not overridden by other material considerations.

Reasons for Appeal: uPVC provides better thermal efficiency, requires less maintenance, is less prone to impacts of weather and is also cheaper to replace and maintain. The property is in a private lane and is only partially visible to neighbours, who have raised no objections. Peebles Civic Society have not objected to replacement with uPVC. The replacement windows are sympathetic to the existing historic style of the building and in keeping with the existing size, style and appearance. Replacement will improve the current look by removing external aluminium secondary glazing that exists on some windows. Neighbouring building had uPVC windows retrospectively approved. Other properties located in the conservation area and on main roads have been allowed uPVC replacements.

[Please see the DPEA Website for the Appeal Documents](#)

- 2.1.2 Reference: 23/00657/FUL

Proposal: Formation of accesses and change of use of land to storage (part retrospective)
Site: Land South East of Mounthooly House, Jedburgh
Appellant: Ramsay Mounthooly Ltd

Reasons for Refusal: 1. The proposed development would be contrary to Policy ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) of the Scottish Borders Local Development Plan 2016 and Policy 5 (Soils) of National Planning Framework 4 in that it would lead to the permanent loss of prime quality agricultural land. 2. The proposed development would be contrary to Policy PMD2 (Quality Standards) of the Scottish Borders Local Development Plan 2016 in that the use of the site for storage would not be compatible with or reflect the character of the surrounding area and neighbouring residential uses. 3. The proposed development would be contrary to Policy ED7 (Business, Tourism and Leisure Development in the Countryside) of the Scottish Borders Local Development Plan 2016 in that the development would not respect the character or amenity of the surrounding area and would have a significant impact on nearby uses.

Reasons for Appeal: The Appellants are appealing against the decision taken by the councillors. The planning application was put forward for approval. The site has been left as waste land. Within the proposal screening would be installed along the roadside to screen the existing steading and area from the road. The storage space is required and would not take up the complete field. Levels would be reduce increasing the catchment area for any future flooding to help neighbouring properties. [Please see the DPEA Website for the Appeal Documents](#)

2.2 Enforcements

Nil

2.3 Works to Trees

Nil

3 APPEAL DECISIONS RECEIVED

3.1 Planning Applications

Nil

3.2 Enforcements

Nil

3.3 Works to Trees

Nil

4 APPEALS OUTSTANDING

4.1 There remained One appeal previously reported on which a decision was still awaited when this report was prepared on 24th January 2024. This relates to a site at:

• Land East of Kirkwell House, Preston Road, Duns	•
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5 REVIEW REQUESTS RECEIVED

5.1 Reference: 23/00225/FUL
Proposal: Replacement windows
Site: Middle House, Kingsmuir Hall, Bonnington Road,
Peebles
Appellant: Miss Julie Harrison

Reason for Refusal: The development would be contrary to policy EP7 of the Local Development Plan 2016, policy 7 of NPF4 and the council's SPG "Replacement Windows and Doors" in that that the material, frame dimensions and specifications of the proposed windows would have an unacceptable adverse impact on and detract from the special architectural and historic interest of the listed building. No overriding case for the development as proposed has been substantiated. These conflicts with the development plan are not overridden by other material considerations.

5.2 Reference: 23/00625/FUL
Proposal: Erection of dwellinghouse, formation of access and associated works
Site: Land East of Blinkbonny Farmhouse, Kelso
Appellant: Mr Jimmy Shanks

Reason for Refusal: The proposals are contrary to National Planning Framework 4 policy 17 and policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance New Housing in the Borders Countryside (2008) in that the proposed development would be sited within a previously undeveloped field, beyond the natural and man-made boundaries of the Blinkbonny building group, outwith the sense of place of the building group and out of keeping with the character of the building group resulting in an unacceptable adverse impact on the landscape and amenity of the surrounding area. Accordingly, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals. In addition, the proposal would be contrary to policy PMD2 of Local Development Plan 2016 in that it would result in access tracks leading to the site resulting in significantly adverse impacts upon existing landscape character and rural visual amenity.

5.3 Reference: 23/00695/PPP
Proposal: Erection of two dwellinghouses with access and associated works
Site: Land East of Buckletons, Stichill Stables, Kelso
Appellant: Mr R And Mrs A Shanks

Reason for Refusal: The proposals are contrary to National Planning Framework 4 policy 17 and policies HD2 and IS6 of the Local Development Plan 2016 and Supplementary Planning Guidance New Housing in the Borders Countryside (2008) in that they do not have suitable road access

contrary to road safety and design standards. In addition, the proposal would be contrary to policy PMD2 of the Local Development Plan 2016 in that the proposed vehicular access would have an adverse impact on road safety, both for users of the private road and users of the B6364 public road. Accordingly, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals.

- 5.4 Reference: 23/01135/FUL
Proposal: Formation of dormer window in lieu of previously approved rooflight (retrospective)
Site: 8 St Dunstan, Lilliesleaf
Appellant: Mr Matthew Parker And Miss Lindsay Sayer

Reason for Refusal: The proposed development would permit an unacceptable degree of overlooking of neighbouring garden ground to the detriment of the privacy of the neighbouring property and would, therefore, be contrary to Policy 16 of National Planning Framework 4 and Policy HD3 of the Local Development Plan 2016.

- 5.5 Reference: 23/01165/PPP
Proposal: Erection of dwellinghouse
Site: Land East of Morebattle Mains Cottages, Morebattle
Appellant: Mr Peter & Catherine Grimley

Reason for Refusal: The proposals are contrary to National Planning Framework 4 policy 17, policy HD2 of the Local Development Plan 2016 and the Supplementary Planning Guidance New Housing in the Borders Countryside (2008) in that the proposed development would be sited within a previously undeveloped field, beyond the natural and man-made boundaries of Morebattle Mains building group, outwith the sense of place of the building group and out of keeping with the character of the building group, resulting in an unacceptable adverse impact on the landscape and amenity of the surrounding area. Accordingly, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals. In addition, the proposals would be contrary to policy PMD2 of the Local Development Plan 2016 in that the proposed development would result in significantly adverse impacts upon existing landscape character and rural visual amenity.

- 5.6 Reference: 23/01424/FUL
Proposal: Erection of fence (retrospective)
Site: 11A Roxburghe Drive, Hawick
Appellant: Maureen Lewis

Reason for Refusal: The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 and Policy 14 of NPF4 in that it would constitute a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area. Other material considerations do not outweigh the adverse visual impact of the development.

6 REVIEWS DETERMINED

- 6.1 Reference: 23/00492/PPP
Proposal: Erection of dwellinghouse

Site: Land North of Ivanhoe, Dingleton Road, Melrose
Appellant: Rivertree Residential Ltd

Reason for Refusal: The development would be contrary to policy 6 of the National Planning Framework 4 and policies EP10 and EP13 of the Scottish Borders Local Development Plan 2016 and SBC Supplementary Planning Guidance: Trees and Development 2020 in that there would be an unacceptable loss of protected trees, which would undermine the value of the site as a historic orchard of amenity value, compromising the character and amenity of the local area, the setting of the Dingleton Hospital redevelopment and the integrity of the Dingleton Designed Landscape, prejudicing the health and future retention of the remaining trees whilst allowing insufficient space for adequate compensatory planting. Furthermore, it has not been demonstrated that the public benefit of the development would outweigh the loss of, and impacts on, the protected trees.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

6.2 Reference: 23/00684/FUL
Proposal: Change of use from amenity land to garden ground
Site: 58 Waldie Griffiths Drive, Kelso
Appellant: M&J Ballantyne Ltd

Reason for Refusal: The proposal would be contrary to Policy 20 of National Planning Framework 4 and Policies PMD2 and EP11 of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 in that it would result in the loss of public open space that would be out of character with the existing and proposed development pattern to the detriment of the visual amenity and character of the surrounding area. In addition, it has not been demonstrated that there is a social, economic or community benefit for the loss of open space or that the need for development outweighs the need to retain the space. No comparable or enhancement of existing open space has been provided to mitigate the potential loss.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

7 REVIEWS OUTSTANDING

7.1 There remained 6 reviews previously reported on which decisions were still awaited when this report was prepared on 24th January 2024. This relates to sites at:

• Garden Ground of Glenbield, Redpath	• Land South of 1 Old Edinburgh Road, Eddleston
• The Blue House Near Swansfield Farm, Reston, Eyemouth	• Land Adjacent Carnlea, Main Street, Heiton
• Land West of The Garden House, Brieryyards, Hornshole Bridge, Hawick	• Land East of Mos Eisle, Teviothead

8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

- 9.1 Reference: 19/00756/S36
Proposal: Erection of 45 No wind turbines and associated access tracks, infrastructure including substation/control room buildings and compound, temporary construction compound, meteorological mast and temporary borrow pits
Site: Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick
Appellant: Community Windpower Ltd

Reasons for Objection: 1. Impact on Landscape Character - The proposed development would be contrary to Local Development Plan Policy ED9 the Renewable Energy Supplementary Guidance and the Landscape Capacity and Cumulative Impact Study, in that the scale, form, layout and location of the development would represent a significant and unacceptable adverse change to the existing landscape character of the area, particularly impacting on the scale, appreciation and character of the Cauldcleuch Head and Craik Landscape Character Areas. 2. Visual Impact - The proposed development would be contrary to Local Development Plan Policy ED9 the Renewable Energy Supplementary Guidance and the Landscape Capacity and Cumulative Impact Study, in that the excessive scale and layout of the proposed development will result in significant and unacceptable adverse visual impacts to sensitive receptors using the minor road to Commonbrae and travelling to and from the Scottish Borders on the A7. 3. Aviation Lighting - The proposed development would be contrary to Local Development Plan Policy ED9 and the Renewable Energy Supplementary Guidance in that the visual impact of red aviation lights on the wind turbines, will create significant and unacceptable adverse visual effects, incongruous and visible over considerable distance. This will introduce urban characteristics into a dark rural environment largely unaffected by artificial light experienced by receptors travelling on public roads and paths within the area and would also detract from the sense of remoteness and tranquility of the Cauldcleuch Head and Craik Landscape Character Areas. 4. Archaeology Impacts - The proposed development would be contrary to Local Development Plan Policies ED9, EP8 and the Renewable Energy Supplementary Guidance in that the applicant has failed to demonstrate that the direct physical impacts of the development would not be significant and unacceptable on sites of national, regional and local archaeological significance within the site. Furthermore, the size and location of turbines 8 and 19 would have an unacceptable and significantly adverse impact on the setting of Pikethaw Cairn, without adequate mitigation or demonstration that the benefits of the scheme outweigh such impact.

Reporter's Decision: Sustained

Summary of Decision: The Reporter, Claire Milne, stated that in balancing the factors for and against this renewable energy proposal, the reporter recognised the contribution, in providing up to 315 MW, towards meeting climate change objectives and emission reduction targets. The introduction of battery storage as part of the development would also help

enhance security of supply. Also considering the significant adverse environmental effects, in particular on the landscape and visual amenity of the area and on residential amenity. In this case, the safeguarding of important defence interests is also relevant and a matter which requires careful consideration. The proposal would introduce significant adverse visual effects from most of the representative viewpoints assessed in the LVIA. This would affect a wide geographical area between Langholm and Hawick and affect a varied population including local inhabitants, visitors and tourists. The impact of aviation lighting on the proposed turbines would add to these significant adverse effects. There is an unresolved objection by the MoD in relation to the effect on the Eskdalemuir seismic array, which needs to be safeguarded. The reporter feels that the applicant's proposed approach could prejudice the ability of the MoD to safeguard the array and would unacceptably risk its protection. The reporter considered the updated national policy support for onshore wind energy, and the significant contribution the proposal would make towards tackling the climate crisis, adds substantial weight in favour of the proposed development. However, on balance the reporter found that the benefits of the proposed development, even in the context of considerable policy support for the type of development proposed, would not outweigh the significant adverse landscape, visual and residential amenity effects, and the potential effects on defence interests at Eskdalemuir. The reporter therefore concluded that the proposed development would conflict with NPF4 and is also inconsistent with the relevant local development plan policies of Dumfries and Galloway Council and Scottish Borders Council. [Please see the Energy Consent Units Website for the full Determination](#)

10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

10.1 There remained no S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 24th January 2024.

Approved by

Ian Aikman
Chief Planning & Housing Officer

Signature

Author(s)

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

Background Papers: None.

Previous Minute Reference: None.

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

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

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