

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**26 MARCH 2018**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 17/00695/FUL
<b>OFFICER:</b>	Carlos Clarke
<b>WARD:</b>	Galashiels and District
<b>PROPOSAL:</b>	Residential development comprising of 34 no flats with associated parking and retaining wall works
<b>SITE:</b>	Workshop And Yard For Caravan Storage, Huddersfield Street Galashiels
<b>APPLICANT:</b>	Eildon Housing Association
<b>AGENT:</b>	Camerons Ltd

**SITE DESCRIPTION**

The site is currently undeveloped and has most recently been used as a caravan storage yard. It is located adjacent Huddersfield Street to its south-west, and backs onto the Gala Water to the north-east. To its southeast are industrial buildings and to its north-west is the Gala Water Retail Park, situated beyond a public path that flanks the site and connects Huddersfield Street to Currie Road car park. On the other side of Huddersfield Street are a range of residential properties, including multi-storey flatted buildings.

**PROPOSED DEVELOPMENT**

This application seeks full planning permission for 34 residential flats within a single block over five floors (four-storey and attic) and an open undercroft. The building, which would be finished with blockwork walls and a steel roof, would be placed on an L-plan alongside a parking area comprising thirty parking spaces. Access would be taken directly from Huddersfield Street, and a further four lay-by spaces would be formed alongside the street. A pedestrian connection would also be made to the path flanking the site's north-western boundary. Hard and soft landscaping, bike storage and a bin enclosure are included in the site layout, as is rebuilding of a retaining wall along the riverside boundary of the site.

The application has been subject to amendments during its processing, made in response to matters principally regarding visual impacts, flooding and roads/parking. The amendments have not been significant enough to require fresh public consultation, but have been subject to re-consultation with flooding and roads consultees.

The application requires a determination by the Planning and Building Standards Committee because the Scottish Environment Protection Agency (SEPA) has formally objected to the application on flood risk grounds.

**PLANNING HISTORY**

06/02158/FUL – Erection of 46 sheltered apartments – refused in May 2008 on flood risk grounds

09/00172/FUL – Erection of 46 sheltered apartments – withdrawn in June 2010 before planning consent was issued. The application was, however, approved under delegated

officer procedures prior to being withdrawn before a legal agreement for developer contributions was concluded.

## **REPRESENTATION SUMMARY**

Three representations have been submitted in response to the application, copies of which can be viewed in full on *Public Access*. In summary, these raise the following issues

- potential impact on the boundary wall
- access should be provided along the top of the riverside retaining wall
- care is required during construction to protect historic parts of the lade from damage, and the developer should contribute to the upkeep of the lade

## **APPLICANT'S SUPPORTING INFORMATION**

The following supporting material has been submitted during the processing of the application:

- Flood Risk Assessment and subsequent update letters
- Design Statement
- Archaeological Evaluation Data Structure Report
- Walkover ecological survey

## **DEVELOPMENT PLAN POLICIES:**

### **Local Development Plan 2016**

PMD2 Quality Standards

PMD3 Land Use Allocations

IS2 Developer Contributions

IS3 Developer Contributions Related to the Borders Railway

IS7 Parking Provision and Standards

IS8 Flooding

IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

IS13 Contaminated Land

EP1 International Nature Conservation Sites and Protected Species

EP8 Archaeology

EP13 Trees, Woodlands and Hedgerows

EP15 Development Affecting the Water Environment

HD1 Affordable and Special Needs Housing

HD3 Protection of Residential Amenity

## **OTHER PLANNING CONSIDERATIONS:**

Scottish Planning Policy 2014

Online Planning Advice on Flood Risk 2015 (Scottish Government)

SPG Affordable Housing 2015

SPG Development Contributions 2011 (updated 2018)

SPG Landscape and Development 2008

SPG Green Space 2009

SPG Placemaking and Design 2010

SPG Guidance on Householder Development 2006

SPG Waste Management 2015

SPG Designing out Crime in the Scottish Borders 2007

SPG Housing 2017

## CONSULTATION RESPONSES:

### Scottish Borders Council Consultees

**Forward Planning Service:** This is a district safeguarded business and industrial site as defined in Policy ED1 of the Scottish Borders Local Development Plan 2016. This site has recently (at the time of writing) been considered through the process of the Draft Housing Supplementary Guidance and was identified as an 'alternative' option through this process, acknowledging that further investigatory work would be required in respect of flood risk. SEPA has required the removal of this site following the public consultation on the draft of this document due to information they hold which finds this site to be at significant risk of flooding and is therefore unsuitable for development. This matter would require to be investigated further and would require liaison with SEPA and the Council's Flood Protection Officer. The FPS raises no objections in principle to the development of this site for housing however the objections raised by SEPA require to be overcome.

**Roads Planning Service:** In response to the original submission, the RPS raised no objections in principle, and noted that though the parking levels do not meet guideline requirements, the site is close to the town centre and services and public transport provision are very good. It also has easy access via the footbridge to the underused car park on the opposite side of the river, and on-street parking in Huddersfield Street. Accounting for these points, the level of parking can be accepted, and it is noted that the ratio is higher than that offered for previous larger scale development proposed for the site. At that stage, further level details were also sought and comments were made regarding a range of detailed matters including parking space location, disabled parking, bike park, bin storage, construction details, drainage, phone box, boundaries, retaining walls and street lighting.

In response to the amended proposal, the RPS has advised of no outstanding issues regarding the layout of the proposed parking and access, and that the proposed levels are acceptable. It is also noted that the parking bays on Huddersfield Street and the adjacent pedestrian area will require Roads Construction Consent and the details for these will be agreed through this process.

**Ecology Officer:** The proposed development is adjacent to the Gala Water, which is part of the River Tweed Special Area of Conservation and SSSI. There is potential for significant adverse effects on the qualifying interests and notified features of the designated sites. Issues such as encroachment onto the SAC from infrastructure, contamination from silt or debris during construction and impacts from altered floodplain function are relevant and may have potential to result in direct or indirect impacts on SAC/SSSI features. An Appropriate Assessment may be required. Noted also that the site had been cleared, and questioned if the applicant had undertaken bird surveys beforehand, instigated a species protection plan or avoided the bird breeding season. In addition, advised that protected species surveys for otters and bats were required. Therefore, prior to determination, a proportionate Ecological Impact Assessment was requested.

Subsequent to the above comments, an ecological walkover survey was submitted by the applicants and the ecology officer was consulted on its findings. The details and outcome of this further consultation are explained in the assessment section of this report.

**Environmental Health Service:** Have considered noise, air quality and nuisance impacts. Recommend a condition requiring a construction method statement. Also note that the land previously operated as a woollen mill, a land use which is potentially contaminative. A condition requiring investigation and remediation, if required, is recommended.

**Flood Protection Officer:** The site is at risk in a 1:200 year event. In response to the original application, and accompanying Flood Risk Assessment, the FPO queried the content and findings of the FRA and advised that the development would be within the functional flood plain and be contrary to Scottish Planning Policy.

Following submission of further information, the most recent advice from the FPO is that the proposed building design, with an open undercroft left free to flood with residential accommodation raised above ground level, is accepted. A hydraulic modelling update results in a 1 in 200 year flood level of 106.27mAOD and a 1 in 200 year plus climate change level of 107.02mAOD. A finished floor level of 107.9mAOD is proposed. This is 0.88m above the 1:200 year plus climate change flood level of 107.02mAOD and 1.6(3)m above the 1:200 year flood level of 106.27mAOD.

The additional information also notes that the development could increase flood levels at the site by approximately 20mm. While this increase potential in flood level is acknowledged it is considered that the residential accommodation is sufficiently above the maximum flood level and not at risk of flooding. It is also noted that there will be no increase to the area surrounding the proposed site, which is predominately industrial and retail. The FPO therefore confirms that she has no objection to the proposed development.

A condition of consent should require a Flood Warning and Evacuation Procedure. The importance of this procedure in relation to the management and safety of this development during times of flooding is highlighted. Details of proposed drainage and SUDs for the site remain outstanding and should also be submitted for approval.

**Landscape Architect:** The development will be taller than the surrounding buildings and might be more in keeping with the height and mass of the surrounding buildings if the attic floor was removed. Also, in response to the originally proposed layout, the landscape architect questioned the lack of boundary definition to the frontage and recommended an alternative location for the drying area. The lack of amenity space next to the river was also raised as a concern. If approved, a detailed hard and soft landscaping scheme will be required.

**Housing Strategy Officer:** Is supportive of the site being re-developed to provide affordable housing. This site is identified for potential re-development as such in the Council's Strategic Housing Investment Plan 2017/22 which was agreed by Council in Nov 2016. The Scottish Government have indicated a willingness to grant-assist the delivery of proposed project through normal housing Grant arrangements, and have also indicated a willingness to provide additional grant support from its Infrastructure Fund to assist the applicant to carry out necessary remedial works to the boundary wall on to Gala Water. Infrastructure Grant funding has been allocated for this purpose, with the intention that subject to outcome of the planning application, the remedial works will be done as soon as possible subject to good weather conditions and resulting low water levels.

**Archaeology Officer:** There are implications for this proposal. The development area is the former site for a portion of the late 19<sup>th</sup> century Bridge Mill. Historic mapping clearly shows the eastern end of the Bridge Mill extending into the site, with two early 20<sup>th</sup> century buildings taking up the bulk of the site north of the mill lead. This arrangement continued until the mill was demolished sometime in the 1960s. Mitigation was recommended.

Subsequent to the Archaeology Officer's original comments, an evaluation report was submitted and he has confirmed he is happy with the report and its conclusions that no further work is necessary.

**Access Officer:** No reply

## Statutory Consultees

**Scottish Natural Heritage:** Originally objected until further information was obtained. The development includes plans to demolish and rebuild the riverside retaining wall. The Gala Water is part of the River Tweed SAC. There was initially insufficient information to determine whether the proposal is likely to have a significant effect on the SAC, so further information was sought detailing the positioning of the new retaining river wall and resulting changes (if any) to the river channel profile. A construction method statement detailing how it would be demolished and rebuilt was also sought.

In response, the applicants clarified the positioning of the wall in amended plans, and submitted an ecological walkover survey. Following its consideration, SNH have advised that the proposal could be progressed with appropriate mitigation. They note that the route of the wall has been adjusted and follows the route of the current retaining wall, thereby causing no long term change to the channel profile or flows within the Gala Water.

If the proposal is carried out in accordance with their mitigation recommendations, it will not likely have a significant effect on the SAC and Appropriate Assessment is not required. SNH object unless approval is made subject to conditions requiring the mitigation measures detailed in their appraisal.

**Scottish Environment Protection Agency:** In response to the original application, SEPA objected in principle on flood risk grounds. Given the location of the proposed development within the undeveloped/sparsely developed functional floodplain they do not consider that it meets with the requirements of Scottish Planning Policy and they advised that their position was unlikely to change. They advised that they have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. While there is previous planning history at the site, this is historical. Legislation and planning policy have moved forward since the previous applications and a more sustainable approach to flood risk management is now promoted.

They advised, in summary, that the development would represent a significant increase in the vulnerability of land use at this site. Although the Flood Risk Assessment concludes that the site is outwith the functional floodplain they disagreed with its assessment of the 1:200 flood flow, flood level and flood extent. The consultant could be requested to reassess the estimate of the design flow using recommended distribution and give consideration to the history of flooding in Galashiels but this is only likely to show that the site is at significant flood risk as has been demonstrated by other FRA's and discussed in this report. The proposed development also has the potential to impact on the conveyance of floodwater past the site and increase flood levels and the risk of flooding to nearby land and property although this has not been investigated by the consultant. Due to the significant risk of flooding at this site they object in principle to the residential development and strongly recommend that an alternative commercial usage of the site be sought which is resilient to occasional flooding

Following those initial comments, and after having considered further information provided on behalf of the applicants with respect to flood risk, SEPA maintain their objection in principle. They advise that the site has been shown by a number of flood risk assessments to be at a significant risk of flooding and most of the site forms part of the functional floodplain of the Gala Water. They do not consider that the proposal meets with the requirements of Scottish Planning Policy. The proposed development also does not conform to SEPA's Development Management Requirement 1, in their guidance document 'Planning

Background Paper - Flood Risk', which consolidates their approach to development and flood risk. This states that proposed developments should not be located in areas at medium to high risk from fluvial or coastal flooding. It also does not fall within any of the exceptions which may be acceptable, as it represents a significant increase in the vulnerability of land use at this site as detailed in their Flood Risk and Land Use Vulnerability Guidance.

To mitigate flood risk it is proposed that the building is raised on columns which is contrary to Scottish Planning Policy and SEPA's guidance (Planning Background Paper – Flood Risk). Post-development modelling undertaken to determine the potential impact of this building design shows that it would raise flood levels by around 20mm. For these reasons SEPA cannot support the current planning application and they therefore maintain their objection in principle to the proposed residential development. They strongly recommend that an alternative commercial use of the site be sought which is resilient to occasional flooding.

**Galashiels Community Council:** No reply

**Scottish Water:** No reply

#### Other Consultees

None

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

Whether or not the proposed development will comply with development plan policies and guidance, particularly with regard to visual impacts; ecological impacts; parking provision; and flood risk and, if not, whether other material considerations outweigh any potential conflict.

#### **ASSESSMENT OF APPLICATION:**

##### *Principle*

The site is just outside the town centre and is situated on part of a 3.4 hectare site allocated as a 'district' safeguarded area for business and industry under Policy ED1 of the Local Development Plan 2016. Policy PMD3 requires that developments accord with allocations unless meeting exemptions. Both these policies, therefore, must be considered in this case.

As regards Policy ED1, this allows for proposals other than Classes 4, 5 and 6 where the loss of the business and industrial land does not prejudice existing and predicted long term requirements for industrial and business land; and, the alternative land use offers significant overriding benefits to the surrounding area and community; and there is a constraint on the site where there is no reasonable prospect of it becoming marketable for business or industry in the future; or predominant land uses have changed such that a more mixed use pattern is now considered acceptable.

In this case, the site is a small proportion of the overall safeguarded site. The proposal is for affordable housing that will offer a significant community benefit, particularly given its location close to the town centre. The site itself is constrained by potential flood risk and has been vacant for at least ten years, and before that used as caravan storage, so generating limited employment. It is at the north-western end of the allocated site, alongside retail to that side and opposite residential properties to the south. The Council has actively considered its potential as a housing site when drafting supplementary guidance on housing, though the site was excluded due to potential flood risk. It is noted that the Forward Planning Service do not object to the principle of residential development, subject to flooding matters

being addressed (these are considered below). Ultimately, it is not considered that development of this site will run contrary to the requirements of Policy ED1 as regards the principle of residential development. Policy ED1 also requires that development respects the character and amenity of the surrounding area and be landscaped accordingly. These matters are considered further in this report.

Policy ED1 also requires that development be compatible with neighbouring business and industrial uses. In this regard, due to the positioning of the building towards the north-westerly side of the site, away from industrial uses to the south-east beyond a high boundary wall, the residential use of the site should not directly come into conflict with existing businesses. To the north-west is a retail development which has no openings or plant onto its side facing this site. It has a staff parking area along that side with delivery access so there is the potential for deliveries in particular to create noise. However, there are existing residential properties nearby and the deliveries themselves appear to occur further to the rear of the building. It is noted that no representations have been received on behalf of adjacent businesses nor has the Environmental Health Service suggested conflict is likely to arise if this development were to proceed.

Policy PMD3 requires that development accord with LDP designations, subject to either being demonstrated to be ancillary, or that there is a constraint on the site, or alternative uses offer significant community benefits that outweigh the need to maintain the original proposed use. As noted above, the proposal would develop a site for affordable housing that would offer a significant community benefit and the site itself has been vacant for a considerable period. Its residential use appears to provide the best opportunity for its redevelopment. The proposal will, therefore, accord with Policy PMD3, subject to it being acceptable as regards visual and infrastructure impacts (as required by Policy PMD5 and other relevant LDP policies).

#### *Flood risk*

Policy IS8 states that avoidance of flood risk will be the first principle of managing it, and that, in general terms, new development should avoid areas of significant flood risk. Development will not be approved if it is at significant risk of flooding or will materially increase flood risk elsewhere. In this case, the site is acknowledged to be at significant risk, with 85% at risk in a 1:200 year event, according to SEPA. According to Scottish Planning Policy, this type of site is suitable for residential development only if protected by flood protection measures either in place or planned, and this is not the case here. It also states that elevating buildings on structures such as stilts is unlikely to be acceptable, as is effectively proposed here. Therefore, SEPA's objection to its residential development in principle is understandable and consistent with the principles of Scottish Planning Policy and Policy IS8. It is accepted that policy on flooding has developed since the previous application to develop the site (09/00172/FUL) was endorsed.

However, concluding that the site is unsuitable for potential residential development and limiting its potential to commercial development only can only reasonably be reached after having first examined the level of risk to the proposed development and other material considerations. The following matters, therefore, must be accounted for:

- The Scottish Government states in its online planning advice that "Avoidance of flood risk may not however be practicable and possible in all cases. Development in established built up areas, historical centres and regeneration areas may already be in areas at risk of flooding." (Paragraph 18 of Online Planning Advice on Flood Risk)

- This site is not within a previously undeveloped or sparsely developed area. It is a site that is surrounded on three sides by high density built development, including multi-storey residential properties.
- It does not function principally as a space designed or left free to convey flood waters but was, most recently, a commercial storage yard for caravans, having been previously developed (with a former warehouse building being demolished in the 1960s). Only modest movement of water through the site has been predicted, decreasing further with distance from the riverbank.
- The building's residential accommodation will be set above the flood risk level and, though placed on columns and thus in conflict with SPP's general advice, its higher floor level is linked to existing higher ground beyond the flood risk extent – it would not be sited above surrounding flood plain. Much of the area that is in the undercroft would be unsuitable for residential accommodation due to the limited room available in any case. The Council's Flood Protection Officer has advised that she is happy to accept the proposed undercroft design.
- The proposed use is vulnerable, given that it is residential, though it is not a 'highly vulnerable use' according to SEPA's categorisation or SPP. Within 1:200 risk areas, it is possible to develop for residential uses if mitigation measures are included. In this case, a finished floor level of 107.9m Above Ordnance Datum is proposed. This is 0.88m above the 1:200 year plus climate change flood level of 107.02mAOD and 1.6m above the 1:200 year flood level of 106.27mAOD. The Flood Risk Assessment update states that, given that safe, dry access and egress from the site is available at all times directly from Huddersfield Street, which lies at a higher level, the risk to residents is mitigated and can be assessed as 'little or no risk'. The update also notes that the development could increase flood levels at the site by approximately 20mm. While this potential increase in flood level is acknowledged by our FPO, it is considered that the residential accommodation is sufficiently above the maximum flood level and not at risk of flooding.
- No material increase in flooding is predicted for neighbouring properties and neither SEPA nor our FPO raise concerns regarding off-site flood risk.
- The development would provide residential development on a highly accessible site, with the added benefit of being affordable housing provided by a Registered Social Landlord. There has also been understood to have been no serious commercial developer interest in the site recently.

It is accepted that it would be ideal to avoid flood risk for all residential developments in all cases. In this case, however, the site has been vacant for a considerable time, and this proposal represents a very significant opportunity to realise its development for highly accessible, centrally located affordable housing. The building's residential accommodation will not be at risk of flooding, being set above the predicted flood risk level. The undercroft will provide flood conveyance without affecting the building's residential use. The proposal is accepted by the Council's Flood Protection Officer. SEPA's concerns regarding the principle of development are acknowledged, though it is considered that the practicality of developing this site override these concerns in principle. Though there is some level of conflict with the overarching aim of Policy IS8, fundamentally, the proposal's residential use will not be at risk of flooding, nor will the development increase flood risk elsewhere. Therefore, it is considered the development can, on balance, be supported. A condition can secure the warning and evacuation scheme recommended by the FPO, and a management scheme to



keep the undercroft free of obstructions. In the event Members agree the recommendation, the application will require referral to Scottish Ministers.

### *Contamination*

The site had been examined previously for potential contamination when the first application for sheltered apartments was considered. However, the Environmental Health Service requires an up-to-date assessment to demonstrate the site is suitable for the proposed development. The requirement is due to its previous use by a woollen mill. A standard condition can require this assessment and any required remediation.

### *Scale, layout and design*

The site has no features of value in itself that would be lost to the development. The boundary wall to the south-east will not be affected. A riverside retaining wall is to be rebuilt though the existing has no architectural/historic value. The site is within an area comprising a variety of neighbouring building types and uses, including a three-storey gabled warehouse building to the south-east (Category B Listed Gala Mill) from which the proposal takes a strong design cue. There are multi-storey flatted properties on higher levels to the south-west and south. There is no building line of note. The site has both road and riverside frontages, so both are important, as is the side elevation to the path to the north-west.

The building would be 4 storey-and-attic with an undercroft provided on a split-level arrangement. The applicants provided images during the processing of the application which demonstrate that the building would be suited to the context in terms of its scale. Its form will be reflective of Gala Mill. Its elevational treatment is repetitive, but is appropriate to this context, given the design of neighbouring buildings. It presents active public frontages. The parking area is set to the side, below the public road. During the course of the application, amendments were made to the proposal, including removing the drying green originally proposed in a prominent location, as well as improvements to the frontage (tying it better to the existing street frontage), retaining walls (lowering a wall to the north-west), elevations (dormer window adjustments) and enclosure of bins (see under 'waste' below). Conditions are necessary to secure details, including wall heights and specifications for the riverside retaining wall. Fundamentally, the proposed scale, layout and design of the proposal will result in a considerable visual impact, but one which will be sympathetic to the context.

The undercroft will provide flood storage conveyance, which the applicants currently propose be protected by grilles. The arrangement is designed to reflect the blockwork coursing in the building. A condition could secure a dark finish, so the feature recedes. The proposal will be slightly unusual, and a little functional, but will have relatively limited public exposure, and will appear as part of the overall building design rather than an afterthought. That said, it has the potential to block debris and also a louvred arrangement could be explored as an alternative (for aesthetic reasons) as could reducing the size of the undercroft opening itself. Ultimately, the arrangement needs further consideration to secure a scheme that meets flood conveyance requirements but is visually appropriate. A condition can secure a final scheme. Maintenance will also be key, to ensure the arrangement is kept free of rubbish and debris.

Materials principally comprise dark coloured steel roofing, with light grey panels and windows, set into blockwork-faced walls with precast string courses. Provided the roofing finish is matt, and dark as proposed, this is agreeable. Regarding walls, the proposal was originally for brick, but has been changed to a grey-coloured blockwork. Provided the block finish is smooth, this will be a more sympathetic way to face such a large building than brick. The colour of the blockwork would, however, benefit from more detailed consideration,

particularly the scope to break up the massing of the building, avoiding the entire building having a similar grey colour. A condition can secure a final schedule.

The parking area will be tarred, which is acceptable in this location (albeit block paving would also be welcome, and is shown within the outline drainage scheme). The frontage path alongside Huddersfield Street would be tarred to tie into the street, with pavements used within the site. This provides a distinction between public and private space. Landscaping to the front will complement the building and provide some greenery at pedestrian level. Blockwork will be used for the walls around the building and landscaped area, though natural stone will be used for the main frontage wall and bin enclosure. This will tie it into adjacent boundaries.

The development will have ample access to sunlight generally. The supporting design statement points out intentions to meet and possibly exceed Building Standard requirements as regards energy efficiency, though this is a matter for the Building Warrant, as are measures to minimise water usage.

There are no obvious issues with safety and security. The parking area is overlooked, as are the building entrances. The undercroft will be protected by grilles or similar arrangement (as above).

#### *Neighbouring amenity*

In terms of daylight, sunlight and outlook, the development will not have significant impact on neighbouring amenity. There may be some effect on the facing windows of the nearest property to the south regarding daylight, but the nearest wall is blank, the nearest affected windows have an indirect view, and are already hindered in terms of daylight exposure on that side. The development will not significantly worsen the position due to its offset position.

As regards privacy, the Council's SPG has been applied to some degree, but for a development of this size, a pragmatic approach is required, particularly given the central location and type of most neighbouring residential properties. Therefore, accounting for the SPG's standards and the location and type of the development, impacts will not be significant, and a reasonably comfortable relationship should be achieved between this development and neighbouring residential properties.

The development is a large scale project, and the construction method statement recommended by the EHS is reasonable. A condition can apply this requirement.

The amenity of neighbouring commercial properties should not be adversely affected.

#### *Access and Parking*

Access is proposed from Huddersfield Street, with parking proposed within the site for 30 cars, and four spaces alongside Huddersfield Street. The proposed arrangements address the RPS's concerns, and incorporate an acceptable level of parking for such a highly accessible site close to the centre of town, with public parking nearby. Bike parking within the undercroft is also proposed for 38 bikes, which complies with recommended design standards. Pedestrian entrances are provided off the adjacent path and the main entrance from Huddersfield Street. Level access to the building's entrance is provided, though detailed matters regarding disabled access are for the Building Standards. Conditions can cover construction details and implementation of the access, parking and bike spaces. Works alongside Huddersfield Street will need to be to the Council's adoptable standards. The payphone is to be removed by BT.

The potential for public access along the riverside has been considered, but there is no such access either side of this site, and there is a path on the opposite side of the river. Due to constraints on this site, provision of public access within the development layout is neither achievable nor necessary.

### *Services*

Public water supply and foul drainage connections are proposed, for which a condition can require evidence that connections have been achieved.

As for surface water drainage, the supporting flood risk information includes an outline drainage scheme showing porous paving (in some spaces), a proposed filter trench, cellular storage and hydrobrake, before outfall to the river. An existing culvert will be unaffected. This proposal comprises a SUDs scheme and is generally agreeable. Engineering details and the outfall detail to the Gala Water are for Building Standards and SEPA licensing. However, (though not significantly different), it is not based on the current site layout and clarity on parking area finishes is also needed. A condition is, therefore, necessary to secure a final scheme.

### *Affordable Housing and development contributions*

This development would ordinarily be liable for contributions towards the Borders Railway reinstatement, local schools and affordable housing under Policies IS2, IS3 and HD1. However, the proposal is for affordable housing to be provided by the applicants, a Registered Social Landlord. On that basis, and subject to a condition controlling the occupancy of the development as such, the development will satisfy all three policies without the requirement for payment of contributions.

There are, however, no exemptions for affordable housing developments from contributions towards play space. Since this development exceeds ten units, contributions are required for off-site play space with rates applied to all units greater than one-bedroom. A legal agreement will be necessary to secure these contributions.

### *Ecology*

The site is adjacent the River Tweed Special Area of Conservation (SAC) and has the potential to affect its integrity. It also involves rebuilding of the riverside retaining wall, with potential impact on European Protected Species (EPS). No ecological information was submitted in support of the original application.

A walkover survey was submitted that identified no risk to birds or bats, though also that an otter lie is located adjacent the site. Further information on the otter lie suggests there is no evidence of use. Following further consultation with SNH and the Ecology Officer, it would appear that the integrity of the SAC and safeguarding of EPS can be achieved with mitigation measures which can be required by conditions.

### *Archaeology*

During the processing of the application, an archaeological evaluation was carried out on the site including trenching. This discovered heavily truncated remains of a 19<sup>th</sup> century mill lade. No other significant features were found. The Archaeology Officer has reviewed the findings and is content that no further mitigation is required.

## *Waste*

Policy PMD2 and our SPG on Waste Management requires adequate provision for bin storage and collection. This matter was addressed during the course of the application. Following informal consultation with the Council's waste services team, and accounting for visual impact and collection requirements, the proposal is for an area adjacent the entrance to provide for several communal bins. Though close to the road as a result of collection distances, the area would be enclosed with natural stone walling and fencing, thus screening bins from public view. The resulting proposal is a visually sympathetic response to the need for bin storage and collection, despite its prominent position. Conditional consent should control final wall heights (as only visual impressions have been submitted).

## *Boundary wall and lade*

The works include car park provision, which will be supported on retaining walls alongside the boundary wall to the south-east. The potential effect of the construction of the development on the stability of the boundary wall is a matter for the applicants, outside the scope of this application. An informative note can make the applicants aware of the neighbouring proprietor's concerns.

There is a historic lade that traverses the southern end of the site. However, it will not be directly affected by the development. The Flood Protection Officer is content that the information regarding it indicates that it is in good condition, so there should be no issues with it when work commences on site. Responsibility for its maintenance is with the site owner where it crosses their property.

## **CONCLUSION**

The proposed development of this site for affordable housing will accord with the Local Development Plan 2016 as regards the principle of development, and other matters such as visual impact, ecological impact and access and parking, subject to conditions. The site is potentially at risk of flooding, however, and it is recognised that SEPA do not support the development as a result, including the proposal to set the residential accommodation on columns. The proposal is in conflict with planning policy and guidance since it would develop a site known to be at risk of flooding. However, as noted in the above assessment, it is considered that the level of risk can be mitigated and the means of doing so is acceptable in this case. Accounting for that, it is considered that the merits of the development outweigh the level of risk since the risk itself will be managed as a result of the development's design.

## **RECOMMENDATION BY CHIEF PLANNING OFFICER:**

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

1. All approved residential units shall meet the definition of "affordable housing" as set out in the adopted Local Development Plan 2016 and Supplementary Planning Guidance "Affordable Housing" 2015 and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority prior to development commencing.

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

2. The development shall be carried out wholly in accordance with the plans and drawings approved under this consent, including finished ground, road/parking and floor levels, unless otherwise agreed with the Planning Authority or amended by any other condition in this schedule

Reason: To ensure the development is completed in accordance with the approved plans, principally to ensure it has an acceptable visual impact, incorporates flood mitigation and safeguards road and pedestrian safety

3. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage services shall be made available to serve the development. All services shall be operational prior to the occupancy of any residential unit

Reason: To ensure the development can be adequately serviced

4. No development shall commence until a surface water drainage scheme, including maintenance measures, based on the approved site layout, has been submitted to and approved by the Planning Authority. The approved scheme shall be operational prior to occupancy of any residential unit and maintained in accordance with the approved measures

Reason: To ensure the development can be adequately serviced with a sustainable urban drainage scheme

5. No development shall commence until a Construction Method Statement has been submitted to and approved by the Planning Authority which specifies measures to minimise adverse effects on neighbouring properties from construction activities. The development shall be implemented in accordance with the approved statement

Reason: To minimise adverse effects on neighbouring amenity during construction of the development

6. No development shall commence until the following ecological mitigation measures have been submitted to and approved by the Planning Authority:

- a) Construction Method Statement containing mitigation measures designed to safeguard the Gala Water (River Tweed Special Area of Conservation) during construction of the development
- b) Species Protection Plan for birds, including mitigation/enhancement for lost habitat
- c) Species Protection Plan for otters

The development shall be carried out in accordance with the approved measures

Reason: To limit potential risk to the Special Area of Conservation, breeding bird and otter habitat and account for loss of bird habitat as a result of the development

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

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

8. No development shall commence until further details of soft landscaping specified on drawing 8291.1.02C which includes planting specifications, implementation timescale and future maintenance have been submitted to and approved by the Planning Authority. The landscaping shall be implemented and maintained in accordance with the approved plan and details

Reason: To assist with visually integrating the development sympathetically with its context

9. No development shall commence until further details (and samples where required by the Planning Authority) of all external materials (including colours) for all hardstandings within the site; building materials (including all wall finishes, roof, windows/doors/railings and fascias); and site wall materials have been submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the approved specifications and samples. The walls identified in natural stone on the approved site plan shall be finished to match existing natural stone walls to the south-east or north-west of the site.

Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting

10. No development shall commence until dimensioned or scaled elevation drawings have been submitted of all walls, including riverside wall (and its material specification), boundary, retaining and bin enclosure walls, and including any tie ins to the existing path and bridge to the north-west, have been submitted to and approved by the Planning Authority. The development shall be carried out in accordance with the approved drawings

Reason: Further information is required of these details in the interests of ensuring a satisfactory form of development, which contributes appropriately to its setting

11. No development shall commence until further details of the undercroft arrangement (including size of opening and application of grilles or louvres) have been submitted to and approved by the Planning Authority, notwithstanding references on the approved drawings. The details shall include a maintenance scheme for keeping the undercroft clear of all obstructions to flood water. The development shall be carried out and maintained in accordance with the approved details

Reason: The elevational treatment of the undercroft requires further consideration to ensure it has a sympathetic visual impact and to ensure the undercroft provides sufficient flood water conveyance

12. No residential unit shall be occupied until the access and parking layout, paths, bike storage and bin enclosure have been completed in accordance with the plans and drawings approved under this consent. No works shall commence on the access until construction details have been submitted to and approved by the Planning Authority, and all works alongside Huddersfield Street (including path and parking spaces 1-4) shall be carried out in accordance with the Council's adoptable standards. All works shall thereafter be retained free from obstruction for their approved purpose

Reason: To ensure the development will be adequately serviced by road, parking, bike and bin storage provision

13. No residential unit shall be occupied until a flood warning and evacuation procedure has been submitted to and approved by the Planning Authority. The units shall only be occupied while the approved procedure is in operation

Reason: To manage any potential flood risk to the site

14. No site lighting shall be installed unless the details of the lighting (location, height, design, specification and light spread) have been submitted to and approved by the Planning Authority. The lighting shall only be installed in accordance with the approved scheme

Reason: To minimise the potential visual impact of lighting and to safeguard neighbouring amenity and road safety

## Informatives

1. Roads Construction Consent will be required for works forming part of the adoptable road network on Huddersfield Street.
2. Amendments to existing public street lighting should be agreed with the Council's street lighting section
3. The adjacent proprietor (HR Motors) has expressed concerns regarding potential risk to the integrity of the boundary wall. This matter is for the applicant and is outside the scope of this application
4. Site lighting may require a separate Planning Application, in addition to satisfying Condition 14 of the above schedule
5. Condition 9 requires that final material specifications be agreed. The condition provides opportunity to consider in further detail the distribution of block colours within the building's elevations, with the aim of ensuring the building fits its context, is welcoming and that different colours are used to break up the massing of the building, and so complement its form and design

## DRAWING NUMBERS

9291.1.01D Location Plan  
9291.10.01A Existing site plan  
9291.1.02C Site and roof plan  
9291.1.03D Lower ground floor/undercroft plan  
9291.1.04E Ground floor plan, 1<sup>st</sup> and 2<sup>nd</sup> floor plan  
9291.1.05E Third floor plan, Attic plan  
9291.1.06C Section A-A  
9291.1.07B Proposed visual  
9291.1.08H Proposed elevations  
9291.1.10C Proposed visuals  
9291.1.11A Proposed street views  
9291.1.15 Section A-A  
9291.0.16 Proposed bin store  
301915-C-100A Proposed site levels

### **Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

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

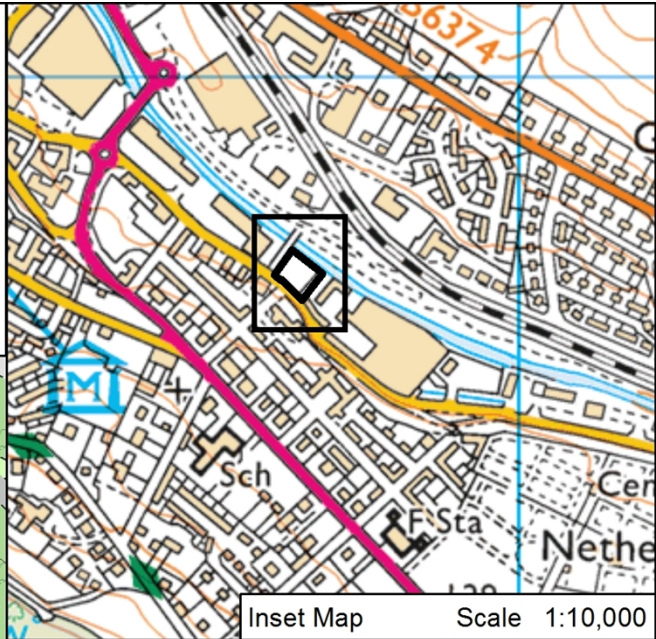
### **Author(s)**

Name	Designation
Carlos Clarke	Team Leader Development Management

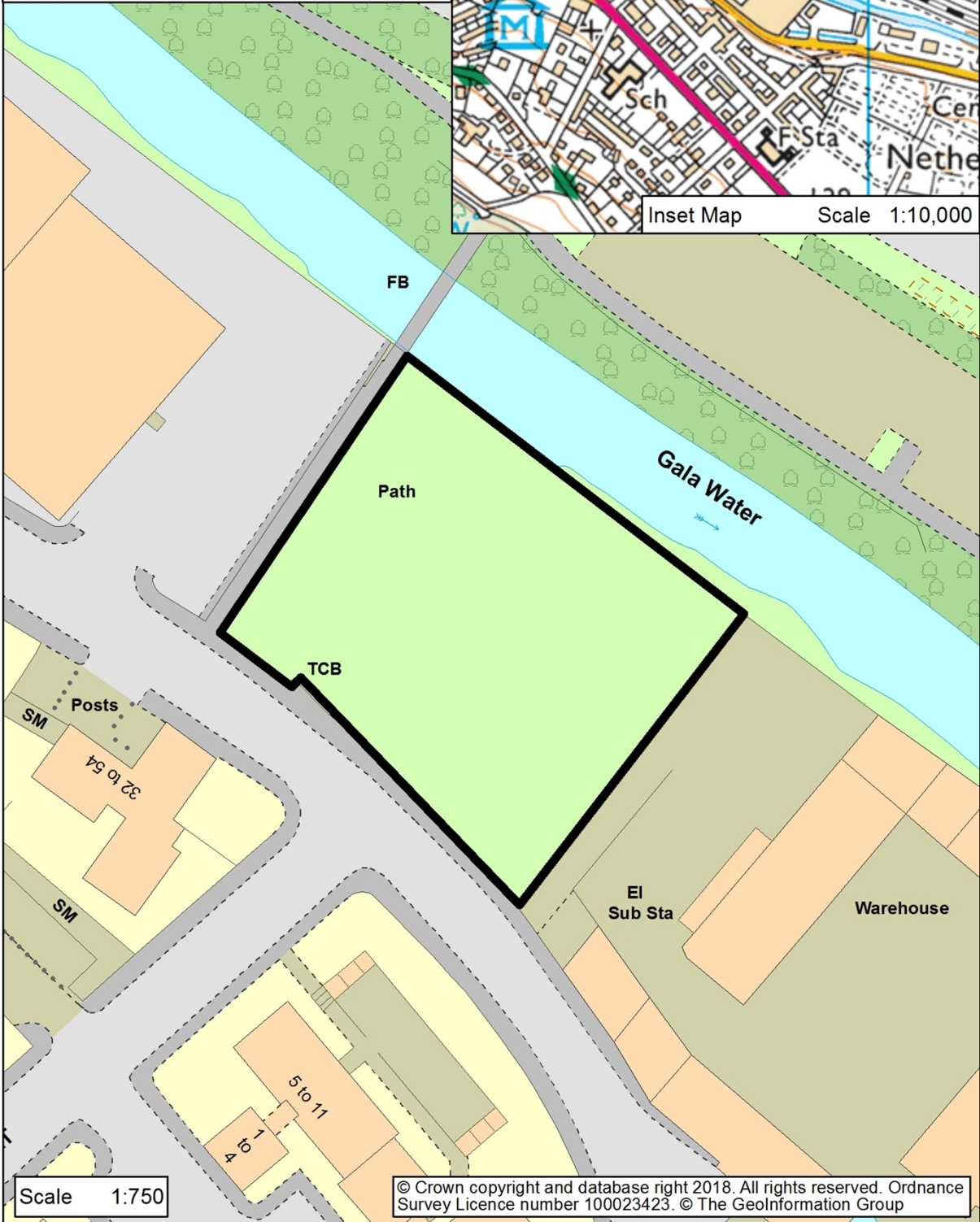


17/00695/FUL

Workshop And Yard For Caravan  
Storage  
Huddersfield Street  
Galashiels



Inset Map Scale 1:10,000



Scale 1:750