

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2013****Application for Planning Permission****Reference : 15/00668/FUL****To : Borders College per Camerons Ltd 1 Wilderhaugh Galashiels Scottish Borders TD1 1QJ**

With reference to your application validated on **12th June 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Change of use from industrial to education**at : Factory Plexus Facility Tweedside Park Tweedbank Galashiels Scottish Borders
TD1 3TE**

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, subject to the following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

And subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 24th July 2015
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed
.....
Head of Planning and Regulatory Services

APPLICATION REFERENCE : 15/00668/FUL**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
9224/2-01	Location Plan	Approved

REASON FOR DECISION

The proposed use would conflict with the Consolidated Local Plan 2011. However, the wider benefits of delivering education within the engineering sector; the lack of impact on the employment value of the allocation; and the general suitability of the site for the proposed use, are material considerations which are overriding in this case. The development is, therefore, acceptable subject to compliance with the condition imposed on the consent

SCHEDULE OF CONDITIONS

- 1 Notwithstanding the scope of Class 10 of the Use Classes (Scotland) Order 1997, the primary use of the building shall be limited to the provision of education within the engineering sector and shall not be used for any other purpose within Class 10 without a planning application having first been submitted to and approved by the Planning Authority. In the event that the consented education use ceases, the lawful use of the building shall revert to a use falling within either Classes 4, 5 or 6 of the Use Classes (Scotland) Order 1997 or a mix of uses within those categories
Reason: The development is acceptable in this location, contrary to the Consolidated Local Plan 2011, principally because of the nature of the proposed educational use. Any other educational use would require to be assessed on its own merits

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 Signage within this site may need Advertisement Consent depending on the location, size and specification of the signage. The applicants are advised not to install any signage without first establishing whether formal consent is required under the Control of Advertisements (Scotland) Regulations 1984 (as amended)

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
SERVICE DIRECTOR REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00668/FUL

APPLICANT : Borders College

AGENT : Camerons Ltd

DEVELOPMENT : Change of use from industrial to education

LOCATION: Factory Plexus Facility
Tweedside Park
Tweedbank
Galashiels
Scottish Borders
TD1 3TE

TYPE : FUL Application

REASON FOR DELAY: No Reason

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
9224/2-01	Location Plan	Approved

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

Consultations

Transport Scotland: Do not advise against

Economic Development: Fully support the provision of suitable premises to develop courses for engineering in the Borders and that this aspiration is supported in a central borders location, as engineering is a key sector of the local economy. Support the implementation of the Government's 2014 strategy for youth employment by backing the development of suitable facilities to deliver appropriate courses. Support the proposed use of the property as it is modern and readily adaptable, self-contained within a screened site and easily accessible. It appears large enough to accommodate further development without any noticeable impact on surrounding businesses.

Roads Planning Service: The existing parking far exceeds the requirement. There are large tarred areas capable of catering for buses and delivery wagons. There are very good pedestrian links, the Black Path connects directly to Galashiels and there is also the train connection. No roads objections

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Local Plan 2011

ED1, G1, EP1, EP5, NE4, INF4, INF5, INF6

Recommendation by - Carlos Clarke (Lead Planning Officer) on 24th July 2015

This application seeks consent to convert a former knitwear factory to an educational use which provides classrooms and workshops for engineering teaching. A supporting statement states that the Borders College faces a shortfall in accommodation to meet a growing engineering curriculum. Facilities are urgently needed and this site is ideal.

Principle

The site is a "Strategic Employment" site and Policy ED1 of the adopted Local Plan would not support its use for anything other than classes 4, 5 or 6. This proposal comprises a Class 10 use and, is therefore, contrary to Policy ED1.

The Local Development Plan identifies the site, variously, as both a "Strategic High Amenity" site and a "Strategic Business and Industrial" site, both being treated slightly differently under the LDP. The former should be used predominantly for Class 4, with complementary uses that enhance its quality as a business park. This proposal would, also, not comply with this objective, albeit it would be closer to achieving it than the current lawful use of the premises which would be Class 5 manufacturing. For a strategic business site, this allows for Classes 4-6 with other uses generally refused unless they contribute to the efficient functioning of the employment site. In this case, the use would not be within these Classes, albeit it would provide education linked to Class 5 employment and its use would not conflict with the overall functioning of the employment allocation.

However, in terms of other considerations, it is noted that the proposal is supported by our Economic Development team. This is because it tallies with the Government's youth employment strategy, and because, as they say, the building and site appear to be extremely well suited to this particular type of education activity. Significantly, the ED service do not voice any concerns regarding the loss of the unit to this educational use. There is a wider, long term benefit to the Borders of delivering such education in-house.

Given this proposal is for education use, and its supporting case is based on the lack of accommodation for engineering teaching, it must also be considered what alternative site would actually be suitable for such teaching activity. Engineering itself is a Class 5 activity, potentially generating noise and impacts on air quality that can really only be comfortably delivered in this kind of environment. Particularly in this case, where the site is so well contained from public visibility, and separated from its nearest neighbour by tree screening. This would, in effect, provide a Class 5 teaching facility within a Class 5 use.

An added consideration is that the building has been vacant since 2008 and has not contributed positively to the employment land allocation for several years as a result. That may change when the railway station opens but there is no guarantee that it will, and no indication from our ED service that this use should be resisted until that potential is exhausted.

Ultimately, it is considered that the proposed use would fail the development plan, but that the lack of impact on the employment land allocation, and the wider economic benefits of providing this particular curriculum within an otherwise wholly suitable site, as supported by our ED team, are overriding considerations. A condition would, however, be necessary to ensure the use is limited to the specific case for the development, that being an engineering curriculum

External visual impacts

No external alterations are proposed, and there are no external works so no risk to the trees surrounding the site (which are subject to Tree Preservation Order).

Amenity

Any risk of noise or impacts on air quality are less, I suspect, than those that would have occurred as a result of using the building for its lawful manufacturing purpose, and the building is, in any case, well contained and separated from its nearest neighbour.

Parking and accessibility

The RPS supports the proposed use. The level of parking and turning within the site is relatively substantial, the site is well connected to bus facilities and is within walking distance of the new railway station.

Services

The site has existing water and drainage services

REASON FOR DECISION :

The proposed use would conflict with the Consolidated Local Plan 2011. However, the wider benefits of delivering education within the engineering sector; the lack of impact on the employment value of the allocation; and the general suitability of the site for the proposed use, are material considerations which are overriding in this case. The development is, therefore, acceptable subject to compliance with the condition imposed on the consent

Recommendation: Approved - conditions & informatives

- 1 Notwithstanding the scope of Class 10 of the Use Classes (Scotland) Order 1997, the primary use of the building shall be limited to the provision of education within the engineering sector and shall not be used for any other purpose within Class 10 without a planning application having first been submitted to and approved by the Planning Authority. In the event that the consented education use ceases, the lawful use of the building shall revert to a use falling within either Classes 4, 5 or 6 of the Use Classes (Scotland) Order 1997 or a mix of uses within those categories
Reason: The development is acceptable in this location, contrary to the Consolidated Local Plan 2011, principally because of the nature of the proposed educational use. Any other educational use would require to be assessed on its own merits

Informatives

It should be noted that:

- 1 Signage within this site may need Advertisement Consent depending on the location, size and specification of the signage. The applicants are advised not to install any signage without first establishing whether formal consent is required under the Control of Advertisements (Scotland) Regulations 1984 (as amended)

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.

