

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

2 SEPTEMBER 2019

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 18/01520/FUL
OFFICER:	Mr C Miller
WARD:	Leaderdale and Melrose
PROPOSAL:	Erection of mixed use development including hotel, Class 3 restaurant with drive-through facility, petrol filling station with shop, all with associated access, car parking, servicing, landscaping and other engineering operations
SITE:	Land at Tweedbank Industrial Estate, Tweedbank
APPLICANT:	Mr Duncan Hamilton
AGENT:	Pritchett Planning Consultancy

SITE DESCRIPTION

The site is located to the south-eastern end of Tweedbank, approximately 3km from Galashiels and 2.5km from Melrose. It lies immediately to the north-west of the main roundabout at the western end of the Melrose By-pass, lying between the A6091, Tweedbank Drive and existing industrial buildings within the Industrial Estate. The site is 2.3HA in size and includes surplus unused land but also a swathe of woodland running along the southern and eastern edges, bordering the A6091 and Tweedbank Drive. There is no current vehicular access to the site although the site boundary does extend to the edge of an internal estate road to the west of the site. A single line of trees also runs through the centre of the site from east to west.

The site rises in level from the roundabout and Tweedbank Drive within the woodland belt, then drops in a westerly direction, more steeply in the southern and central parts of the site, the northern part of the site containing flatter land. The main part of the site is contained within the Tweedbank settlement boundary within the Local Development Plan (LDP) although the woodland belts to the south and east lie outwith the boundary. The area of the site within the settlement boundary is covered by zoning zEL39 in the LDP which refers to business and industrial land safeguarding, representing a major part of the Tweedbank Strategic Business and Industrial Park. This area of the site is also identified as having development potential within the "Central Borders Business Park" Supplementary Guidance (SG). The area of the site which lies outwith the settlement boundary is covered by development in the countryside Policies including EP6 Countryside around Towns.

The woodland within the site is controlled by a Tree Preservation Order and this woodland also lies within, and to the northern end, of the "Battle of Darnick" Inventory Battlefield. Core Path 7 runs along the northern edge of the site before using the industrial estate road to head westwards. The site lies outwith and to the west of the Eildon and Leaderfoot National Scenic Area (NSA), the nearest boundary to the site adjoining the road to Lowood Bridge. The Tweed, Ettrick and Yarrow Confluences Special Landscape Area (SLA) lies outwith the site immediately to the south, across the A6091.

PROPOSED DEVELOPMENT

The proposed development has changed since the original submission, resulting in the removal of the Class 1 larger retail unit and associated car parking from the proposals. This unit was intended to comprise of 2200 square metres gross with 108 car parking spaces, to be located to the western half of the site, covering 0.82 HA. Members should note that this element was withdrawn from the proposals and full re-consultation and re-notification of this change was carried out. The plans now show the area as "Site for Future Development", albeit it remains within the red line of the overall application site boundary. It is proposed to create a temporary platform on the land, 2-3m above surrounding levels to accommodate excavated material. The former retail car parking site will also contain drainage and attenuation associated with the remaining development.

Apart from these revisions and some minor architectural adjustments, the remainder of the proposals are as originally submitted, comprising of:

A hotel and associated car parking to the northern end of the site, providing 71 beds and covering 0.44HA.

The Supporting Statement advises that the proposed end user would be Premier Inn and that this would be a major boost to the local economy. The proposed building would contain 71 bedrooms over four floors, located to the northern end of the site and partially within the woodland, some woodland being retained along the frontage with Tweedbank Drive and at the northern junction with the industrial estate road. The building will be flat roofed with render to the two middle floors and varied grey panelling to the top floor and curtain glazing/grey brick treatment to the ground floor and entrance projection to the car park. The car park will be to the rear of the building with main access from the internal feeder road and roundabout but with a secondary access connecting with the industrial estate road to the north.

A restaurant/café with drive through facility and associated car parking, covering 0.20HA

The Supporting Statement advises that the proposed end user would be Costa, benefitting from the other proposed commercial uses on the site. This would be located with dedicated parking area immediately to the south of the proposed hotel and north of the internal feeder road and roundabout. The café would have a gross floor area of 204 square metres and be designed as a single storey building with mono-pitch roof. Walls would be varied between white render, horizontal timber cladding and grey framed curtain glazing.

A filling station with associated food kiosk building and parking covering 0.45HA

The Supporting Statement advises that the proposed end users would be BP and Marks and Spencer, the filling station and ancillary food kiosk serving users of the complex, the wider Business Park and other road users including tourists and local residents. This would be located at the southern end of the site with woodland removal to make it visible from the existing A6091 and roundabout. The kiosk would be 324 square metres gross area although approximately half the floor area would be taken up with stores, toilets, staff areas, kitchen etc. The kiosk would be single storey with a curved and flat grey roof, the walls clad in white composite cladding with side walls and the rear service fence in vertical cedar cladding and a basecourse in dark grey render. There will also be two canopies and fuel pumps serving customers and HGVs,

associated lighting both on buildings and structures together with free standing 5m poles along the paths and parking areas.

Associated access roads, paths, retained and replacement planting covering the remainder of the site area.

One main vehicular access will be formed into the complex from Tweedbank Drive through the existing trees, an internal roundabout then serving the hotel and café to the north and the filling station and kiosk to the south. A secondary vehicular access will connect the hotel car park with the industrial estate road to the north. Adjustments to the footpath around Tweedbank Drive will also occur with paths either side of the main feeder road and an additional link to the petrol station from the main existing roundabout on the A6091.

Whilst there is much tree removal to facilitate the development and increase its visibility to the A6091 in particular, the agent has varied the landscaping proposals to increase the number of replacement trees to 72. An amended Landscape Statement details that the boundaries will be planted with specimen trees to provide “near continuous screening” together with beech hedging, low level shrubs and ornamental grass. This landscape treatment also extends into the site. Low stone walls will be provided at the main entrance to the site and a feature wall will be positioned on the boundary with the existing main roundabout.

The application is classed as a ‘Major’ development under the Hierarchy of Developments (Scotland) Regulations 2009. The applicants publicised and held a public event prior to the application being submitted, as well as consultation with the local Community Councils of Tweedbank, Melrose and Galashiels. The outcome of the public consultation exercise has been reported in a Pre-Application Consultation Report submitted with the application. This also details the number of face to face meetings held with key stakeholders. The requirements of the Development Management Procedure (Scotland) Regulations 2013 have been satisfied.

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

- Pre-Application Consultation (PAC) Report
- Supporting Planning Statement
- Landscape Statement and Amendment
- Arboricultural Impact Assessment and Addendum
- Design and Access Statement
- Transport Assessment
- Drainage Impact Assessment
- Economic Impact Statement
- Phase One Desk Study
- Construction Environmental Management Plan
- Ground Investigation

PLANNING HISTORY

An application was submitted in 2006 on the site for a 45,000 sq. ft. retail unit by B & Q with associated access and car parking (06/01710/FUL). The application was subsequently withdrawn in 2010. A previous application for the same development was also withdrawn before validation (06/01531/FUL).

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning: No objections but seeks further information before responding further. Considers the proposals comply generally with LDP Policies on sustainability and development of town and village centres, except for the food retail unit. Prefer an access into the site off a roundabout also serving the Pensions Agency but accept the applicant's transport submissions including reduction to 30mph, right turn refuge and opening up visibility. However, more information required including layout ability to cope with Lowood and extended railway; internal roundabout layout, link road for hotel; adequacy of parking; pedestrian access to hotel; food retail issues with parking provision, proximity to access from roundabout and level differences; road layout at petrol station; levels and parking provision at restaurant; Conditions required including Road Safety Audit, Travel Plan, full engineering drawings etc.

Responds to revised submission still requiring responses to majority of previous comments, including linking the hotel car park to the existing road to the north. Notes improvements to pedestrian connectivity but feels the entrance walls might impede visibility, further cycle parking is needed, additional submissions necessary if internal spine road is to be adopted and accepts the information that the development allows roadway width for Lowood and the railway extension.

Responds to further revised submission with no objections but further adjustments and conditions still required, including;

- A change to the angle of the main access with Tweedbank Drive
- Installation of footpaths connecting the car park, hotel and restaurant
- Further details and adjustment to the northernmost access into the hotel car park
- Attention to levels in parts of the and camber at roundabout
- Staff parking provision at the hotel
- Cycle and electric vehicle charging provision

Landscape Architect: Objection as the proposals involve almost complete removal of a large block of TPO woodland, identified as key screening within the SPZ, excluded from the development area of the SPZ and part of the Borders Strategic Green Network. The woodland is only 250-500m from the NSA and immediately north of the SLA. There may be scope to remove some of the internal edge but too much is proposed for removal and the proposals represent overdevelopment. Also considered the hotel too high with insufficient screening and generally inadequate new planting as compensation for that lost. Poor quality of southern elevations of food store and filling station. No principal frontage along the western side of the site as encouraged by the SG.

Maintains objection following revised landscape submission and statement. Considers the value of the TPO belt is as shelter and screening to the industrial estate rather than having specific individual value. Inadequate replacement planting and low-level shrub and hedging inconsistent with context. Would consider a 15m retained and thinned belt but not the scale of removal still planned.

Flood Protection: No objections. Site lies outwith any flood risk area and accepts the findings and recommendations of the Flood Risk Assessment.

Ecology Officer: Further information is required prior to determination. Firstly, a Construction Environment Management Plan principally to manage impacts on the Tweed SAC. Also, two additional bat surveys. Concerned over loss of the woodland and would seek adequate biodiversity compensation in a Habitat Enhancement and Management Plan. Upon submission of revised information, satisfied with bat surveys subject to a Species Protection Plan on bats and breeding birds and a sensitive lighting scheme for bats. Also requires a Habitat Management Plan and a Landscape and Environmental Management Plan to minimise impacts of tree loss.

Access Officer: Response awaited.

Archaeology Officer: Partly within the “Battle of Darnick” Battlefield and there may be buried archaeology as a result. Recommends two stage investigation of metal detecting followed by evaluation of sub-soils, controlled by planning condition seeking a Written Scheme of Investigation.

Environmental Health: Buffer to neighbouring dwellings is large enough to mitigate noise/odour concerns. Light impact assessment shows compliance with standards.

Economic Development: Premier Business Park in terms of established landscape quality and should be protected, albeit with some maintenance and thinning to the woodland belt. The woodland has taken 38 years to reach the current cover. Development contrary to the zoning within the SG and does not accept agent submissions over additional windfall sites, the lack of hotel development at the station or the Tapestry site. Effective employment land is still being lost by the proposal.

Forward Planning: Objects. The site is zoned in the LDP as a Strategic Business and Industrial Site, backed by SPP, SESPlan, Supplementary Guidance and the SPZ. The proposed uses do not comply with the industrial and business uses allocated for this site, would set an undesirable precedent and undermine the Council’s position and would result in the loss of scarce business land. The recent Employment Land Audit revealed the site accounted for 65% of the available 2.3HA in the Galashiels/Tweedbank area. Whilst additional land is being sought, existing supply must be protected.

The retail proposal contravenes Policy ED3 of the LDP and would have a detrimental impact on the footfall and vacancy rates within Galashiels and Melrose Town Centres in particular. Lists several issues with the Retail Impact Assessment, principally identifying that impacts would still be felt in Galashiels as well as Melrose and that much information is either missing or questionable. Acknowledges the stated economic benefits but does not feel these outweigh contravention of Policies and Guidance.

Also considered that the proposals do not represent complementary uses to the Business Park or Railway Terminus, nor is there ample land supply or low take-up of industrial opportunities. The significant removal of TPO trees is contrary to the expectations of the SPZ.

The “Borders Railway Corridor Hotel Market Assessment” identified the opportunities for a hotel following the railway introduction and this was preferred at Galashiels rather than Tweedbank. Although land was zoned at the Tweedbank Railway terminus, this has now been taken by office development and the aim must be to regenerate Galashiels by directing hotel development there. Using protected industrial land within a Strategic Business Park would not be appropriate.

Following revised submission removing retail element, still maintains objections as detailed above whilst noting the land-take of available industrial land is reduced. May still consider the shop associated with the filling station to impact on Melrose Town Centre in the absence of contrary information.

Petroleum Officer: Separate consent required for a Petroleum Certificate which requires full detailed drawings and a risk assessment. Drawings contain some inconsistencies relating to number of pumps and offset fills.

Statutory Consultees

Transport Scotland: No objections subject to conditions detailing any lighting, frontage landscaping, barriers and drainage connections. Maintain this position on amended plans.

Historic Environment Scotland: No comments. The development has proximity to the "Battle of Darnick" battlefield and further comment from the Council archaeology and conservation services should be sought.

Scottish Water: Response awaited.

SEPA: No objections. No flood risk is apparent although surface water drainage and mitigation should be assessed by the Council, utilising SUDs measures. Both foul and surface water drainage should be in compliance with Scottish Water requirements. Gives flood risk and regulatory advice.

Scottish Natural Heritage: No objections. Impacts on Tweed SAC should be acceptable subject to SEPA licensing. Adjoins National Scenic Area and refers to the screening value of the existing woodland and the Government advice on "Control of Woodland Removal". Not opposed to the loss of the woodland but compensatory planting should achieve screening, continuity of landscape, biodiversity etc.

Tweedbank Community Council: By majority, supports the development now that the retail unit has been removed, bringing economic benefits to the area. Supports the hotel with local concerns being addressed in revisions. Four members have concerns over environmental impact and loss of landscaping.

Melrose and District Community Council: Strongly opposed to the original submission, especially the retail outlet which could affect the economy and businesses in Melrose High Street. Previous retail proposal rejected on the site. Hotel better located in Galashiels.

Responding to the revised submission with removal of the retail outlet, some support for the proposal due to this removal but also some concern over impacts on existing hotels and guest house businesses. Retain and support the vibrant High Street in Melrose. Also feel the hotel is too high for the area.

Galashiels Community Council: Objected to the original submission as it contravenes the industrial/business zoning and could result in closure of existing businesses in Galashiels and Melrose. There would be very little industrial land left and better sites for a hotel exist. Approval would undermine the regeneration efforts in Galashiels and would result in the loss of mature woodland.

Following re-consultation on the scheme without the retail store, now takes a more mixed view on the merits and concerns of the application.

Other Consultees

Visit Scotland: Response awaited.

REPRESENTATION SUMMARY

Fourteen objections have been received to the application. There have also been 177 representations in support of the development, the majority submitted before the shopping development was removed. These can all be viewed in full on the Public Access website. The main grounds of objection include the following:

- Retail floorspace will detrimentally impact on the vitality and viability of town centres such as Melrose and Galashiels but also Selkirk and St Boswells.
- The submitted retail support information underestimated the impacts.
- Approval of retail would be inconsistent with the Town Centre First approach which is seeing significant investment in Galashiels and undermines the approach which is backed by Local Development Plan (LDP) Policy ED3.
- Retail is not allowed on a Strategic Business and Industrial Site as defined in the LDP and SG.
- Proposals generally undermine the industrial allocation in the LDP where land is limited for such uses in the area.
- The hotel is larger than that envisaged for the site at the railway and would detrimentally impact on existing hotels and other tourist accommodation in the area, especially at the expense of Melrose town centre.
- Existing hotels are experiencing decreasing occupancy rates and profits and the proposal would represent over-provision in the area, exacerbating these trends.
- The hotel would be more appropriate in Galashiels utilising one of a number of vacant sites and supporting the regeneration of the town.
- The significant removal of protected woodland screening which will detrimentally impact on the natural environment, National Scenic Area, reduce screening to the industrial estate and undermine the key screening retention in the SG.
- Claimed job creation would be more limited value to the economy and there could also be job losses in affected businesses.
- The area cannot sustain more cafes and restaurants.
- Increased traffic impacts from the development in Tweedbank and Melrose.
- No need for an additional petrol station.

The majority of the support letters do not expand on their reasons for support. Of those that do, comments include the provision of supporting amenity facilities to residents and workers at Tweedbank, a raising of the profile of the Business Park, provision of jobs and encouragement of tourism.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Council Local Development Plan 2016

zEL39 Strategic Safeguarded Business and Industrial Site
PMD1 Sustainability
PMD2 Quality Standards
PMD3 Land Use Allocations
PMD4 Development Outwith Development Boundaries
ED1 Protection of Business and Industrial Land

ED3 Town Centres and Shopping Development
ED7 Business, Tourism and Leisure Development in the Countryside
EP1 International Nature Conservation Sites and Protected Species
EP2 National Nature Conservation Sites and Protected Species
EP3 Local Biodiversity
EP4 National Scenic Areas
EP5 Special Landscape Areas
EP6 Countryside around Towns
EP13 Trees, Woodlands and Hedgerows
EP15 Development Affecting the Water Environment
EP16 Air Quality
IS4 Transport Development and Infrastructure
IS6 Road Adoption Standards
IS7 Parking Provision and Standards
IS8 Flooding
IS9 Waste Water Treatment Standards and Sustainable Urban Drainage
IS10 Waste Management Facilities
IS13 Contaminated Land

OTHER PLANNING CONSIDERATIONS

SESplan Strategic Development Plan 2013
Scottish Planning Policy 2014
PAN 61 Planning and Sustainable Urban Drainage Systems 2001
Designing Streets 2010

Central Borders Business Park SG/SPZ
Borders Railway – Maximising the Impact: A Blueprint for the Future
Borders Railway Corridor Hotel Market Assessment
Trends in Tourism – Scottish Borders 2009-16
Borders Railway Second Anniversary Report
Borders Railway Ambassadors Report 2015-17

SPG Biodiversity 2005
SPG Trees and Development 2008
SPG Landscape and Development 2008
SPG Green Space 2009
SPG Placemaking and Design 2010
SPG Countryside around Towns 2011
SPG Local Landscape Designations 2012
SPG Waste Management 2015

KEY PLANNING ISSUES

The main determining issues with this application are compliance with Local Development Plan Policies and Supplementary Planning Guidance on retention of strategic business and industrial land, protection of preserved trees, retention of town centre vitality/viability, quality standards and impact on the natural and built environment.

ASSESSMENT OF APPLICATION

Planning Policy

The site lies mainly within an overall industrial protection zoning in the Local Development Plan, zEL39. The remainder of the site, consisting of the woodland along the south and eastern sides, lies outwith this zoning and the Tweedbank settlement boundary. The zoning zEL39 states that the land is part of a strategic safeguarded business and industrial site protected by Policy ED1. It states there are intentions to develop the industrial estate into a Strategic High Amenity site but this requires further restructuring, thus the designation remains a strategic business and industrial site at present. The zoning also states that Supplementary Guidance will be produced and that land immediately adjoining the A6091 should be restricted to Class 4 use and development be of high quality and design.

The principal LDP Policy ED1 seeks to maintain a supply of business and industrial land across the Borders by rigorously protecting strategic business and industrial sites for employment use. It states that uses other than Classes 4-6 will generally be refused unless it can be demonstrated that the uses contribute to the efficient functioning of the site. It clarifies that all development should respect the character and amenity of the area, be appropriately landscaped and be compatible with neighbouring uses. Retail units are not allowed unless they are ancillary and related to an otherwise acceptable use, ancillary being defined as having direct linkage to the existing unit and being no more than 10% of total floor area.

The Supplementary Guidance was produced in 2017 – the “Central Borders Business Park Tweedbank”. It comprises of two parts, the Guidance itself and a Simplified Planning Zone Scheme (SPZ). The Guidance followed the report on the opportunities for maximising development as a result of the arrival of the Borders Railway – “Maximising the Impact: A Blueprint for the Future”. The Guidance aims to refurbish and redevelop the existing industrial estate to respond to the increased opportunities, providing a framework for development. The SPZ allows certain compatible developments to occur without needing planning permission, providing choice and quick delivery for businesses wishing to locate in the Central Borders.

The SG/SPZ set out a Development Vision which follows the principles of the use restrictions in the LDP, expanding on some ancillary and mixed uses in adjoining parts of the same zoning zEL39 as well as the other zonings zEL59 (North of Tweedbank Drive) and MTWEE001 (East of Railway Terminal). The requirements for the site are laid out in Table 2 of the SPZ but are further restricted to only Use Class 4, excluding all other Classes including Class 1 Retail, Class 3 Food and Drink and Class 7 Hotels. However, the SPZ also sets out the encouragement given towards both Class 1 Retail and Class 7 Hotel uses on other land nearer the railway terminus – “...to support users of the Railway terminal and the viability and sustainability of the Business Park”. The position taken by the SPZ on such potentially complimentary uses, albeit on adjoining land, is an important consideration when assessing the mixed use application for the Borders Gateway site, especially in relation to the zoning MTWEE001 adjoining the railway terminus. This is explored further below.

The response from Forward Planning sets out the full Policy position and maintains that, given the very limited supply of industrial land in the Galashiels/Tweedbank area, losing 65% of the 2.3HA identified in the latest Employment Land Audit would be a significant blow to business and industrial expansion, undermining the Council's position at Tweedbank and setting a precedent for further inappropriate development

contrary to Policy. This percentage took into account the fact that the woodland area was not within the remaining land available for development.

This should be the starting point for Policy assessment of the application, the uses not being in accordance with the LDP or requirements of the SG/SPZ. However, there are certain mitigating factors that also need to be considered in relation to the loss of employment land and the aims of Policy ED1, as follows:

1. As the woodland was not part of the employment land supply or development opportunity identified in the SG, it is the remainder of the land that would potentially be lost to industrial use. However, as Members will note, the discount food store element of the mixed use application has now been removed, re-introducing at least 0.80HA of land back into the land supply.
2. The one hectare site at the railway station identified for mixed use under MTWEE001 was identified both for hotel and Class 4 use in the SPZ, but the entire site has now been allowed for a specific Class 4 development. Given this could have been developed for a hotel in accordance with the allocation, the agent, with some justification, argues that this has reintroduced a one hectare windfall of business land which offsets land loss on the application site.
3. The site intended for the Tapestry building opposite the railway roundabout totals approximately 0.44HA and is now technically available for infill development, given that tree clearance has occurred. Whilst not within the industrial estate or SG zoning, there is general agreement that this site could come forward as an extension to the estate

Whilst the agent also raises other land in the LDP and SG/SPZ along the edge of the A6091, it is not accepted that this is “additional” land per se, given it was identified in the 2016 LDP and taken account of in the latest Employment Land Audit. Nevertheless, it is also considered that, given the mitigating factors above, loss of employment land and thwarting of employment or business land development opportunities in Tweedbank are not sufficient reasons, in this instance, to oppose the development.

It would be essential, however, to ensure that the 0.80 HA of land resulting from the omitted retail unit is available as developable land for compliant uses, given that the application still retains the site within the red line and could be excluded from such uses otherwise. A planning condition would be necessary to ensure none of the other three uses apply across this land. Whilst part of this land is also being temporarily raised in level as a result of other land excavations, the land will still be accessible from the proposed internal roundabout. The agent also explains that services will be provided to allow the site to be developable.

The three remaining uses of the hotel, café and petrol filling station with shop still need to be considered against Policy ED1, aside from the loss of employment land issue. Although a Class 3 use is specifically opposed within the SPZ, the agent argues that, combined with the other intended uses, the use would not only be compatible with those uses but also with other uses and users of the industrial estate. Whilst there would undoubtedly be some impact and competition with other cafes and restaurants in the area, including the kiosk now established at the railway station, it is accepted that, provided the use is appropriately phased in conjunction with the other proposals, then the impacts are not envisaged to be so significant on existing uses or centres as to warrant refusal of the scheme for these reasons. The additional uses either side are also likely to create and attract additional trade rather than only diverting it from other uses.

To some extent, the same would apply to the petrol filling station and associated shop. It is argued that the filling station will be a complimentary use to the existing industrial estate, albeit it is more likely that it will attract passing trade as well as linked visitors to the hotel and café. As observed by objectors, whilst there may be some diversion from filling stations at St Boswells, Earlston and, to a lesser extent, Galashiels, it is also the case that a filling station closed down in Melrose a number of years ago and there has been significant new and proposed development since then that could potentially justify a replacement in the area. The provision of a filling station provides a wider community and economic benefit and, by their nature, require a location on the strategic road network, meaning that site suitability is largely governed by locational factors. However, the filling station should also be phased in conjunction with the other two uses.

The shop kiosk associated with the petrol filling station would normally be specifically contrary to Policy ED1, albeit the Policy is written to allow ancillary shop units up to 10% of the total floor area. In this particular case, Forward Planning note that there is no retail impact information pertaining to the shop and that the 324 square metres of floorspace may have an impact on Melrose Town Centre. However, it is considered that there are again mitigating factors that may reduce impact and allow more favourable consideration of the proposals, as follows:

1. The shop will be conditioned to be developed concurrently with the petrol filling station to ensure it is directly linked, as required by Policy ED1.
2. The shop net sales area is only half the gross 324 square metre floorspace which is well below the 10% total floor area of the entire petrol station compound proposed, again as required by ED1.
3. The SPZ sets out proposals for two small (70 square metre) shops within Area C, between the site and the railway station. It states that these are *“Complementary uses that can support the viability and sustainability of the Business Park”*. However, the latest submission for the Tempest Brewery development within Area C only includes a very small ancillary shop, which determines that the remaining part of Area C would still allow two shops totalling 140 square metres. Given the proposed shop kiosk is 160 square metres in terms of net floorspace and is ancillary to, and directly linked with, the proposed filling station, it could be argued that if such provision was acceptable within the part of the industrial estate adjoining the site, then it should also be acceptable within the site, especially as it remains within a short travel distance to the railway station. There is a risk that two shops might still locate within Area C thereby doubling the provision, but there is also a risk that there may be no demand, given that the Tapestry building is now being developed in Galashiels and that this proposal is actively providing the shop premises sought in Area C.

On balance and for the aforementioned reasons, it is not considered that there are sufficient reasons to oppose the development on the basis of the ancillary retail element of the proposals. It is a support shop to a filling station and the scale does not suggest that there would be any significant detrimental impact on surrounding town centres. Indeed, although there may be some trade deflection, the filling station and shop may also attract or detain people in the area who may then go on to explore Melrose and other town centres. It is considered that Policies ED1 and ED3, influenced by the linked nature and modest scale of the shop, are generally complied with. There is no sequential test and the location is “out of centre”, as Tweedbank has no defined town centre. However, as the shop is a linked use and is very close to Area C where shops would be accepted, it is considered that the location is appropriate given that the focus of Tweedbank has also shifted as a result of the railway arrival.

Members will have noted that a fourth significant element of the proposals has been withdrawn – the discount food store providing 2200 square metres of floorspace and 108 car parking spaces. Although the applicant sought to justify the impacts in the Supporting Statement, the impacts were criticised by a number of objectors and by the Department. It was felt that a shop on this scale would have major and significant impacts on the vitality and viability of Melrose in particular, and that the proposal would not comply with Policy ED3, in addition to the impacts on industrial land in ED1. The applicant, in withdrawing the retail element, also stated that no contract had been entered into with an end user unlike the other elements of the proposals.

The final, and most significant element of the amended proposals is the 71 bed hotel that is to be located, with associated car parking, to the north of the site adjoining Tweedbank Drive. As with the café and petrol station/shop uses, such a Class 7 Use is not allowed within a strategic and business industrial site under Policy ED1. However, this application cannot be assessed properly without full consideration of the Council aspirations for a hotel at Tweedbank, on the Mixed Use allocation MTWEE001 opposite the railway station. Although the study that did identify the need and opportunity also identified a preference in Galashiels, the current planning application must be determined with regard to the acceptability of the proposals on the site in question – not whether there is a better or preferred alternative. It is significant that the Council identified the one hectare site under MTWEE001 for either a hotel or Class 4 Office Use, clearly accepting the need and aspiration for a hotel in the Tweedbank area, maximising on the potential of the railway terminus. Table 2 in the SPZ considers that a hotel would “...support users of the railway terminal and the viability and sustainability of the Business Park”. It is also significant that the hotel cannot now proceed on that site due to a Class 4 Use being accepted under the SPZ Deemed Consent scheme. This has displaced a significant use that would have been supported on the basis that it was needed in the local area to cater for, and exploit, the Borders Railway.

In more general policy terms, it is not normally the case that allocations for hotel development would be made in the Local Development Plan, as it is most commonly the market that will decide the need and most desirable location for such a use. Indeed, there is no current policy for hotel development within settlements for that reason. That does not mean that hotel development should be resisted, rather that a proposal for a hotel needs to be considered on its own merits, acknowledging that that runs the regular risk of being contrary to another policy or allocation. However, the wider objectives of the Scottish Borders Economic Strategy and Scottish Borders Tourism Strategy to facilitate and grow tourism offer within the Borders as well as the economic benefit derived from that offer, job creation and increased hotel bedspace for the Borders are all significant material considerations.

In addition, apart from proximity to the actual railway terminus, there seems little to differentiate one site from another in terms of general location. The proposed site for the hotel in the planning application still lies on the main Tweedbank Drive within a very short walk or drive (200 - 300 metres) of the railway. The hotel will be capable of safe access with a secondary access onto the Industrial Estate road and the required amount of parking will be provided on site. Although some objectors have criticised the size of the hotel, it occupies half the area that would have been available at the railway station. The LDP and SG/SPZ also make no recommendations about size or scale of the hotel, the application presumably having to be decided on its own merits. There is a restriction on storey height at the railway site (two storeys) but given that the site area is more than twice that occupied at the Borders Gateway site, it is not possible to presume that the proposed hotel would be necessarily larger in footprint than could have been developed without planning permission at the railway site. It is concluded

that the provisions of the SPZ for a hotel at the railway station establishes the principle of acceptance of a hotel in this part of Tweedbank and that, provided the height, siting and design are acceptable, the principle should also be considered acceptable.

There has been significant objection to the hotel, especially from Melrose Community Council and several hotel and guest house owners in the Melrose area. They consider that the size of the hotel will harm existing tourist accommodation providers in the area and that this, in turn, will harm the vitality of Melrose town centre in particular. Some objectors envisage a price war and others that, with other impacts already occurring such as Air BnB, the market is not there for a hotel of this size in the area. Should it be developed, then closures and harm to the local tourist industry are envisaged, especially in the Melrose area. For a breakdown of the current providers and the objections from the hotel industry, Members may wish to note the objection from Mr Henderson of Burts Hotel who lists existing hotels and guest houses in Melrose offering just over 170 bedrooms. He lists problems including declining occupancy and casts doubt on the economic benefits and job creation claimed by the applicant.

Overall, the agent has argued in the Supporting Statement that the development would act as a positive influence for change and investment in Tweedbank Industrial Estate, a catalyst for the changes the Council wishes to see. He has provided evidence of support for the scheme from various occupiers of the Industrial Estate including the Public Pensions Agency, Tempest Brewery and the Industrial Estate owners M Seven Real Estate. He has also provided appraisals for business and office developments, indicating that site costs, peripheral location and demand for such floorspace is relatively low, all impacting on the viability of attracting such development on the site. Generally, he contends that there are economic benefits arising from the proposals and that this complies with Scottish Planning Policy and counters the general trends within peripheral Business Parks and Industrial Estates.

The agent states that the end user of the hotel will be Premier Inn and that this will attract visitors who would not otherwise have considered the location. He also claims that the hotel will extend the tourist season throughout the year and that a Premier Inn will lend support to the wider local hospitality sector. It is claimed that there has been experience of hotel accommodation shortages. Although there will be a food and drink offer within the hotel, the agent states this tends to be limited and visitors will seek other options in the wider area for eating and drinking.

The agent also submitted an Economic Statement which Members will have been able to view on Public Access. This was prepared by Turley's on behalf of the applicant, albeit reflecting potential impacts of the scheme when the discount food store was still part of the proposals. This summarised the benefits as an investment of £14.25 million, net creation of 80 full time local jobs when the uses are operating (28-30 in the hotel), net annual GVA operational benefits of up to £3.3 million in the wider area, productivity contributions of £4.4 million to the Borders and construction benefits representing 95 jobs. Although these economic benefits would need to be considered reduced on the basis of the omission of the food store and the figures have also been challenged by local hoteliers, there is no specific contrary information to determine that such stated economic benefits should not carry weight in the consideration of these proposals.

The Economic Statement is claimed to be net of any displacement impacts elsewhere on jobs and turnover, points being made by the objectors. One of the main points being made by the applicant is that a Premier Inn, which the end user is contractually obliged to provide, would tap into the potential of the railway arrival and provide a different and much needed offer for the area, acting as a catalyst for expansion and rejuvenation of the Business Park and Central Borders Area. Whilst there is no doubt that the "Borders

Railway Corridor Hotel Market Assessment” suggested that Galashiels as the more likely location for a new hotel of the type proposed, it also identified that such a hotel was needed in the area, with the arrival of the railway and the need to maximise opportunities. It stated:

“There could be scope for a budget hotel to be developed at Tweedbank, at the station/Central Borders Business Park, depending on the occupiers attracted. This is likely to be a more long-term opportunity. In the short-term Galashiels should be the priority to focus budget hotel development, where it can make a contribution to the regeneration of the town”

It is known that the Council have experienced a lack of interest thus far in Galashiels and, given the identification of the site at the railway and its subsequent unavailability in favour of Class 4 Use, these are clearly influential and important factors in assessing the acceptability of a hotel at the application site. Whilst, of course, the Council cannot dictate that a Premier Inn, Travelodge or any similar type of budget hotel occupy the site, the agent explains that a contract has been signed by Premier Inn and also, the style, number and size of bedrooms would be likely to influence the type of budget hotel locating at the site, given the fact that the application is submitted in full with final layout and designs. That this budget hotel offer does not yet exist in the Central Borders area (or more widely, for that matter), means that there is a qualitative difference in the provision of hotel bedspaces from those already being provided, with the nature and length of stays offered by traditional town centre hotels being quite different from that offered by this proposal. The effect is that the proposed provision should complement, rather than draw from the accommodation being provided by existing hoteliers locally.

There are also other factors that do need to be taken into account, in response to the objectors’ comments on impact on existing businesses and town centres. Although they have claimed that there is declining demand and occupancy rates are decreasing, there is also information to suggest that since the arrival of the railway, visitor numbers have increased significantly in the Borders, thereby potentially increasing the demand for accommodation. The following information is known:

- An increase in visitor numbers in the Borders of 6.1% between 2014 and 2016, reversing a downward trend.
- Overall travel on the railway increased by 9.5% in Year 2 compared to Year 1. A survey for the Government suggested 60% of travellers were using the train for tourism, 41% of these travelling from Edinburgh to the Borders or Midlothian.
- From the same survey, 71% of tourists said the railway was a factor in their decision to make the trip.
- In Year 1, surveys suggested that 50% of the 39% using the train for an overnight stay destination, paid for their accommodation rather than staying with friends or family. 23% would not have made the trip if there was no railway.

Taking all the above factors and information into account, it is considered that there is insufficient evidence or justification to oppose the proposed hotel on the basis of town centre or economic impact. Whilst there will be likely to be some impact on competitors, the planning system is designed not to specifically protect individual operators or inhibit private market competition. There are economic benefits which have been identified as a result of the proposals and there is no firm contrary evidence to suggest there would be any particular detrimental effects on town centres such as Melrose or

Galashiels. Indeed, nearly half of the bedrooms in existing hotel accommodation in Melrose already lie outwith the town centre.

Although principally aimed at retailing developments, Policy ED3 seeks sequentially preferred sites within town centres before edge of and out of centre sites and this should also be considered with regard to other uses such as the proposed hotel. The agent discusses the sequential position in his Supporting Statement but identifies that Tweedbank has no defined town centre and that, under the advice in Scottish Planning Policy, the catchment area should also be considered. Although his assessment principally relates to the now withdrawn food store, he does contend that the area of Tweedbank around the station terminus is now increasingly becoming a centre for a wider catchment area. Whilst there may be other land at Tweedbank and at Lowood, none are any different in terms of Policy ED3 - all are out of centre.

There should perhaps, more properly, be some assessment of opportunities for hotel development within Galashiels or Melrose town centres or edge of centre sites. The agent has dismissed sites such as the Burgh Yard or the Abbotsford Hotel as not being of interest to Premier Inn or other budget hotel operators. Although Forward Planning query this given recent press articles, there is only anecdotal evidence one way or another. As the Council have reflected upon the "Borders Railway Corridor Hotel Market Assessment" by identifying a site for a hotel at Tweedbank, an alternative position at the application site should still comply with Policy ED3 in terms of the town centre, sequential testing and other criteria that were considered and accepted for the railway site. A number of the criteria under ED3 are fully met including accessibility, clustering with other commercial development and being largely within an existing settlement.

In summary, the revised scheme without the main retail food store, whilst not in compliance with the industrial protection zoning, now has a reduced effect on that zoning. It represents an appropriate development for the location in terms of other LDP Policies and Supplementary Guidance and, especially, given the support for some of the proposed uses on adjoining sites and taking into account the economic and other benefits both identified from the scheme and known as a result of the railway arrival.

Landscape and Tree Protection

The site does not lie within any formal landscape designations but does immediately adjoin the Tweed, Ettrick and Yarrow Confluences Special Landscape Area to the south of the A6091 and is close to the Eildon and Leaderfoot National Scenic Area, its western extent extending to the Lowood Bridge road. Whilst much of the site is surplus and raised land laid to grass, a significant part of the site bordering Tweedbank Drive and the A6091 comprises a belt of screen woodland, being part of "The Scottish Borders Central Tree Preservation Order No. 39". This Order extends throughout the rest of the industrial estate to the west and north-west. Whilst some mature trees did previously exist, the planting largely dates from the late 1970s, established to provide adequate screening to the industrial estate and minimise its impact on the sensitive landscape areas to the south and east.

The response from Economic Development provides a useful history of the planting which was established by the Scottish Development Agency, including older aerial photographs and original landscaping plans. The Landscape Architect identifies that the woodland covers just over one hectare of the site and now merges with the planting around the hospital, helping to reduce visibility of development and comprising an important part of the Borders Strategic Green Network. There is also a central spine of protected woodland running to the west from the Tweedbank Drive edge. The Tree

Preservation Order dates from 2006. SNH do not object to the application but are also concerned regarding the loss of woodland and seek any removal and compensatory planting in line with the Government Guidance Note on "Control of Woodland Removal".

The boundary area of woodland is excluded from both the Tweedbank settlement boundary in the LDP and the development area covered by the Central Borders Business Park SPZ. The woodland is identified in the associated SG as Key Landscape Screening (especially to the roundabout) with an area of development potential adjoining to the west, not encroaching on the woodland. The Landscape Architect strongly opposes the development which removes a significant area of the woodland screening, introduces uninterrupted visibility, contravenes the TPO and SG aspiration to retain the woodland as key screening and prevents the establishment of a principal frontage down the western side of the site. The initial response to the application identified that there might be some scope for encroachment into the woodland but that the initial submission, in proposing only 45 replacement trees, shrub cover and beech hedging, was being inadequately screened and the continuity of the landscape screen was being lost.

The application was submitted with an Arboricultural Assessment and full landscaping/planting plan. This showed significant removal of the woodland screen apart from areas of trees at the southern and northern ends of the site and a few individual trees in between. Following the comments of the Landscape Architect, a further 32 new trees would be proposed along the boundaries and within the site, resulting in a total of 77 new trees, including continuous single line cover from the southern retained area of trees to the northern retained area. This would be supported by shrub planting, beech hedging and stone walling. All planting would respect the visibility splays at the new main entrance to the site.

The agent supports this proposal by contending that "*...a balance has to be struck in respect of retaining trees which were planted in order to screen development and opening up an important and potentially high profile urban development site for a mix of much needed uses.*" He makes a number of other points, including the following:

- The existing woodland belt has been planted too densely and does not appear to have been actively managed over the years. Thinning is required and some unauthorised tree removals have already taken place.
- A substantial landscaped buffer is still proposed around the existing edge of the site, allowing visibility into the development to see the services available whilst still providing a quality landscape framework.
- The Council undertook clearance of 150 trees within the same TPO to make way for the Tapestry development that is now locating within Galashiels.
- The LDP now extends the developable area of the industrial estate, immediately to the west of the site, to the edge of the A6091 without any screening to the road and interrupting the landscaped corridor that could have existed without this encroachment.

Although the applicant submitted an Amended Landscape Statement, omitted the retail unit and proposed up to 77 new replacement trees, the Landscape Architect continues to object to the proposals for the reasons previously mentioned, considering that the woodland belt and established screening will be substantially weakened. These comments are supported by a number of the objectors. However, Policy EP13 does provide some flexibility for the Council to weigh up the impact and protection of

woodland against any public benefits that might accrue from the development. It also allows consideration of the adequacy of replacement planting.

There is no dispute that the woodland has been poorly managed over the years and there is much evidence of this on site, as well as trespass and some sporadic unauthorised tree removals. The time is nearing where the woodland needs to be actively managed and this would involve tree removals and thinning, albeit more to the level suggested by the Landscape Architect than the applicant. There is also no argument that the amount of woodland removal along the site boundary is significant. The concerns of SNH are understood in this respect.

However, the points made by the applicant in favour of the landscape proposals are also valid, the SG clearly identifying that whilst there is an area of key screening at the roundabout, the developable area immediately to the west should be seen from the A6091 with nothing more than a hedge required as boundary planting. He considers this to be inconsistent and increasing the visibility of potentially less interesting buildings than is proposed on the application site. The SG states that this part of the industrial estate should contain “...*sensitively designed and located office buildings....visible from the A6091 to mark and promote the business location to passing traffic but with a high quality landscaped edge.*” Given that this landscaped edge could be hedging, it is difficult to disagree that the retained and replanted tree-lined planting around the public edge of the application site is an appropriate and adequate boundary planting, especially as it will allow views of buildings either with potentially more architectural interest or, at least, with less bulky and plain facades that would characterise the rear of existing or proposed industrial buildings. The SPZ also acknowledges that the Area E containing the application site should have planting to screen but also “...*secure a degree of visibility*” along the southern edge.

It is also noted that, in line with the public benefit exemption in Policy EP13, substantial tree thinning and loss were accepted in locations near to the site as a necessary sacrifice to enable developments that were in the public interest, for example, the Ambulance Station and the former Tapestry site. The same decisions are likely to be necessary should the railway continue over the roundabout and through similar woodland structure on the other side of Tweedbank Drive. Whilst the provision of a hotel, café and filling station are not in the same category of social public interest, they are uses still intended to maximise the opportunities brought by the railway and also largely represent uses that the Council would support both generally and on adjoining sites at Tweedbank nearer to the railway.

Whilst the objections of the Landscape Architect and objectors are fully understood, the impacts of tree loss for this particular development are not considered sufficient in themselves to outweigh other significant benefits of the development nor the general support for hotel and small shop uses in the area. Whilst the potential for relocating the development outside of the woodland edge has been explored with the agent (as recommended by the Landscape Architect), especially following the omission of the retail food store, he maintains that the development requires to retain a certain public impact at the roundabout, signifying it as a gateway development and catalyst for further expansion in the area. It is also welcomed that additional tree planting has been proposed following initial objections from the Landscape Architect, providing a continuous line of trees if not the woodland belt that they are replacing. Members may wish to consider whether, following the removal of the retail element, the existing planting along the frontage of that part of the site should be retained.

To minimise the impacts, all retained planting will need to be protected by condition, including impacts from construction, and new planting will need to be secured and

maintained thereafter as the complex is established. The design and scale of the buildings together with ancillary works such as canopies, lighting and signage, can all impact on the visibility and impacts of the development on the surrounding landscape and these are discussed in the appropriate sections of this report below. Subject to appropriate conditions controlling such matters, it is considered that the development complies with Policy EP13 and is a justified exception to some of the aims set out in the SG/SPZ for the industrial estate.

The incursion of the development into the woodland belt also technically determines that the application site lies partially outwith the Tweedbank Settlement Boundary and, thus, subject to LDP Policies EP6 and ED7 on business development in the countryside around towns. Whilst the protected woodland belt is a strong visual boundary at present, had it not existed, then the settlement boundary would have been likely to have been drawn along Tweedbank Drive and the A6091. Incursion into the belt is not, therefore, considered to be breaking into open countryside, especially as the other side of Tweedbank Drive, the settlement boundary continues further east towards the Lowood Bridge road. Incursion into this small element of countryside is not, in itself, considered to be inappropriate, especially as part of the development remains within the settlement boundary and the road more realistically forms the settlement edge. Satisfactory replacement planting is also planned.

Layout and Design

Assessment of the layout and design of the buildings and hard surfaces within the site are guided by LDP Policy PMD2 and the “Central Borders Business Park” and “Placemaking and Design” Supplementary Guidance in particular, whilst also being influenced by operational requirements and on-site constraints such as woodland, level differences and access positions. The Business Park SG aims at a higher quality building design and layout, integrating with the aims in the LDP to promote the industrial estate into a Strategic High Amenity site. As referenced by Forward Planning and the Landscape Architect, one of the aims on this area of the estate which contains the application site, was to create a “Principal Frontage/Building Line” down the industrial estate internal road to the west of the application site. Apart from this comment, the only other element of layout or design that has generally been criticised has been the height of the hotel. These issues will be discussed below.

The agent has explained the reasoning behind the layout and designs in the Supporting Statement and Design Statement. The latter provides 3D images of the anticipated development which Members are recommended to view. The Design Statement explains how the location of the three main elements of the proposal are positioned to capitalise on the “gateway” location of the site on the main access to the railway terminus and are in compliance with the vision contained within the LDP and SG/SPZ. However, it also identifies that the uses and buildings are located to respond to their need for improved visibility from the public roads as well as accessibility and solar gain requirements. It also explains that parking areas have been positioned with reduced visibility to the rear of the buildings and the tallest building, the hotel, positioned furthest away from the roundabout adjoining a retained stand of trees at the existing industrial estate road junction. It also explains the rationale behind the tree removals and new planting/hard landscaping, albeit this has now been updated by the Amended Landscape Statement which proposes further trees around the public road edge.

As discussed earlier in this report, there is acknowledgement that the aims of the SG/SPZ for this identified development site were to secure development behind the retained tree screen and encourage the public face of the development to the western

industrial estate road. However, for reasons previously explained, the tree removals and securing of filtered visibility to the public roads are able to be supported, given the acknowledgement of the need for some visibility within the SG/SPZ and the condition and thinning requirements of the woodland belt. It is considered that what the development is presenting to public view is very different, in architectural terms, from what was perhaps envisaged in the original estate planning or the aims of the SG/SPZ - the rear of large industrial buildings and sheds with service yards, needing to be hidden by the trees from the public roads. What the proposals present are generally buildings of more variety and interest, set within larger buffer spaces and with a variety of building styles, materials and height.

In reality, the site can contribute very little to the presentation of a public face to the western industrial estate road, given that the only part of the site with any direct frontage is relatively narrow. In any case, the removal of the retail unit and associated parking would still allow this part of the site to be developed in the future and still contribute to the improved public façade to the west, depending on what is proposed and even if access is gained from the new roundabout to the rear. Given the limited frontage, it is expected that more impact would be achieved from redevelopment or refurbishment of the flanking industrial units which have far greater street frontages and potential presence.

The design and impacts of the café and petrol station are considered to be acceptable, subject to the intended landscaping and conditions. The café building is modest in scale and height with a mixture of appropriate materials including horizontal timber cladding, glazed screens, dark grey framing and a mix of corporate colouring to add interest. The shop associated with the petrol filling station is similar to the new BP/M & S building erected at Edinburgh Road, Peebles. That design was improved with the introduction of vertical cedar cladding to the side facades and this amendment has now also been made with the proposed building. This improves architectural interest and also unifies with the timber cladding on the café building. It should also be noted that, in response to concerns over impact and reduction of tree screening, the café has been reduced in height by 1.17m and the petrol station building by 650mm, as a result of lowered ground levels.

Other improvements have also been made to the petrol filling station element, including improved decorative fencing to the storage compound and a limited lighting array, backed by supporting luminance spread drawings to indicate localised effect within the site. All of these issues will be controlled by planning conditions including controls over hard landscaping, lighting and requirements for advertisement consent.

The largest building on the site would be the hotel, both in terms of footprint and height, especially now that the retail outlet has been removed. The Design and Access Statement has referred to the reasons why the hotel is located furthest away from the roundabout but, in turn, this makes it closer to the railway terminus. The reason for the roadside positioning of the hotel is understood with the car parking area more concealed to the rear. However, the height of the building, at four storeys, concerns a number of the objectors and the Landscape Architect. The height issues, including what improvements and reductions may be possible, were considered and discussed with the agent. There is no doubt that there are no buildings in the vicinity that are four storeys high, albeit many of the larger industrial buildings do have substantial eaves and ridge heights.

Following discussions with the agent, the site levels were dropped to facilitate a 700mm reduction in the flat hotel roof from ground level. Further changes were also made as follows:

- The top floor of the hotel recessed 150mm from the façade and treated with a contrasting, dark and horizontally patterned cladding to recess and reduce the visual impact.
- A changed material on the ground floor walls to differentiate from the top floor material, likely to be in dark brick.
- Reduction in angle of solar panels on the roof of the building from 30 to 12 degrees, resulting in reduced visibility and potential reflection.

These changes are welcomed to improve a design that was already considered to be largely acceptable, albeit the main concern was relating to the height. Subject to careful control and selection of materials, it is considered that the design and siting of the hotel building, framed by new and existing trees, is acceptable and of good quality. Whilst a lighter render material may be used for the two middle floors, the dark materials used for the ground and top floors, combined with the top floor recess and dark window framing will all help recede the bulk and impact of the building. The blank areas of brick facing Tweedbank Drive will be offset by new and existing trees and, in terms of the higher projections in brick on the building, these break up and add interest to the building and punctuate any overly horizontal emphasis. New signage could also reduce the bulk of the brick sections.

Apart from the improvements and reductions mentioned above, the SG/SPZ also makes it clear that there are positions within the Business Park where “key prominent buildings” at the entrances to the industrial estate would be allowed with greater height and bulk than elsewhere in the estate. One such position is immediately opposite the hotel site on the other side of the industrial estate junction, whereby a building of up to three storeys/15m eaves height would be permissible without planning permission, provided it complied with the use and other restrictions of the SPZ scheme. The proposed hotel will be four storeys high but will only be no more than 12.9m to eaves. Given that it is flat roofed, this is also the roof height whereas the “key prominent building” location opposite could have allowed a building with an even higher ridge height, provided the eaves were no higher than 15m. The SG/SPZ requirements do not state that the number of storeys must be adhered to if the building falls below the maximum eaves height.

Given this encouragement in the SG on a site immediately opposite, the height of the hotel cannot be opposed as being inappropriate or out of context for the area. Whilst the plant room on top does project more than a metre above the roof, it is very limited in footprint and scale and, in any case, does not exceed what the SPZ allows which is at least 16m above ground. The various improvements made to the hotel combined with the additional planting, result in a design and impact which can be justified in the area and would result in an acceptable development in compliance with Council Policies and guidance. Such buildings will be visible from the Eildon and Leaderfoot National Scenic Area and from the SLA but will be viewed within the context of their urban and development surroundings and would not be considered to impact on the setting of these designated areas to any significant extent.

Access

Policies PMD2, IS6 and IS7 require safe access and sufficient parking to and within developments, capable of being developed to the Council’s adoptable standards and in accordance with the guidance in “Designing Streets”. The SG/SPZ also makes it clear that any development should not prejudice the extension of the rail route to

Carlisle and that road and footpath connections are designed to allow good connectivity between uses and onward to the railway terminus itself.

The original submission from the applicant did not cause any significant objections from Roads Planning to the access point. Although there are some objections from third parties to the road safety implications of increased traffic in the local area, Roads Planning do not question the capacity of the local road system to accommodate the increased traffic. They consider that the proposals comply generally with LDP Policies on sustainability and development of town and village centres, except for the food retail unit. They would have preferred an access into the site off a roundabout also serving the Pensions Agency but accept the applicant's transport submissions including reduction to 30mph, right turn refuge and opening up visibility. However, they sought more information including layout ability to cope with Lowood proposals and extended railway, improved internal roundabout layout, a link road for the hotel, adequacy of parking issues, improved pedestrian access to the hotel, issues with parking provision for the other uses, proximity to access from roundabout and level differences at the food retail unit, the road layout at the petrol station and conditions required including Road Safety Audit, Travel Plan, full engineering drawings etc.

Before the agent omitted the retail unit, revised drawings were submitted to address the points raised but the Roads Planning Service adhered to most of their previous comments, also feeling that the entrance walls might impede visibility, further cycle parking was needed and further submissions were necessary if the internal spine road is to be adopted. They did, however, accept the information submitted that the development allows roadway width for Lowood and the railway extension.

Upon submission of the fully revised scheme with omission of the retail unit and associated car parking, Roads Planning have responded with no objections but with a number of elements that still require further details or adjustment. These are listed in the consultation response dated 9 August. The main adjustments still required include:

- A change to the angle of the main access with Tweedbank Drive
- Installation of footpaths connecting the car park, hotel and restaurant
- Further details and adjustment to the northernmost access into the hotel car park
- Attention to levels in parts of the and camber at roundabout
- Staff parking provision at the hotel
- Cycle and electric vehicle charging provision

Having discussed these outstanding matters with Roads Planning, they have no objections and it is not considered that any adjustments required to address their remaining concerns will have any significant impact on the proposals as they stand. The issues can be addressed by conditions as recommended in this report. Similarly, there has been no objection from Transport Scotland in relation to impacts on the A6091, although conditions are required on lighting, frontage landscaping, barriers and drainage connections. Subject to these, it is considered that the development can be safely accessed and accommodated within the local road network, in accordance with LDP Policies PMD2, IS6 and IS7. All road works require to be completed before any of the uses become operational.

Other Issues

In terms of other material factors, there are none that would outweigh the final recommendation to support the revised application. Policies EP2 and EP3 relate to preservation of national and local biodiversity interests and the Ecology Officer is

satisfied with the surveys that have been undertaken so far. He seeks a Construction Environment Management Plan by condition to manage impacts on the Tweed SAC. Similarly, the loss of the woodland requires adequate biodiversity compensation in a Habitat Management Plan, also imposed by condition. The Council Ecologist sought further information in relation to bat surveys. Upon submission of revised information, the Ecologist is satisfied with bat surveys subject to a Species Protection Plan on bats and breeding birds and a sensitive lighting scheme for bats. The requirement for a Habitat Management Plan and a Landscape and Environmental Management Plan to minimise impacts of tree loss is maintained.

In terms of drainage, Local Development Plan Policies IS8 and IS9 are the most relevant in consideration of the impacts of development of this site on the water environment. Mains water and drainage is proposed and a Drainage Impact Assessment was carried out. The Council's Flood Risk Team are content with the findings of the Assessment and also confirm that the site lies outwith any flood risk zone. SEPA advise that foul and surface water drainage utilise SUDs principles and also be to the specification of Scottish Water. The Drainage Impact Assessment proposes surface water attenuation within the site before controlled discharge to the public system. Foul drainage will be direct to the public system. Subject to an appropriate condition, it is considered that issues relating to water and drainage can be satisfactorily addressed.

In terms of archaeology and Policy EP8, the southern part of the site lies within the "Battle of Darnick" Inventory Battlefield and there may be buried archaeology as a result. Historic Environment Scotland refer to the Council Archaeologist for his advice and he recommends a two stage investigation of metal detecting followed by evaluation of sub-soils. This can be controlled by planning condition seeking a Written Scheme of Investigation.

The Council Petroleum Officer advises that a separate consent is required for a Petroleum Certificate which requires full detailed drawings and a risk assessment. The drawings also contain some inconsistencies relating to number of pumps and offset fills. These matters can be advised via Applicant Informative.

CONCLUSION

In conclusion and subject to compliance with the proposed schedule of conditions, the development is considered acceptable when assessed against the Local Development Plan and Supplementary Guidance. The reduced scheme represents a mix of uses which have largely been identified as being required in the area, maximising on the prominent and gateway position between the A6091 roundabout and the railway terminus. Impacts resulting from the uses are considered to be outweighed by the benefits anticipated from the development, including impacts on the woodland boundaries to the site.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

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

Conditions

1. No development to be commenced until a detailed scheme of phasing is submitted to, and approved in writing by, the Planning Authority. Once approved, the development to proceed in accordance with the approved Plan.

Reason: To ensure that the development, infrastructure and landscaping proceed in accordance with an agreed programme.

2. With the exception of land re-shaping, landscaping and underground services, no uses granted under this consent shall relate to the "Site for Future Development" as marked on Site Layout 90026 A-ST-P-XX-G7-900 Rev F.

Reason: To ensure that the site is omitted from the overall uses granted consent and remains available for development including Class 4 as identified in the "Central Borders Business Park" SPZ.

3. No existing trees within the application site, apart from those identified for removal and shown on approved drawing L01 Rev I shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Local Planning Authority.

Reason: The existing tree(s) represent an important visual feature which the Local Planning Authority considered should be substantially maintained.

4. The trees on this site, which are marked for retention on the approved plans, are covered by the existing Tree Preservation Order and shall be protected at all times during construction and building operations, by the erection of substantial timber fences around the trees, together with such other measures as are necessary to protect the trees and their roots from damage. Details of the methods it is proposed to use shall be submitted by the applicant to the Local Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed.

Reason: To ensure that adequate precautions are taken to protect trees during building operations.

5. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works in the form of a Landscape and Environmental Management Plan, which has first been submitted to and approved in writing by the planning authority, after consultation with Transport Scotland (relating to iv). Details of the scheme shall include (as appropriate):

- 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. location and design, including materials, of walls, fences, gates and other boundary treatments
- iv. details of the landscaping fronting the A6091
- v. soft and hard landscaping works including compensatory tree planting
- vi. existing and proposed services such as cables, pipelines, sub-stations
- vii. other artefacts and structures such as street furniture, play equipment
- viii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development and to ensure that there will be no distraction to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

6. Notwithstanding the details shown on the approved drawings, final road, ground and building levels shall be submitted to the Planning Authority for approval. No development to commence until the levels are approved in writing and the development then to proceed in accordance with the approved levels.

Reason: To safeguard the visual amenity of the area and to ensure appropriate roads and drainage provision.

7. No development to be commenced until further detailed engineering drawings are provided of the alterations to Tweedbank Drive between Melrose Roundabout and the existing road junction at the northern corner of the site. This should include a proposed footpath link in Tweedbank Drive between Tweedside Park and the pedestrian crossing island, on the north-eastern side of Tweedbank Drive. Once approved, the works to be completed before the first use becomes operational.
Reason: To ensure that there is safe adequate access to and from the site for vehicles and pedestrians and to safeguard the operation and safety of the existing road network.
8. No development to be commenced until a revised Stage 1 and Stage 2 Road Safety Audit is submitted to, and approved by, the Planning Authority. Thereafter, Stages 3 and 4 to be submitted for approval in accordance with the timing and requirements of the "Design Manual for Roads and Bridges" HD19/03 and any issues arising to be addressed in accordance with a timescale to be agreed.
Reason: In the interests of road and pedestrian safety
9. No use hereby approved to become operational until related and associated vehicular and pedestrian access, parking and drainage for each use are completed as per revised plans which shall first be submitted to, and approved in writing by the Planning Authority before the development is commenced. This shall include full swept path analysis, a final consistent layout for the petrol filling station, resolution of level issues at the filling station, electric vehicle charging/parking provision, engineering details at the secondary hotel access (including gradient, construction, revised radii and drainage), staff parking, pedestrian provision to the hotel from the car park and from the hotel to the restaurant/café.
Reason: To ensure that adequate access to the site for pedestrians and vehicles is provided and is at all times properly maintained.
10. No use to become operational until the main access road, roundabout, associated footpaths and drainage shown on the approved plans have been completed to adoptable standards. This includes realignment of the main junction with Tweedbank Drive, adjustment to camber levels at the roundabout and agreeing legal rights of access to surface water attenuation tanks.
Reason: To ensure that adequate access to the site for pedestrians and vehicles is provided and is at all times properly maintained.
11. No development shall commence until a Travel Plan, including a scheme for the provision of suitable bicycle parking facilities, has first been submitted to and approved in writing by the Planning Authority. The Plan shall then be fully implemented prior to operation of each associated use and thereafter adhered to on a permanent basis.
Reason: To ensure that a comprehensive range of travel and transport options are made available to users of the development.
12. No development shall commence until precise details of the barrier proposals along the trunk road boundary have first been submitted to, and approved in writing by the Planning Authority, after consultation with Transport Scotland. The development shall be carried out in accordance with the approved details.
Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.
13. The kiosk/shop associated with the petrol filling station shall not operate until the petrol filling station is complete and operational and, thereafter, shall remain in use unless the petrol filling station use ceases.

Reason: The kiosk/shop is required to service the petrol filling station and requires to be linked to its use in order to minimise impact on surrounding town centres and also to adequately support the petrol filling station.

14. The roof solar panels proposed for the hotel not to be erected until further details of the panels and their methods of fixing are submitted to, and approved in writing by, the Planning Authority. Once approved, the panels to be erected in accordance with the approved details and removed within three months of the panels no longer being operated for the production of electricity.

Reason: To safeguard the visual amenity of the area.

15. No signage to be erected on buildings, structures or elsewhere within the site until further details are submitted to, and approved in writing by the Planning Authority. This shall include applications for Advertisement Consent where required. The signage then to be erected in accordance with any details or applications granted.

Reason: In the interests of road safety and to safeguard the visual amenity of the area.

16. No development to be commenced until samples of all external building materials for the buildings and structures on the site are submitted to, and approved in writing by, the Planning Authority. Once approved, all materials to be used in accordance with the approved details.

Reason: To safeguard the visual amenity of the area.

17. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.

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

18. No development to be commenced until a Construction Environment Management Plan (CEMP) is submitted to, and approved in writing by, the Planning Authority. This should include measures for disposal of waste and protection of itinerant species such as badger which may forage across the site. Once approved, construction of the development to proceed in accordance with the approved Plan.

Reason: To safeguard the River Tweed Special Area of Conservation and other ecological interests at the site.

19. Prior to commencement of development, a Species Protection Plan for badger and breeding birds shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved in writing SPP.

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

20. No development to be commenced until a Habitat Enhancement and Management Plan (HEMP) is submitted to, and approved in writing by, the Planning Authority. This should include measures for retention and adequate compensation of removed woodland in order to maintain and enhance biodiversity. Once approved, the development to proceed in accordance with the approved Plan.
Reason: To protect and enhance ecological interests at the site.
21. No development to be commenced until a full lighting scheme for all parts of the development is submitted to, and approved in writing by, the Planning Authority after consultation with Transport Scotland. This should include measures to mitigate impacts on bat habitat. Once approved, the development to proceed in accordance with the approved scheme.
Reason: To safeguard bat interests at the site and to ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished
22. Development shall not begin until drainage details have been submitted to, and approved in writing by, the Planning Authority. The development then to proceed in accordance with the approved details. There shall be no connections to the trunk road drainage system.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water and to ensure that the efficiency of the existing trunk road drainage network is not affected.
23. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:
- Development at (Note 1)
 - Notice is hereby given that planning permission has been granted, subject to conditions (Note 2) to (Note 3) on (Note 4) by Scottish Borders Council.
 - The development comprises (Note 5)
 - Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose. Telephone 0300 100 1800, or by visiting <http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).
- Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

Informatives

1. In relation to Condition 17, a two phase approach is recommended of metal detecting by a qualified archaeologist followed by archaeological evaluation of sub-soils for evidence of buried features.
2. In relation to Condition 20, the Council Ecologist advises the following:

A soft Landscape proposal (TGP Landscape Architects 27/02/19) has been submitted. If this is to meet the requirements of a Habitat Management Plan, it should set out how this provides the biodiversity enhancements and the mitigation for foraging bats. I recommend that the existing structural planting is retained as far as possible including at the south and south-eastern boundary and that more native tree species and shrubs are included in the planting scheme (e.g. downy birch, rowan, hazel and holly) or at least replicate what exists in the established landscape planting.

Any loss of trees should be fully compensated for in accordance with Scottish Government's "Control of Woodland Removal" and Local Development Plan Policy EP13 "Trees Woodlands and Hedgerows".

3. In relation to Condition 21, the Council Ecologist refers to "Bats and artificial lighting in the UK" Guidance Note 08/18 (2018).
4. Please note the following comments and requirements of the Council's Trading Standards Service in relation to the Petrol Filling Station proposals :

The subjects of this application are governed, in part, by The Petroleum (Consolidation) Regulations 2014 as enforced by Scottish Borders Council Regulatory Services department, Trading Standards section.

This requires consent and approval from said department which is authorised as the Petroleum Enforcement Authority (PEA).

Application should be made separately to the PEA for the issuance of a new Petroleum Certificate.

To this end, we require full scale drawings of the site plans and proposals accompanied by a full risk assessment and schedule of works. These should be submitted to the PEA prior to commencement of any works.

All works and equipment to be installed must meet the current standards as prescribed by The Dangerous Substances and Explosive Atmospheres Regulations 2002 and the guidance contained within the most current edition of the "Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations as published by The Energy Institute and the Association of Petroleum and Explosives Administration.

As a further observation, it should be noted that the plans for the petroleum filling station as currently submitted would appear to contain some discrepancies – under 'General Notes' it is stated that the Forecourt Canopy will comprise of 'traditional petrol filling station 5 island starter gate arrangement', and further that the pump arrangement will comprise '5no. 8 hose pumps, 2no. Mono Hi Speed Diesel Pumps, 1no. Twin Hi Speed Diesel Pump, 2no. Ad Blue Pumps'. However, the drawing itself shows and refers to a 'four island starter gate forecourt canopy', and would appear to only show two 'HGV Pumps' rather than the three listed in the notes. The notes also make reference to 'below ground offset fills', while the drawing is marked with 'above ground offset fills'.

5. The Notes required of Condition 23 should be completed as follows:
 - Note 1: Insert address or describe the location of the development

- Note 2: Delete “subject to conditions” if the planning permission is not subject to any conditions
 - Note 3: Insert the name and address of the developer
 - Note 4: Insert the date on which planning permission was granted (normally the date of this Notice)
 - Note 5: Insert the description of the development.
 - Note 6: Insert the application reference number.
6. Upon commencement of the development, the applicant should contact the Council’s Roads Traffic Service to discuss the promotion of an altered, reduced speed limit from 40-30mph in Tweedbank Drive adjacent to the site.

DRAWING NUMBERS

Location Plan	90026 A-P-XX-G2-001
Site Layout	90026 A-ST-P-XX-G7-900 Rev F
Hotel Elevations	90026 A-H-E-XX-G2-100 Rev D
Hotel Elevation	90026 A-H-E-XX-G2-105 Rev D
Hotel First & Second Floors	90026 A-P-XX-G2-102 Rev A
Hotel Ground Floor and Roof	90026 A-P-XX-G2-103 Rev A
Hotel Ground Floor Area	90026 A-SC-XX-G2-201 Rev A
Hotel Ground Floor	90026 A-P-00-G-101 Rev A
Hotel Sections	90026 A-S-XX-G2-104 Rev A
Petrol Station Elevations	15306 – 24 Rev A
Petrol Station Sections	15306 – 22 Rev A
Landscape Proposals	L01 Rev I
Petrol Station Elevations	15306 -22-1 Rev A
Petrol Station Site Plan	15306 – 21 Rev B
Petrol Station Floor Plan	15306 – 23 Rev A
Café Elevations	90026 A-E-XX-G2-003 Rev A
Café Floor Plans	90026 A-P-XX-G2-001 Rev A
Café Roof Plan	90026 A-P-XX-G2-002 Rev A
Café Sections	90026 A-S-XX-G2-004 Rev A
Café Ground Floor Area	90026 A-P-XX-G2-005
Drainage Layout	13420-BKP-ZZ-XX-DR-S-0500
Levels Petrol Station	13420-BKP-ZZ-XX-DR-S-0800
Levels Car Park Site	13420-BKP-ZZ-XX-DR-S-0801
Levels Retail Site	13420-BKP-ZZ-XX-DR-S-0802
Levels Café	13420-BKP-ZZ-XX-DR-S-0803
Levels Hotel	13420-BKP-ZZ-XX-DR-S-0804
External Structures	90026 A-P-XX-G2-904
Context Elevations	90026 A-E-XX-G2-906 Rev A
Topographical Plan	Sheet 1
Lighting Specifications	
Lighting Illuminance Plan	
Street Lighting Specifications	
Soffit Lighting Details	
Site Lighting Details	
SecuriPack Lighting 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
Craig Miller	Principal Planning Officer



18/01520/FUL

Land At
Tweedbank Industrial Estate
Tweedbank

