

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

7 OCTOBER 2019

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 19/01032/FUL

OFFICER: Carlos Clarke
WARD: Tweeddale East
PROPOSAL: Extension to form early learning and childcare provision
SITE: St Ronans Primary School, Pirn Road, Innerleithen
APPLICANT: Property & Estates, Scottish Borders Council
AGENT: Architects - Scottish Borders Council

SITE DESCRIPTION

The site is located at the north-easterly side of Innerleithen, and comprises the existing school set within its landscaped grounds, alongside woodland on the south-east side of the A72. Residential properties flank the site to the south-west and north-east, with playing fields to the south-east beyond a track. The extension would be on the site of an existing play area, alongside mature oak and lime trees.

PROPOSED DEVELOPMENT

The proposals principally comprise a single-storey extension, designed to cater for 95 children, with 15 spaces allocated to 2-3 year olds, and 80 spaces to 3-5 year olds. This is the Council's response to meeting the Scottish Government's early learning initiative in Innerleithen, a scheme designed to increase entitlement to free early learning and childcare provision. Associated with the proposals are relocation of the existing play area, a pumping station and water tank, and fenced nursery garden.

PLANNING HISTORY

No relevant planning history

REPRESENTATION SUMMARY

Representations on behalf of seven households have been received, copies of which are available on *Public Access*. A summary of the key issues/concerns is as follows:

- Noise impacts
- Security light pollution
- Play area would be beside a working farm track and near roads - an accident hot-spot
- Loss of trees, and associated wildlife impacts, including birds, bees and bats
- Increase in traffic where there already traffic problems (and query what road safety measures will be implemented), with no additional parking provision and associated air pollution
- Question if other options within the ground considered, and if the extension is necessary if portions of the existing building aren't being used. The proposal is in the

one place that will cause maximum noise, inconvenience and annoyance to neighbours

- Pumping station close to neighbours
- Existing fence is insecure
- Visual impact, with the building not in keeping with existing architecture
- Privacy loss
- Significant foot traffic
- Narrow alleyway being created that could attract anti-social behaviour
- Safety measures during tree felling
- Play park will cause more rubbish to be thrown
- Query cost and timescale, and the factors that were considered to lead to the decision to provide an additional 95 child care places
- Query how neighbours were considered during the planning process
- Flooding issues
- Disruption during construction

APPLICANT'S SUPPORTING INFORMATION

Supporting information includes:

- Design Statement
- Bat and Breeding Bird Survey
- Arboricultural Impact Assessment

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

IS1 Public Infrastructure and Local Service Provision
PMD2 Quality Standards
PMD3 Land Use Allocations
PMD5 Infill Development
IS7 Parking Provision and Standards
IS8 Flooding
IS9 Waste Water Treatment Standards and Sustainable Urban Drainage
EP1 International Nature Conservation Sites and Protected Species
EP2 National Nature Conservation Sites and Protected Species
EP3 Local Biodiversity
EP8 Archaeology
EP11 Protection of Greenspace
EP13 Trees, Woodlands and Hedgerows
EP16 Air quality
HD3 Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS:

SPG Landscape and Development 2008
SPG Green Space 2009
SPG Placemaking and Design 2010
SPG Guidance on Householder Development 2006
SPG Waste Management 2015
SPG Designing out Crime in the Scottish Borders 2007
SPG Trees and Development 2008

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Ecology Officer: Is satisfied with the bat and bird breeding survey. The survey identified a total of three non-breeding roosts of soprano pipistrelle bat containing a maximum of three bats in any one roost and a maximum of four bats in total. The proposed development, through alterations and extension, is likely to lead to the disturbance of these roosts. Also, two mature broad-leaved trees on site have potential bat roost features. No bats were observed emerging or returning to the roost features during the presence/absence surveys. Mitigation for bat and breeding birds is proposed if the trees are to be removed, and felling to occur outside of the bird breeding season. A Species Protection Plan for bats is required that includes the mitigation set out in the report to satisfy this condition. A European Protected Species will be required from SNH or alternatively the proposal might be eligible for a Bat Low Impact Licence. It is unlikely that, with mitigation, the loss of these roosts will be detrimental to the maintenance of the populations of soprano pipistrelle bat at a favourable conservation status in their natural range.

No active or inactive bird nests were recorded. A mitigation plan is included in the report to safeguard breeding birds. On a precautionary basis a Species Protection Plan for breeding birds will be required.

Recommends planning conditions covering the necessary bat and bird mitigation measures.

Roads Planning Service: No objections to the development, which is contained within the school grounds

Tree Officer: The Arboricultural Impact Assessment makes reference to deeper rooting for the two species on site – mature, category A Limes and an Oak. The trees are open grown and so he would expect a relatively even root distribution despite the partial asphalt surface, potential soil structure and footway beneath their canopies. Reference is made to assumed root depths, but there is no mention of a trial pits or trenching to prior determine the extent of root size, depth and coverage within the Root Protection Area (RPA) encroachment. The use of an air spade is an acknowledged tool in careful excavation within the RPA. This in itself requires a skilled operator and supervised assessment, equally aftercare once roots have been exposed. The 850mm maximum excavation depth with 1.6m column pads and strip 600mm deep trenching will affect roots. Care must be taken in minimising the trees long term health of trees in that location.

Any excavation work in the RPA must be supervised and recorded. He notes the proposed drainage close to T1 Oak and crown raising - again this should be supervised by an arboriculturist. He also suggests a regular cyclical assessment of the trees in the future to monitor their health and make recommendation for any remedial tree works.

While in principle the development is accepted, a method statement based on results of a trial pit within the RPA's encroached area will establish actual root activity and extent. This will support proposals for the future management of all four trees.

Archaeology Officer: The current school occupies the site of Pirn House which was of 18th century date, and historical 19th and early 20th century photos confirm this. It is also clear that the Pirn Estate is medieval in origin and that the early 18th century house replaced an earlier tower. Despite demolition of the house and construction of the school associated infrastructure in the 1950s, there is a reasonable chance that buried archaeology will exist on the site. This would be particularly the case for foundations cut into sub-soils that will not have been impacted by later development. On balance, there is a moderate potential for encountering

buried archaeological remains during development. Given the potential, and scale of development, recommends a condition requiring archaeological monitoring during all excavations.

Flood Protection Officer: The site is at potential risk of flooding in a 1 in 200 year event according to SEPA mapping, however, the extension is shown not to be at risk of flooding. Hydraulic modelling was produced for the Innerleithen Flood Study in 2019. This demonstrates that the proposed extension lies out with the 1 in 200 year inundation outlines for both the River Tweed and Leithen Water. This study is anticipated to be more accurate than SEPA's indicative mapping. As this extension building is not at risk of flooding at a 1 in 200 year flood event, he has no objections on the grounds of flood risk.

Statutory Consultees

Scottish Environment Protection Agency: No reply

Innerleithen and District Community Council: No reply

KEY PLANNING ISSUES:

Whether or not the proposed development accords with the Local Development Plan 2016 and relevant planning guidance principally in terms of landscape, visual and amenity impacts; traffic generation and impacts on road safety; and ecological impacts

ASSESSMENT OF APPLICATION:

Principle

The proposed development would enhance local service provision and is, therefore, supported by Policy IS1. The existing play park would be replaced. The extension would be within the town's settlement boundary, as defined in the Local Development Plan 2016, and the proposed use would be ancillary to the existing educational use. Its proposed site is neither allocated nor safeguarded in the LDP, so the principle of the proposed use is acceptable under Policy PMD5, subject to detailed consideration of its impacts, as covered further in this assessment.

There is no requirement to explore alternative sites for the proposed development. However, the applicants have explained that other sites have been considered, including alternative positions for an extension and the option of a standalone building. The proposed location is the only one that meets the school's requirements, including interaction between nursery and P1 classes, and facilitates a logical flow between the main school and nursery, including a feeling of 'progression through the school'. There may be multiple drop off and pick up times through the day, and other locations would have required the access route to the nursery to have interfered with the school or nursery playgrounds, leading to adults crossing the playground while children were playing. The applicants also advise that visibility of the entrance for the nursery is also critical for wayfinding, and the location allows for easier, less disruptive connections to existing services. The location also allows for safe segregation of the work area and site compound that avoids any points of conflict between children and construction traffic. The applicants contend that this is important as the school will still operate while it is being constructed. The applicants advise that alternative locations do not provide the same level of segregation without considerably more disruption.

The water tank and pump house and relocated play area would be sited in an area designated as a 'key greenspace' in the LDP. However, the tank and pump house do not require Planning Permission (being less than the limitations applied by Class 30 of the General Permitted

Development (Scotland) Order 1992 (as amended). There is no need to consider their implications as part of this application. The relocated play area, being a public play park on educational land, does require PP, however, it will replace the existing play park, and will ultimately enhance the value of the existing greenspace. The loss of the greenspace required for it is justified, and there is no conflict with Policy EP11 as a result. The nursery garden area would be enclosed by 1m fencing and that is also Permitted Development, as are two 'indicative' sheds later illustrated on the plans during the processing of the application, assuming these are less than 4m high (an 'informative note' is recommended to cover this).

Flooding

No part of the development is potentially at risk of flooding from the River Tweed or Leithen Water. Our Flood Protection Officer raises no concerns, and SEPA have not provided any comments.

Archaeology

There are no designated archaeological sites that would be affected, however, as recommended by our Archaeology Officer, a condition is considered necessary to provide for suitable mitigation of potential archaeological impacts.

Services

Mains water and drainage services are proposed, and there is no reason to expect these will be unavailable. Surface water drainage from the extension will be for the Building Warrant process. There would be no material consequences of surface water arising from the relocated play area.

Ecology

No natural heritage designations would be affected. The applicants have submitted a bat and breeding bird survey that identifies three soprano pipistrelle bat roost sites within the building, though none would be directly affected by the extension. However, due to the proximity of the works, it is expected that a licence will be required from Scottish Natural Heritage. Two of the nearby trees have bat roost potential, and the trees will also potentially provide breeding bird habitat, though no active nests were found. Our Ecology Officer is content with the report's findings, on the basis that the disturbance of the roosts would not have consequences for the favourable conservation status of the bat species. He recommends conditions requiring evidence of the licence, or proof it is not required, as well as compliance with the report's Species Protection Plan. As regards birds, he also recommends compliance with the SPP. As noted below, no trees are currently proposed for removal, and the trees are not protected. However, it would be prudent to control any such works necessary to facilitate the development to ensure no breach of habitat legislation and, therefore, conditions should be imposed as recommended by the Ecology Officer. Bees are not a protected species.

Road and pedestrian safety

Local residents' concerns regarding traffic impacts and parking implications are understandable, though the Roads Planning Service has raised no concerns regarding the proposed extension. The play area would be sited near, but not alongside the track to the south-east. It would be within an area already used for children to play on, and require no more road crossings than the current play area does. The track has good visibility and traffic speeds will be naturally slow.

Trees

The proposed extension would be close to five mature trees. None are protected by Tree Preservation Order, though all are substantial specimens, considered to be Category A trees in an Arboricultural Impact Assessment (AIA) submitted by the applicants. The original application submission identified one of the five trees potentially at risk, but later plans suggest three at risk of potential felling – one Oak, and two Lime trees. The AIA has, however, assessed the potential impacts and it contends that, because of the deeper root systems of these tree species, and the relatively shallow foundation type proposed for the extension, the trees should be able to tolerate the excavation works within their Root Protection Areas without long term damage. This would require that the development not exceed the footprint as currently proposed (and would seem to require the means of pedestrian access into to it to avoid external ramps or ground level changes). The works would require to be undertaken using an air spade, and be supervised by an arboriculturist.

The Council's Tree Officer has considered the AIA and accepts the principle of development, but requires that a method statement be agreed that is first informed by trial pit excavations, to demonstrate whether the assumptions in the AIA regarding root spread are correct. If not, then contingency measures will need to be applied. Also, long term management of the trees will be required.

Ultimately, the large trees that frame the site are potentially at risk of damage from the proposed extension. They are valuable trees in terms of their visual contribution to the setting, albeit they are not formally protected, and their location limits their value to public amenity. In addition, the value of the development in terms of meeting nursery place requirements is a material consideration to be weighed in the balance. A planning condition can ensure that all efforts are applied to safeguard the trees, and only should all such efforts fail would removal of the trees reasonably be accepted.

Safety measures during tree works are for the contractor to consider.

Visual Impacts

The extension would be single-storey, relatively modest in scale compared to the main school. It would be a modern addition, and its mono-pitched form would be quite a contrast with the existing building. However, the site is fairly discrete relative to the public realm and, provided subtle colours are used for external materials (which include zinc and timber), the extension should be a sufficiently complementary addition to the main building in this particular location. That said, the applicants were asked to improve the massing of the side elevation given its visual impact on neighbouring residential properties. The applicants have responded positively and the elevation now incorporates timber cladding around the doorway.

The play area would be in a more exposed location than is currently the case, though provided the structures and equipment to be used are sympathetic to the setting in terms of their scale, materials and colours, the visual impact will not be adverse. A condition can cover the details of the play area.

As noted above, the water tank, pump house and fence to the nursery garden are Permitted Development.

Neighbouring amenity

Concerns regarding noise from the extension are acknowledged, however, the extension would be on the site of a children's play area, within the grounds of a school. In terms of land use planning, the implications for neighbouring residents from any increased noise, or increased foot traffic, cannot reasonably be considered determinative. As noted above, the

pump house and water tank do not require Planning Permission. An informative can make the applicants aware of standard noise limitations that would be recommended.

The gap between the extension and the neighbouring houses will be overlooked, so anti-social behaviour should not be an inevitable consequence. In any case, it is for the school to manage behaviour on its grounds. There is no justification for changing boundary treatments

No external lighting is proposed. If lighting is subsequently placed on the extension, the applicants will need to account for potential light nuisance in their design, location and specification.

The extension would not have adverse implications of note for the amenity of neighbouring properties in terms of daylight, sunlight or outlook loss. Nor would privacy be seriously compromised, given only a door on the facing elevation is proposed, and the use is non-residential. If the school considers the facing doorway should be obscure glazed to prevent intervisibility with neighbouring houses, then they can specify this at their discretion.

The relocated play area was, initially, considered to be unreasonably close to neighbours. In response, the applicants have relocated so it is no closer to neighbours than the current play area.

Construction works will be temporary, and dust and noise resulting from them are matters best regulated under separate environmental protection powers. As regards air quality impacts from idling cars as a result of use of the development, this is a matter that would be applicable to all school traffic, not just resulting from this extension, and there is no evidence to suggest that any increase in emissions as a result of the traffic generated by the proposed extension would breach any air quality standards. This is a matter for the school to attempt to address more strategically outwith the scope of this planning application, by using travel plans for example to discourage private car trips to and from the school.

Waste

There is understood to be no change to existing waste storage measures

CONCLUSION

Following submission of amendments made during the processing of the application, and subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

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

1. No development shall commence until an Arboricultural Method Statement (AMS) (including a tree maintenance scheme) that has been informed by a trial pit excavation (of a scope first agreed in writing with the Planning Authority) has been submitted to and approved in writing by the Planning Authority. The AMS should include any necessary adjustment to the specification of the approved extension. The development shall then be carried out wholly in accordance with the Arboricultural Method Statement and the trees shall subsequently be maintained in accordance with the approved maintenance scheme. Trees T1-5, identified in the Arboricultural Impact Assessment – Tree Consultancy Group 23rd September 2019, shall not be felled, lopped or otherwise disturbed to facilitate the

development of the approved extension unless otherwise agreed in writing with the Planning Authority

Reason: To minimise the landscape and visual impact of the development by minimising potentially adverse effects on trees with landscape value

2. No development shall commence on the approved extension until the following have been submitted to and approved in writing by the Planning Authority:
 - a) a copy of the relevant European Protected Species licence, (or Bat Low Impact Licence) as appropriate or,
 - b) a copy of a statement in writing from Scottish Natural Heritage (licensing authority) stating that such a licence is not necessary for the specified developmentReason: To protect the ecological interest in accordance with Local Development Plan Policies EP1 and EP3.
3. No development shall commence until written confirmation has been submitted to the Planning Authority confirming that the detailed Species Protection Plan for bats, as outlined in the Bat & Breeding Bird survey report, St Ronan's Primary School, Innerleithen, The Wildlife Partnership, August 2019 shall be implemented in full. Thereafter, no development shall take place except in strict accordance with the outlined Species Protection Plan.
Reason: To protect the ecological interest in accordance with Local Development Plan Policies EP1 and EP3.
4. No development shall commence until written confirmation has been submitted to the Planning Authority confirming that the detailed Species Protection Plan for breeding birds, as outlined in the Bat & Breeding Bird survey report, St Ronan's Primary School, Innerleithen, The Wildlife Partnership, August 2019 shall be implemented in full. Thereafter, no development shall take place except in strict accordance with the outlined Species Protection Plan.
Reason: To protect the ecological interest in accordance with Local Development Plan Policies EP2 and EP3.
5. No development shall commence on the relocated play area until details of the means of enclosure, play structures and equipment have first been submitted to and approved in writing by the Planning Authority. The development shall take place in accordance with the approved details
Reason: To ensure the development has a sympathetic visual impact
6. No development shall commence on the approved extension or relocated play area until the applicant 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 to the Planning Authority no later than 1 month prior to the start of development works and shall be approved by the Planning Authority before the commencement of any development. Thereafter the applicant 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.
7. No development shall commence on the approved extension until a schedule (including samples where required by the Planning Authority) of the external materials, finishes and

colours have first been submitted to and approved in writing by the Planning Authority. The development shall be completed using the approved schedule of materials, finishes and colours.

Reason: The materials and colours require further consideration to ensure they are visually sympathetic to the context

Information for the applicant

The water tank and pump house, fencing to the nursery garden, and sheds (indicatively located) are Permitted Development where none exceed 200 m³ or 4 metres in height. The applicant should, however, ensure the fencing to the nursery garden does not risk damage to the roots of adjacent trees. The applicant is also recommended to ensure that all plant and machinery does not breach the following recommended noise limits - Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within any noise sensitive dwelling (windows can be open for ventilation). Any external lighting affixed to the extension should also account for potential light nuisance onto neighbouring residential properties.

DRAWING NUMBERS

Location Plan 001 Rev –
Existing Site Plan 052 P1
Proposed Site Plan 151 P1
Proposed Plan + External 3Ds 251 P1
Proposed Elevations 351 P1

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.

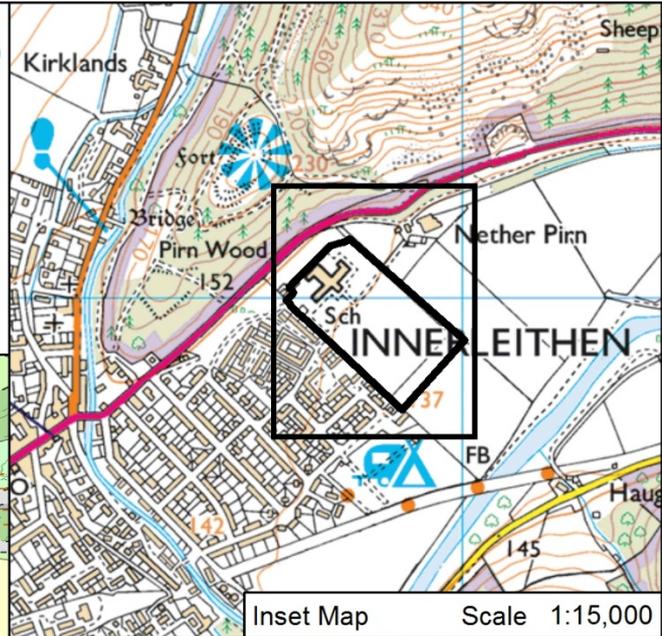
Author(s)

Name	Designation
Carlos Clarke	Team Leader Development Management

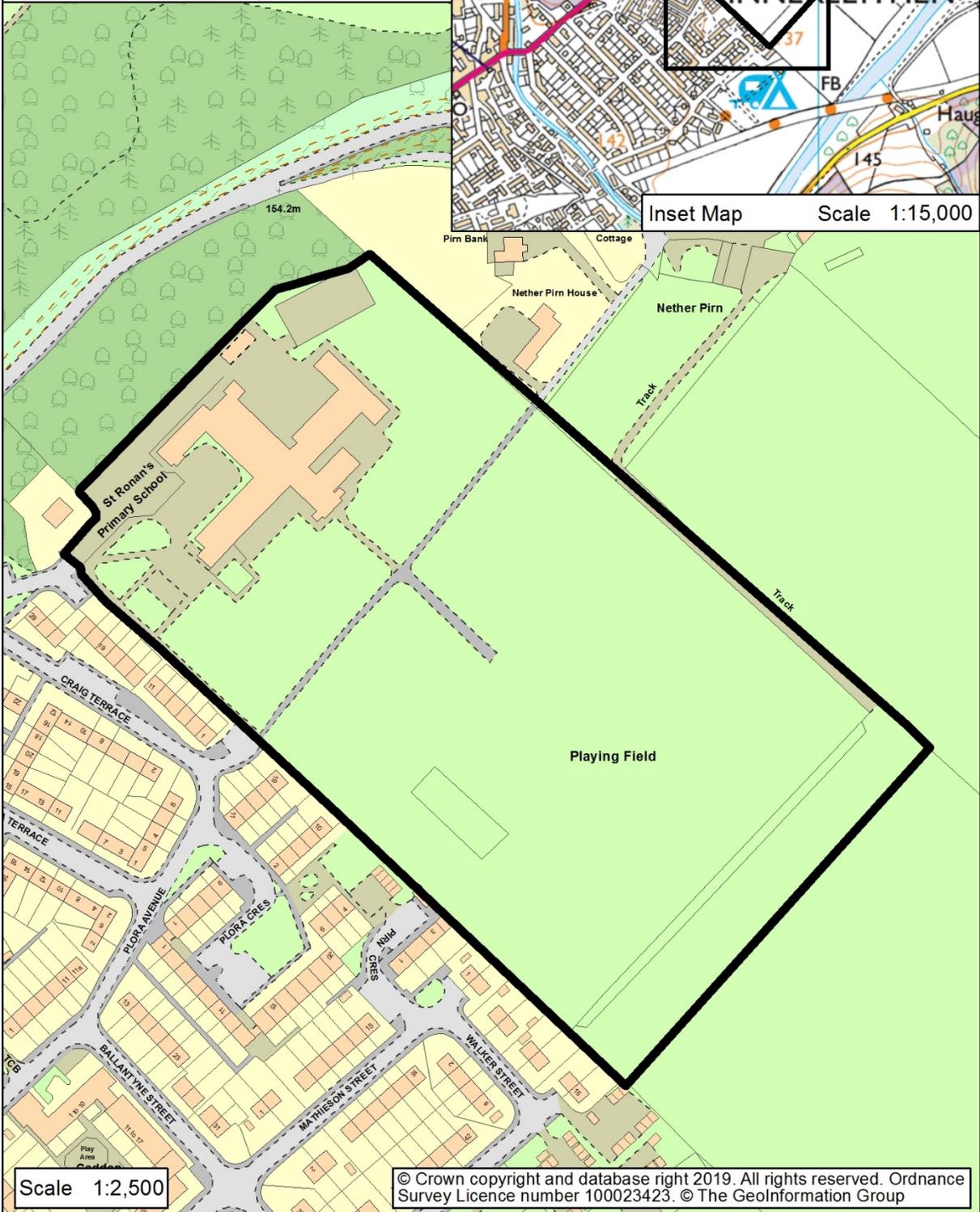


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St Ronans Primary School
Pirn Road
Innerleithen



Inset Map Scale 1:15,000



Scale 1:2,500