

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**02 MARCH 2020**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** **REFERENCE NUMBER:** 19/01813/FUL & 19/01812/LBC

**OFFICER:** Stuart Herkes  
**WARD:** Hawick and Denholm  
**PROPOSAL:** Change of use from former mill and alterations to form 10 No residential flats with associated parking (revision to planning permission 18/00498/FUL) & Internal and external alterations to form 10 No residential flats (revision to Listed Building Consent 18/00499/LBC)

**SITE:** Factory, 7 - 11 Buccleuch Street, Hawick, TD9 0HJ  
**APPLICANT:** Pescos Development Ltd  
**AGENT:** Aitken Turnbull Architects Ltd

This is a joint report on the proposal that is the subject of both Planning Application 19/01813/FUL and Listed Building Consent Application 19/01812/LBC.

**REASON FOR REFERRAL**

These applications are referred to the Planning and Building Standards Committee for determination because Planning Application 19/01813/FUL is being recommended for approval contrary to more than five objections from neighbouring householders.

Listed Building Consent Application 19/01812/LBC relates to the same proposals as the aforementioned planning application, and is therefore appropriately considered at the same time for reasons of consistency.

**SITE DESCRIPTION**

The site is part of the premises of the former Peter Scott factory and shop which front the south side of Buccleuch Street in Hawick's Conservation Area and Town Centre. The buildings are C-Listed, and have been a long-term vacancy since the factory and shop closed down.

The specific area of the former factory premises concerned, is part of the factory, which lies to the immediate southeast of the former St Margaret's Primary School; to the east of Buccleuch Terrace; and to the north of Drumlanrig Square. It consists of a three storey building containing large open workshop areas and an associated yard or car parking area to the east.

There are residential properties to the southwest and southeast. The southwest elevation lies immediately adjacent to the garden ground of properties in Buccleuch Terrace. There are existing window-openings in this elevation. Similarly, windows at second floor level face immediately towards the rear elevation of the principal elevation of No 6 Drumlanrig Square.

Peter Scott's Factory in Hawick dates from 1897 with some earlier core buildings. The mill complex was added to the statutory list in 2008 at Category C as part of a comprehensive resurvey of Hawick burgh. The notes to the list description states that it is: *"a substantially structurally unaltered, early-20<sup>th</sup>-century textile mill complex with a prominent, well-proportioned elevation to Buccleuch Street, tall boiler-house chimney with a dominating presence on the Hawick skyline, and extensive ancillary structures"*.

## **PROPOSED DEVELOPMENT**

Both planning and listed building consent applications relate to the same proposal. This is a proposed change of use and alterations to form ten dwellingflats within the southwestern part of the Listed Building, with the accommodation of associated car parking both within an adjacent yard and at ground floor level. These proposals are also a revision to a scheme that already has planning and Listed Building consent – under 18/00498/FUL and 18/00499/LBC.

As with the aforementioned consents, the proposed dwellingflats would again be accommodated at first and second floor levels only, within what are currently large open-plan workshop spaces. These are lit by rows of large (almost full height) windows with a six-over-six glazing pattern. In order to transform these spaces into dwellingflats, the applications again propose the introduction of new partition walls within the interiors; new replacement windows; and some infilling of existing openings.

The most significant differences between the proposed scheme and the earlier approvals ('the consented scheme') are: firstly, a proposed new balcony access to second floor level, within part of the Southeast Elevation, with an associated timber clad screen; secondly, a proposed use of the ground floor area as a shared or common under-croft parking and storage area; and thirdly, proposed changes to the windows and window-openings.

Amongst the latter proposals, more existing windows on the Southwest elevation (facing Buccleuch Terrace) will be retained in use as lights, rather than infilled. For the most part, these 'additional' lights would relate to shared access and corridor areas and stairwells but those at the most southerly corridor, would now light private apartments. The Applicant is content that these should be obscurely glazed, and in the case of the private apartments, also fixed shut. As with the consented scheme, it is proposed that those window-openings that would be infilled; it is proposed that the infills should be matching stone.

## **PLANNING HISTORY**

### **Planning Consent 18/00498/FUL and Listed Building Consent 18/00499/LBC**

Planning Consent 18/00498/FUL was issued on 28 February 2019, and approved a change of use from former mill and alterations to form 10 No residential flats with associated parking. It was accompanied by Listed Building Consent 18/00499/LBC, which approved related internal and external works to the Listed Building.

With regard to the principle of these proposals, positive regard was had to the potential to reuse - and to secure the future of - a derelict Listed Building within the Conservation Area and Town Centre at Hawick, not to mention a structure which lies immediately adjacent to residential properties within both Buccleuch Terrace and Drumlanrig Square. The proposals were considered liable to address a long-standing eyesore while conserving an important historic building, within Hawick's townscape. However, certain specific aspects of the proposal were nonetheless considered to be

inadequately described, and the approvals were in both cases issued subject to conditions to regulate all such matters.

### **Current Listed Building Consent Application 19/01619/LBC – to be determined**

The land within the same factory premises to the northeast is the subject of a current Listed Building Consent application to demolish a block of former weaving sheds within the interior of the Peter Scott Factory premises site. This application cannot be determined at the present time because of concerns with regard to the potential of these demolitions to impact bats and breeding birds. The application is currently being maintained under a Planning Processing Agreement (PPA) with the Applicant's agreement, while an appropriate bat and breeding bird survey of the premises is carried out and reported.

### **Conservation Area Consent 19/00948/CON**

Conservation Area Consent has recently been given for the demolition of the former St Margaret's school premises. The building concerned is not listed, but does lie within the Conservation Area, and therefore Conservation Area Consent was required in order that its demolition might be progressed. Conservation Area Consent 19/00948/CON was approved subject to conditions and informatives in October last year.

### **Planning Consent 19/00027/FUL**

Last April, planning consent was given for the replacement of telecommunications antennae and associated ancillary equipment on the former factory chimney. This itself, succeeded previous consents issued in 2015, for an earlier installation of telecommunications equipment in relation to the aforementioned chimney.

### **REPRESENTATION SUMMARY**

Objections have been received from six households all within properties in Buccleuch Terrace which back onto the site, facing its Southwest Elevation, which raise concerns with respect to the following matters:

- (a) impacts upon the residential amenity of neighbouring residential properties due to overlooking from existing windows (even if opaque) and/or from the proposed balcony walkway, both of the windows of neighbouring properties and of neighbouring garden ground; also potential for noise nuisance and light nuisance to neighbours, from these windows; it is noted that the current proposals would see more windows used as windows rather than infilled, increasing the extent of these impacts upon privacy and amenity of the neighbouring properties; the description of the windows as being tilt and turn would contribute to, and exacerbate, the overlooking and noise impacts; and allow litter to be dropped into adjacent gardens;
- (b) the treatment and appearance of the windows identified for being blocked off and infilled would have unacceptable impacts upon the appearance and character of the Listed Building; particularly with respect to use of render finish, due to this not being in keeping with the building and/or due to any future maintenance needs that might impact the neighbouring properties;
- (c) siting and operation of ventilation exhausting out and over neighbouring land; and TV aerial considered unnecessary and detrimental to amenity of neighbours' garden ground;

- (d) a screen should be included with the Juliet balconies on the NW Elevation, as per the requirement of Condition No 2 attached to Planning Consent 18/00498/FUL to protect the privacy of No 19 Buccleuch Terrace;
- (e) concerns with respect to access when working adjacent to neighbouring land not within the building's own curtilage;
- (f) concerns with respect to noise, dirt and other disruption/disturbance to neighbours at time of construction works;
- (g) considered that windows facing Buccleuch Terrace would be more appropriately infilled for heating efficiency and noise reduction; and
- (h) no measures to prevent snow being shed from roofs into neighbours' properties.

## **APPLICANTS' SUPPORTING INFORMATION**

- Photomontage

## **DEVELOPMENT PLAN POLICIES:**

### **Scottish Borders Council Local Development Plan 2016**

PMD1: Sustainability  
PMD2: Quality Standards  
PMD5: Infill Development  
ED1: Protection of Business and Industrial Land  
ED3: Town Centres and Shopping Development  
HD3: Protection of Residential Amenity  
ED5: Regeneration  
EP1: International Nature Conservation Sites and Protected Species  
EP2: National Nature Conservation Sites and Protected Species  
EP7: Listed Buildings  
EP8: Archaeology  
EP9: Conservation Areas  
EP16: Air Quality  
IS2: Developer Contributions  
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  
IS13: Contaminated Land

## **OTHER PLANNING CONSIDERATIONS:**

### **National Planning Policy and Guidance**

Scottish Planning Policy (SPP)

### **Scottish Borders Council Supplementary Planning Guidance**

Replacement Windows and Doors (2015)  
Placemaking and Design (2010)  
Development Contributions (2016)  
Householder Development (incorporating Privacy and Sunlight Guide) (2006)  
Waste Management (2015)

## CONSULTATION RESPONSES:

### Scottish Borders Council Consultees

**Heritage and Design Section:** has responded to both consultations to advise that it has already commented on the earlier applications which are associated with the conversion of the property into 10 dwellingflats. It notes that the current applications are for essentially the same proposals as before, but that these now seek to vary the aforementioned approvals with various alterations, including a change to the proposed windows' materials and configuration, and a new proposed balcony access, which would provide access to the 2nd floor level. It is noted that the Applicant has not included any Design Statement to set out the reasons for the changes now being proposed. With respect to each of the proposed alterations, it is advised as follows:

Balcony Access - the main change is the proposed provision of an access balcony on the Southeast elevation, comprising full height larch boarding to screen the balcony. It is advised that this would impact on the appearance of the Listed Building, albeit at one end only.

Windows – as at the time of the previous applications, it is maintained that while there is a need for pragmatism with respect to the proposed changes to the windows, it is still recommended that a specific condition should be applied to any approvals issued, specifically to require that information should first be submitted in support of the proposed changes to the windows, to allow for a proper consideration of the precise details of the proposals, prior to their installation. This includes a concern to assess the proposed opening lights, frame sections etc. Similar concerns were raised at the time of the determination of the previous consents and Heritage Design advises that it supports the approach that was taken at that time, which was that a condition and informative should be applied to the consents, essentially requiring that further details of the windows should be presented for further consideration, and that any and all proposed departures from the design of the existing windows should be substantiated and justified. It is noted that the proposed changes to the window pattern arguably reflect more closely the original pattern of glazing than the units described by the drawings supporting the previous scheme; that is, notwithstanding that the material for the windows has now been changed to a grey PVCU (rather than a grey powder coated aluminium, the material included within the consented scheme). However, no detailed information about frame section etc. has been provided, while the method of opening is now an inwards tilt and turn (generally lower “sashes”) and fixed light (generally upper sashes). On balance, and in the circumstances of the site and previous approvals, the proposed use of grey PVCU windows is not found to be objectionable. However, it is still considered that the previous condition should be applied, to help achieve a more authentic conservation of window-design.

Built up Openings on Southwest Elevation – Heritage and Design notes that in the case of the proposals to build up certain window-openings, it is proposed that these should be built up in matching whinstone. However, Heritage and Design would prefer that these openings should be built up in rendered blockwork painted black, with matching window-frame lines painted on in grey, in order to retain the rhythm of the fenestration. It is appreciated that there may be an issue with long-term maintenance associated with this approach. If the windows are to be infilled in whinstone, the face should be recessed from the general wall face by at least 25mm, to allow that these might still be read as former window openings.

Overview – Heritage and Design reiterates its support for the proposed conversion of this former mill building, as a means to secure its future. The proposals can be said to

have a neutral impact in that there are some benefits of the building being brought back into use, but also some loss of original fabric. However, the building is set back behind the mill frontage to Buccleuch Street and does not in itself, make a major contribution to the overall character or appearance of the Conservation Area. Subject to the matters highlighted being addressed by condition, remains supportive.

**Roads Planning Section:** observes that the site location is set close to the town centre, which allows for easy access to sustainable transport, and close proximity to the town's amenities. Therefore car use is not essential for residents. The parking provided for the site, shows 20 spaces in total. 11 spaces in the car park next to the entrance to the site, and 9 spaces in the undercroft parking area. Access to the undercroft parking area is acceptable in principle.

As with the previous application, the main access into the site does cause some concern. Due to the narrow nature of the access it does not allow two vehicles to pass at the same time. Measures will require to be put in place to allow two vehicles to use the access at the same time or alterations to the wall to allow for inter-visibility. However, it is noted that the same matter was previously addressed under the approvals for the consented scheme by condition and the same approach is endorsed as being an acceptable way forward for the Roads Planning Section. Additionally though, an informative is sought to advise that details would have to demonstrate how the parking bays are to be marked out to ensure their effective use and would have to allow for alterations to the entrance gateway, to either (a) improve inter-visibility from the parking area and the public road or (b) widen the access to allow two vehicle pass by one another in the junction area.

**Flood Prevention Section:** notes that the site is at risk from a flood event with a return period of 1 in 200 years; that is, the 0.5% annual risk of a flood occurring in any one year. However, there are no objections to the proposed variations.

**Hawick Flood Prevention Scheme (HFPS) Section:** has been consulted, but has not responded to the public consultation on this occasion.

**Archaeology Section:** was not consulted on this occasion but responded to the consultation on the previous application, to identify a requirement for mitigation subject to a condition to require and regulate the carrying out of a Historic Building Survey.

**Ecology Section:** was not consulted on this occasion but responded to the consultation on the previous application, and following its review of the Bat and Breeding Bird Survey, to advise that it was content to support the application subject to the imposition of a planning condition to require that no development should take place during the breeding bird season (March to August inclusive) unless in strict compliance with a Species Protection Plan for breeding birds.

**Waste Management Section/Refuse Collection:** does not see any problems with the suggested waste bin store location as the smaller RCV operating from the Hawick depot serves this location, and drives past anyway.

**Environmental Health Section:** was consulted but did not respond on this occasion. However, it did respond at the time of the previous application to seek conditions to regulate noise output; drainage; and water supply, and suggested an informative to advise with respect to the regulation of noise during construction.

**Contaminated Land Officer:** recommends that planning permission should be granted on condition that development not be permitted to start until a site investigation

and risk assessment has first been carried out, submitted and agreed upon by the Planning Authority. Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

### **Statutory Consultees**

**Transport Scotland:** has been consulted and responded to advise that it does not propose to advise against the granting of planning consent.

**Hawick Community Council:** has been consulted, but has not responded to the public consultation.

### **Other Consultees**

**Architectural Heritage Society of Scotland:** has been consulted, but has not responded to the public consultation.

### **KEY PLANNING ISSUES:**

- Whether or not the revised scheme, or any element or aspect thereof, would be liable to have any significantly adverse impacts upon the amenity or environment of the site and surrounding area, which are not already extant and/or which would not otherwise occur were the scheme consented by Planning Consent 18/00498/FUL and Listed Building Consent 18/00499/LBC progressed; and
- Whether or not in any such event, there is any capacity for these impacts to be acceptably mitigated, and/or otherwise acceptably regulated, through the imposition of an appropriately worded planning condition.

### **ASSESSMENT OF APPLICATION:**

#### **Planning Principle**

While the current application should be considered on its own merits, it is a significant material consideration within the assessment of the principle of the current proposals that the site is already the subject of current and implementable consents for essentially the same character of development as the proposed scheme.

As such, the acceptability of the principle of the current proposals has already been established within the previous but still recent and implementable approvals; and the Planning Authority is therefore only reasonably concerned within the current assessment with establishing whether or not it is supportive of the specific revised scheme as an acceptable alternative to the consented scheme.

#### **Planning Context**

In practical terms, the Planning Authority's assessment of the current proposals is necessarily confined to a consideration of whether or not the specific proposed revisions, would – singularly or cumulatively – have any unacceptable impacts upon the amenity and/or environment of the site and surrounding area, including upon the residential amenity of neighbours, and upon the cultural heritage value of the Listed Building and wider Conservation Area.

Beyond this, an ulterior consideration would be whether or not these matters would be sufficiently unacceptable, as to justify the applications' refusal; or whether or not such matters would otherwise be capable of being regulated under appropriately worded planning condition(s).

### **Design and Layout**

Salient considerations with regard to the assessment of the proposed revisions to the design and layout of the consented scheme, relate firstly, to the concern that the proposal should still be capable of being sympathetic to the character and appearance of the Listed Building and wider Conservation Area; and secondly, that the proposed dwellings should be accommodated such as not to have any unacceptable impacts upon the residential amenity of any surrounding residential properties. In assessing these various aspects, regard is reasonably had in the first instance, to the existing building; and in the second, to what can be progressed under the consented scheme.

With regard to the existing situation, it is material that the site could currently be operated as an industrial premises without any planning application first being required for the implementation of this same use, with potential for the generation of nuisance impacts (such as noise and air quality impacts). Secondly, there are existing windows on the Southeast and Southwest elevations of the building, including some facing directly towards, and/or directly overlooking, neighbouring properties, without any existing or effective intervening screen. The effect in several cases, is no doubt overbearing with regard to the level and immediacy of overlooking that could result from these windows, but these are existing and could be used to light a place of work, were the site to be reactivated as an industrial premises (or made into offices as a permitted change of use). Accordingly, and as at the time of the assessment of the previous, and now consented, scheme, significant regard is necessarily had to what might otherwise occur, or be able to occur, without planning approval, when assessing the impacts of the proposed scheme.

With regard to what might be progressed under the recently consented scheme, it is material within the assessment of the current proposal that both the consented and proposed schemes are relatively modest in their scale, and in terms of their impacts upon the fabric of the Listed Building. Alterations in both cases, are mostly confined externally to the reuse of existing window and door openings; and internally, to the installation of new partition walls with often equivalent or relatively subtle differences between the two schemes. The proposed scheme would in its specific proposed treatment, generally have either the same or equivalent impacts to the consented scheme. However, there are some salient differences between the two, and it is these which are reasonably the focus of the current assessment.

The most salient differences between the two schemes, are, firstly, the proposed addition of a balcony access to the Southeast Elevation; secondly, the proposed use of the ground floor area as a shared or common parking and storage area; thirdly, the proposed changes to the specific windows that would be retained as lights rather than be infilled; fourthly, proposed differences to the design and operation of the proposed replacement windows; and fifthly, proposed revisions to the interior, with a different configuration of space, that would result in certain windows on the Southwest Elevation now being used to light private apartments rather than being confined to shared common access corridors and stairwells as before.

## **Heritage and Design - Listed Building and Conservation Area**

The Heritage and Design Section consider that the proposals would have the same or equivalent impacts upon the character and appearance of the Listed Building as that which would have occurred in the event of the consented scheme being progressed. In light of this, they have stated that they maintain their position largely in the same or equivalent terms to that in which it was set out at the time of the determination of the earlier consents.

With respect to the proposed new balcony feature on the Southeast Elevation, it is considered that this is not the most sensitive addition to the Listed Building, but it is acknowledged that it would generally not be visible in views from the public realm, and therefore would be unlikely to have any particularly significant impacts upon the public's appreciation of the Listed Building. By extension, this position is also reasonably applied to the assessment of the balcony vis-à-vis its impacts on the Conservation Area. However, and while it may not register as a prominent feature on a prominent elevation, the proposed finish in larch does require further consideration. It would be reasonable to require that the balcony and rail should be finished in a dark or organic colour, perhaps ideally a dark grey to match the colour of the framing of the window units.

For similar reasons, the proposed retention of windows at ground floor level in an area of the site that is not particularly prominent, does not raise any concerns in principle, with respect to the impacts upon the character or appearance of the Listed Building or Conservation Area, at least where these windows would otherwise be sympathetic to surrounding windows.

The greatest concern identified by Heritage and Design, continues to be the precise design of the replacement window units. On the one hand, Heritage and Design retains their concern that the replacement windows should be as authentic and in character with the existing windows of the factory workshops as possible; but on the other, it is acknowledged that the use of grey-finished aluminium has previously been supported in principle, and therefore does not consider that the proposed use of grey-coloured uPVC units, should now in itself be seen as objectionable. In the event of approval, a condition should be imposed to require the prior approval of the precise details of the proposed windows.

Generally speaking, there would be a concern to ensure that replacement windows respect the character of the building, and do not introduce any new or incongruous appearance. Heritage and Design does acknowledge that the proposed fenestration is more in keeping with the existing character of the building, but the use of uPVC units with notably different glazing patterns and opening mechanisms would be contrary to the advice and guidance of the Replacement Windows and Doors SPG. Ultimately, there is a balance to be struck on the one hand, between ensuring that the character of the Listed Building is protected, and on the other, between allowing a reuse of the building that allows it to be maintained and conserved in the long-term. On balance, and given that it would allow for a residential reuse of an industrial context, it is considered that uPVC units in a grey colour might be tolerated provided these were otherwise capable of being accommodated recessively, and without drawing the eye unduly. It should be noted though, that while this is considered to be a reasonable concession to make where it promotes the wider redevelopment of the site, it is not considered that this should be taken to allow or promote the use of uPVC in more prominent places within the wider Peter Scott factory and shop site, and that elsewhere, the installation of more authentic units would still reasonably be sought.

With respect to the window-openings that would be infilled, Heritage and Design has suggested that these might be appropriately identified as window-openings by being infilled in render, which might then be coloured and treated to have the appearance of windows, thereby conserving the appearance and detail that windows were previously accommodated therein. While such an approach is reasonably promoted, the extent to which it is required by condition is limited in that these would face towards private properties and elevations. As such, it would be disproportionate to insist or require any particular treatment, albeit that this might be recommended within an informative. Otherwise, the checking back of any proposed infill from the surrounds would, as Heritage and Design consider, reasonably be expected.

The applications include proposals to use the ground floor area as a parking and storage area, but the external appearance of this part of the building is omitted from the description of the Northeast Elevation. This reflects the fact that at present, this section of the building adjoins existing sheds, whose demolition is the subject of the current but as yet undetermined Listed Building Consent 19/01619/LBC. In the event of the latter though, there is potential for the northeast ground floor area to be exposed, and therefore some regard needs to be had to its finished appearance in that event. The likelihood is that it would have an equivalent appearance to the ground floor section on the Northwest Elevation, and this raises no particular concerns but the appearance does require regulation to ensure an acceptable remediation in the event that the sheds are ultimately removed on this side.

### **Residential Amenity**

As within the assessment of the previous scheme, some regard is had to the benefits of the proposal for neighbours, firstly, in securing the long-term future and maintenance of the buildings; and secondly, in removing the potential for noise and/or air quality impacts from industrial processes that might otherwise be liable to operate on site without reference through the planning system. However, notwithstanding these considerable benefits to surrounding residential properties, the accommodation of new dwellings does still present potential for significant adverse impacts upon the residential amenity of surrounding properties, primarily as a consequence of overlooking and loss of privacy both of windows on private elevations and of rear garden ground.

Within the previous scheme, these concerns were largely addressed in one of two ways, firstly, by minimising the number of windows facing towards private dwellings that would themselves light private apartments, as opposed to stairwells and communal spaces; and secondly, by requiring that windows should be opaquely glazed, and fixed shut at least within the lower sections to minimise overlooking.

The current proposal does include revisions which would present new arrangements and configurations which do not arise either at present or within the consented scheme. Firstly, with regard to the Southeast Elevation the concern is that the new balcony feature should include a louvre timber screen to maintain privacy and avoid the need for obscure glazing in the windows that could be accommodated behind them. The proposed use of a fence or rail to achieve an acceptable level of privacy is acceptable in principle, provided (a) there is an explicit and suspensive requirement under condition that the screen is installed ahead of the occupation of the rooms; and (b) that as with the obscure glazing, there is a concern to ensure that the rail is genuinely a screen that is able to maintain privacy between properties.

In addition to privacy considerations, the proposed balcony would be liable to obscure daylight and sunlight, although given the close confines involved and the impacts of

surrounding buildings and walls, the most affected properties would in fact be the proposed flats on the lower floor, whose potential occupants would be able to factor in whether or not they were content with the impacts of the proposed balcony area. Notwithstanding some potential for overshadowing of the immediate garden ground area at No 6 Drumlanrig Square, most such impacts would be negligible due to the close proximity of the factory building and other surrounding properties. There would be greater set back of most sections of the balcony from the properties in Buccleuch Terrace, and where the screen would provide privacy, it would not on balance, have any unacceptable impacts on daylighting, overshadowing or outlook.

One area of concern however is the proposal to site a walkway access to the aforementioned balcony immediately adjacent to the garden ground of No 6 Drumlanrig Square. While the latter is enclosed by a relatively high wall, the land falls away here, while the proposal is that the walkway should rise, such that there appears to be potential for one of two things to occur: either users of the walkway would be presented with views of, and into, the ground floor rooms at No 6 Drumlanrig Square; or a high screen fence would be sited along this boundary to avoid this overlooking impact, but with potential to require a very high fence that would in conjunction with the balcony walkway itself, completely 'box in' the garden ground at No 6. With no precise description of what is entailed, including reference to any existing or proposed levels, it is considered that there is a significant risk that this would result in either a very high fence, or an overly intrusive level of surveillance from the walkway.

These concerns have been referred to the Applicant who has submitted amended drawings showing the ramping up to second floor level being set back 1.2m from the boundary walls of No 6. Given that there is at present an existing ramp up relative to the industrial use, this is considered to be an acceptable approach in its principle, but the Applicant is reasonably required to take full and proper account of the need to conserve appropriately the amenity of No 6, and in the event of approval, a suspensively worded condition would reasonably be imposed to require the provision and agreement of a scheme of details describing this walkway set back. It is noted that the occupiers of No 6 have not objected to the proposal in its current form, but it is still considered that this matter does require to be regulated appropriately to protect that property's amenity.

In considering the impacts upon the residential amenity of neighbouring properties in Buccleuch Terrace, consideration has to be given to the fact that the building could be operated as an industrial premises without referral through the planning system and that windows could be replaced or reinstated which would introduce the same or greater impacts upon the amenity of these neighbouring properties. As such, while neighbours are understandably concerned to reduce overlooking and potential light nuisance affecting their properties, the potential for these impacts to occur in an industrial context is material. Moreover, the same properties do stand to benefit in the longer-term at least, from the factory buildings being both simultaneously maintained and taken out of industrial use (reducing noise and air quality impacts that might otherwise have occurred). Residential is in character with the surrounding properties and one of the more sympathetic uses for the buildings in the circumstances. However the more intensive occupation of these spaces in such close proximity to neighbouring properties does require regulation to ensure that the proposals do not have any unacceptable impacts upon residential amenity. It would be reasonable to maintain the concern that all windows facing directly towards the rear elevations of the properties in Buccleuch Terrace, should be fixed shut and obscurely glazed.

As before, it is a reasonable concern that circumstances should not allow that the site should accommodate both dwellingflats and any industrial use, and appropriate

restrictions would be appropriately imposed to ensure that these impacts were regulated, in the interests of protecting the amenity of the proposed flats. However, taking account of the current proposal, it would be appropriate to require that the undercroft area should only be used for domestic purposes ancillary to the use of the dwellingflats on the upper floors. The conditions regulating the consented scheme does prohibit any domestic use of the ground floor space, but the description of parking and communal access areas that is now shown, raises no concerns subject to the store area and unannotated section of the footprint, otherwise being regulated.

While it is unlikely and not in the development's own best interests, it would be reasonable to require directly that the industrial use of the site should cease ahead of the occupation of the first dwellingflat.

Within the development itself, there is some potential for overlooking between the balcony areas associated with Flat 9 and windows associated with Flat 10; and then again, between the balcony associated with Flat 4 and windows associated with Flat 5. The effects would also potentially be more widespread if there is no intervening screens erected between different balcony areas. With regard to the most immediate impacts, the angles are generally so pronounced that accidental overlooking would only impact a relatively small area of the affected bedrooms.

Concerns with respect to disturbance to neighbours from construction works are noted, but such impacts are only reasonably viewed as temporary, and not reasonably regulated under planning conditions. Environmental Health regulations would be the most appropriate regulatory mechanisms for ensuring that there would be no unacceptable noise impacts upon neighbours.

Neighbours in Buccleuch Terrace have raised concerns with regard to the siting and operation of ventilation units exhausting out and over their land; and a TV aerial, which is considered unnecessary in its position facing neighbours. Visually, these are minor elements and would not detract from the appearance of the Listed Building and would not reasonably affect the visual amenities of neighbouring properties.

### **Road Safety, Access and Parking**

The Roads Planning Section (RPS) is generally content with the proposed car parking arrangements, including the potential use of the ground floor for parking. At the time of the previous applications, it was noted that some slight adjustment(s) were potentially required to the main site access. RPS maintains essentially the same concern but allows that this might be addressed operationally. However, as before, the matter concerned is capable of being addressed by an appropriately worded planning condition, albeit allowing that any more significant alteration to the fabric of the wall or site would be liable to require new applications.

Under Planning Consent 18/00498/FUL there are requirements within the schedule of conditions that precise details of the layout of the car parking area, and of the bin storage accommodation arrangements should first be provided for prior approval. However, the current scheme includes proposals that address both concerns, and which have been reviewed, and essentially supported, by both the RPS and Refuse Collection Service. As such, there is no need for any further details with respect to the siting and operation of these aspects of the development, although it would be reasonable to seek further details of the bin storage area for reasons of protecting appropriately the visual amenities of the site and surrounding area, including the setting of the Listed Building and Conservation Area.

With regard to the operation of the under-croft parking area, it is notable that this is dependent upon the demolition of the weaving sheds to the immediate northeast, and reconfiguration of the wider factory premises. Given that the proposal was acceptable to RPS in its consented form, there is no concern that the acceptability of the scheme is dependent upon the delivery of this under-croft parking area.

### **Drainage and Services**

Drainage and water supply raise no concerns in principle, but it would be appropriate to retain a concern that these should be functional prior to the occupation of each flat.

### **Landscaping and Boundary Treatment**

The site offers few opportunities for any meaningful landscaping, notwithstanding that the Applicant has indicated some tree or shrub planting. For the most part, these matters are acceptably left as discretionary in that it is unlikely that occupants of the first floor flats at least, would appreciate any sizeable plants on the bank outside of their windows; while in the 'left over' corner of the car park, the roots of higher trees would in time, be liable to damage the perimeter walls and downslope of the main development within the interior of the factory site, offer little in terms of amenity value.

### **Flooding**

The Flood Prevention Authority has reviewed the latest version of the proposals including the concern to use the Ground Floor Area for parking, and considers that the impacts would be acceptable. However, the concern identified at the time of the assessment of the previous scheme that no dwelling flats should be accommodated in whole or in part at ground floor level is reasonably addressed as before, in an appropriately worded planning condition.

### **Cultural Heritage and Natural Heritage**

The Archaeology and Ecology Sections were not consulted on this occasion but the same concerns remain valid as at the time of the assessment of the previous proposal last year, and these requirements are reasonably maintained relative to the current proposals. It is material in both cases that the Applicant can progress the development approved by the earlier consents subject to conditions regulating these matters, and the same position is therefore reasonably maintained.

### **Other Concerns**

As at the time of the previous applications, no development contributions were required due to the potential for existing buildings in the Town Centre to be reused, and the same position is maintained.

The concerns of the Contaminated Land Section, can be addressed as per the recommendation.

There are differences between how the roof design of the existing building has been described in the drawings supporting the current applications, and those which relate to the development consented by Planning Consent 18/00498/FUL and Listed Building Consent 18/00499/LBC. The point has been discussed with the Applicant's agent who has confirmed that this represents only that the building has been subject to a more accurate survey in the interim period; and does not describe any proposed alteration

to the roof design from its existing form. The existing roof would be maintained. It is anticipated that the existing housings on the roof would therefore also be retained.

As a general point, there is circumstantially no difference between the two proposals, it follows that the same conditions and informatives would reasonably be imposed to address the same concerns in the same way.

An ulterior matter, which can be met by a new informative in the event of approval, is that the Applicant should be aware that they only have consent to progress one or other of the two schemes (either the current proposal or the previous consented scheme) and not to fashion any 'hybrid' scheme at their own discretion.

## **CONCLUSION**

Having regard to overriding material considerations which are set out in the report, and subject to compliance with the schedules of conditions set out below, it is considered that 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.

## **RECOMMENDATIONS BY CHIEF PLANNING AND HOUSING OFFICER:**

### **Planning Application 19/01813/FUL**

In the case of Planning Application 19/01813/FUL, it is recommended that this application is approved subject to the following conditions and informatives:

1. The ground floor area of the building within the site boundary shall not be used in whole or in part, to accommodate any residential unit and/or any business or employment use(s), including any uses within Class 5, Class 4 and/or Class 6 of the Town and Country Planning (Use Classes) (Scotland) Amendment Order 1997 (as amended). It shall only be used for domestic purposes ancillary to the operation of the dwellingflats on the two upper floors. Furthermore, the existing Class 5 use of the site shall have ceased completely (and shall be held to have ceased completely) ahead of the first occupation of the first dwellingflat within the development hereby consented.

Reason: To retain effective control over the use(s) of the ground floor area in the interests of ensuring that the uses of the site are, and remain, appropriate to this locality in terms of their impacts upon the amenity of the dwelling flats on the upper floors and to ensure that there would be no residential properties exposed to any unacceptable flood risk.

2. No development shall commence until precise details of the accommodation of the two Juliet balconies on the Northwest Elevation have first been submitted to, and approved in writing by, the Planning Authority, which address in full the concerns of **Informative Note 1**. Thereafter, the development shall be implemented in accordance with the approved details and the respective dwelling flats shall not be occupied for the first time until all of the approved measures required to protect the residential amenity of properties in Buccleuch Terrace, have themselves all first been fully installed in accordance with the approved details. Thereafter, the approved mitigation measures in both cases, shall be maintained at all times and in perpetuity.

Reason: To help conserve the residential amenity of neighbouring residential dwellings; and to ensure an appearance that is sympathetic to the character of the Listed Building and Conservation Area; and to retain effective control over an

aspect of the development that is inconsistently described within the supporting details.

3. All of the windows on the Southwest Elevation shall be fully obscurely glazed in full accordance with a scheme of details which itself shall first have been submitted to, and approved in writing by, the Planning Authority and in advance of the installation of these same windows. Moreover, the rooms lit by these same windows shall not be occupied until the approved glazing has first been fully installed in accordance with the approved details. Thereafter, this glazing shall be maintained at all times and in perpetuity in accordance with these same approved details. (Please see **Informative Note 2** for related advice).

Reason: In the interests of ensuring that an appropriate level of privacy can be maintained between the dwelling flats and adjacent residential properties to protect the residential amenity of the latter and to safeguard the character of the Listed Building.

4. Notwithstanding the description of the Approved Drawings, all of the windows/glazing panels that are described on the Approved Elevations Drawing by orange shading, shall only be installed as non-openable (fixed) glazing units. Thereafter, these same units shall, and shall at all times and in perpetuity, be maintained as non-openable (fixed) glazing units.

Reason: In the interests of ensuring that an appropriate level of privacy can be maintained between the dwelling flats and adjacent residential properties to protect the residential amenity of these same adjacent residential properties.

5. Notwithstanding the description of the supporting details, no new or replacement windows or external doors shall be installed until a scheme of details, which: describes precisely, the proposed appearance and operation of the proposed new and replacement window units and external doors – including their proposed material(s); their proposed opening mechanism(s); and their proposed finished external colour(s); and which, addresses in full the concerns of **Informative Note 3** attached to this same planning consent, has first been submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall only be implemented in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to safeguard the historic character of the Conservation Area.

6. Notwithstanding the details presented in support of the planning application, no development shall commence until precise details of all of the following, have first been submitted to, and approved in writing by the Planning Authority:

- (a) the material and finish of the external infills for the window-openings;
- (b) the materials and finishes of all of the balcony structures on the Northwest Elevation including the divisions between different properties' balcony areas.
- (c) the accommodation of the cast iron columns within the interior layouts; and
- (d) the proposed materials and finishes of the supports for the under-croft car parking area.

Thereafter, the development shall only be implemented in accordance with the approved details. (Please see **Informative Note 4** for related advice).

Reason: To safeguard the historic character of the Listed Building and Conservation Area.

7. None of the dwelling flats hereby approved, shall be occupied for the first time, until:

- (a) the vehicular site access to the car parking area is first improved in accordance with a scheme of details that shall itself, first have been submitted to, and

approved in writing, by the Planning Authority (Please see **Informative Note 5** for related advice); and

(b) the bin storage facility has first been established in accordance with a scheme of details describing the proposed design, operation and finished appearance of the same facility. Thereafter, the site access, car park and bin storage area shall be implemented, maintained and operated in accordance with the approved details.

Reason: To ensure that appropriate site access, parking and bin storage arrangements are in place and available to serve the dwellingflats in the interests of road safety, residential amenity and waste management; and to ensure a finished appearance that is as sympathetic as possible to the appearance, character and setting of the Listed Building and Conservation Area.

8. None of the dwelling flats hereby approved shall be occupied for the first time until their water supply and foul drainage arrangements have all first been fully implemented, and are fully functional, prior to that same flat's occupation.

Reason: To ensure that the site is; and individual flats are; adequately serviced and fit for habitation prior to occupation.

9. No development shall take place until the applicant has secured and implemented an approved programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Historic Building Survey. This will be formulated by a developer contracted archaeologist(s) and approved in writing by the Planning Authority. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

i) The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.

ii) Historic Building Survey will be in accordance with the ALGAO: Scotland guidance as requested by the Planning Authority.

iii) In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times.

iv) Initial results shall be submitted to the Planning Authority for approval in the form of a Historic Building Survey Report (HBSR) within one month following completion of all on-site archaeological works.

v) Once approved the site archive and HBSR shall also be reported to the National Record of the Historic Environment (NRHE) via the OASIS system within three months of on-site completion.

vi) Results will be summarised in Discovery and Excavation in Scotland (DES) within one year of on-site completion.

vii) The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological investigations, reporting and dissemination of results as required. The developer will be expected to fund and implement all further archaeological work.

Reason: To preserve by record a building of historical interest.

10. No development (including any ground works and the demolition of any built structures) and no other site clearance works (including the removal or treatment of any vegetation, hedgerows and/or trees on the site or its boundaries) shall be commenced during the breeding bird season (01 March - 31 August, inclusive) without the prior written approval of the Planning Authority. (Please see **Informative Note 6**).

Reason: To prevent unnecessary disturbance to birds during the breeding season.

11. Unless otherwise agreed in writing and in advance by the Planning Authority, no development shall commence until a ground investigation report has first been submitted to and approved in writing by the Planning Authority. The report shall include identification and assessment of potential contamination on the site [in accordance with PAN 33 (2000) and BS10175:2011 or subsequent revisions/replacements] and shall include [as applicable] a remediation strategy, validation report and monitoring statements, including timescales for the implementation of all such measures. Development shall not commence until the report is approved by the Planning Authority. Thereafter, the development shall be carried out only in accordance with the approved report, including approved remediation, validation, monitoring measures and timescales for their implementation.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

12. The screen around the balcony walkway and ramp on the Southeast Elevation and Southwest Elevation shall be fully obscure in full accordance with a scheme of details which itself shall first have been submitted to, and approved in writing by, the Planning Authority and in advance of the installation of the balcony walkway. Moreover, neither of the flats served by this balcony walkway shall be occupied for the first time until the approved screen has first been fully installed in accordance with the approved details. Thereafter, this screen shall be maintained at all times and in perpetuity in accordance with these same approved details.

Reason: In the interests of ensuring that an appropriate level of privacy can be maintained between the dwelling flats hereby consented and adjacent residential properties to protect residential amenity.

13. Notwithstanding the description of the supporting details, no development shall commence until a scheme of details which addresses in full the concerns of **Informative Note 10** attached to this same planning consent, has first been submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall only be implemented in accordance with the approved details.

Reason: In the interests of ensuring that an appropriate level of privacy can be maintained between the dwelling flats hereby consented, to protect their residential amenity.

#### Informatives

It should be noted that:

1. **INFORMATIVE NOTE 1:**

The Proposal Drawings are inconsistent in their description of the accommodation of the Juliet Balconies relating to the properties identified as 'Flat 5' and 'Flat 10' in that these features are not described in profile on the elevation drawings but are not described as occupying any inset area on the floor plans. Accordingly, a coherent description of how these features are in fact to be accommodated, needs to be provided for prior approval.

There is however, also an ulterior concern that the balconies should not lead to any unacceptable level of overlooking of properties in Buccleuch Terrace, and to this end, there is a requirement for some form of mitigation to be incorporated to prevent accidental overlooking from the Juliet Balcony areas of these residential properties to the southwest. This could be met appropriately in one of three ways:

(i) the balconies are inset, and the rail accommodated flush to the walls as the Northeast Elevation and Southwest Elevation drawings describe; (ii) these balconies are removed entirely, and the elevation drawing of the Northwest Elevation amended to describe only windows (and not French doors or balcony) in this location; or (iii) if the Juliet balcony is to be accommodated projecting from the wall, some form of screen feature is added to the southwest side of each of the balconies to prohibit overlooking of properties in Buccleuch Terrace. In the event of the latter, the screen feature would need to be described on the revised drawings.

**2. INFORMATIVE NOTE 2:**

With regard to the obscure glazing, please note that the Planning Authority wishes the details required under Condition No 3, to demonstrate the adequacy of the opaqueness of the proposed glazing. Accordingly it is not details of the specific design or pattern that is required, but a measure of the proposed glazing's actual opaqueness. In order to be supported, this should be the maximum opaqueness within the supplier's range.

**3. INFORMATIVE NOTE 3:**

The design of the replacement windows should replicate as closely as possible the appearance of the existing windows. Any details or aspects that depart from the details of the existing windows should be substantiated and justified within the details presented in support of Planning Condition No 5.

**4. INFORMATIVE NOTE 4:**

With regard to the most appropriate treatment of the infilled window-openings, the Council's Heritage and Design Section recommends, firstly, that the infill area is itself recessed a perceptible distance behind the sills and surrounds; and secondly, that the infill material itself, should be finished externally in a render which is then finished to have the appearance of a window (frame against black or dark grey background), in order to maintain visually the rhythm of the rows and columns of windows when these are seen in alignment with units that are maintained.

**5. INFORMATIVE NOTE 5:**

While there is capacity for minor alterations to the vehicular site access, please note that the specific proposals required under this planning consent will require to be assessed by the Planning Authority, and in the event of more substantial alterations to the wall or site, the need for any ulterior Planning and/or Listed Building Consent would require to be assessed at that time.

**6. INFORMATIVE NOTE 6:**

Please note that the Planning Authority would not be agreeable to any works proceeding during the breeding bird season (01 March to 31 August) unless, or until, it has first reviewed and approved an updated survey for breeding birds, including an assessment of the building on site's potential for breeding bird interest and habitat suitability for breeding birds.

Where it is established that there is a breeding bird interest, no development shall be carried out during the breeding bird season unless it is implemented wholly in

accordance with a Species Protection Plan for birds, which itself has first been submitted to, and approved in writing by, the Planning Authority.

**7. INFORMATIVE NOTE 7:**

The ALGAO guidance for historic building recording can be found at: [https://www.algao.org.uk/sites/default/files/documents/ALGAO\\_Scotland\\_Buildings\\_Guidance\\_2013.pdf](https://www.algao.org.uk/sites/default/files/documents/ALGAO_Scotland_Buildings_Guidance_2013.pdf)

Consideration should be given to Historic Building Recording for the whole mill complex including those areas not impacted by development. This would ensure a complete record is made, precluding the need for future mitigation exercises.

**8. INFORMATIVE NOTE 8:**

Please note that this consent does not permit any works, including any demolition works or site clearance works, out with the application site boundary. Any and all other proposals for the remainder of the Peter Scott Factory Site will need to be made the subject of new planning applications.

**9. INFORMATIVE NOTE 9:**

Please note that only one or other of the schemes consented under Planning Consent 18/00498/FUL or Planning Consent 19/01813/FUL can be implemented on the site, and any 'hybrid' proposal would be liable to require to be made the subject of a new full planning application to ensure that full and proper regard could be had by the Planning Authority, by the public and by statutory consultees, to the precise layout, configuration, appearance and operation of any such proposed variation to this or the other planning consent.

**10. INFORMATIVE NOTE 10:**

It is unclear how the amenity of windows relating to Flat 5 at First Floor Level and Flat 10 at Second Floor Level would be maintained vis-à-vis the balcony areas associated with Flats 1, 3 and 4; and with Flats 6, 7, 8 and 9, respectively. Accordingly appropriate mitigation requires to be accommodated, either, or both, in the form of obscure glazing to the affected bedroom windows; or in the form of screens intervening between the flats.

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>
	Location Plan
L(-1)001	Existing Site Plan
L(-2)201 (ExGF)	Existing Plans
L(-2)002 (ExFF)	Existing Plans
L(-2)003 (ExSF)	Existing Plans
L(-4)001	Existing Elevations
L(-3)001	Existing Sections
L(-3)002	Existing Sections
L(-1)103	Proposed Site Plan
L(-2)201 (PrGF)	Proposed Plans
L(-2)202 A (PrFF)	Proposed Plans

L(-2)203 A (PrSF)	Proposed Plans
L(-4)101 C	Proposed Elevations
L(-3)101	Proposed Sections
L(-3)102	Proposed Sections
L(-3)103	Proposed Sections
L(-3)104 A	Proposed Sections
L(-3)105	Proposed Sections
L(-1)101 REV A	Proposed Site Plan
L(-3)106	Proposed Sections

### Listed Building Consent Application 19/01812/LBC

In the case of Listed Building Consent Application 19/01812/LBC, it is recommended that this application is approved subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until precise details of the accommodation of the two Juliet balconies on the Northwest Elevation have first been submitted to, and approved in writing by, the Planning Authority, which address in full the concerns of **Informative Note 1**. Thereafter, the development shall be implemented in accordance with the approved details and the respective dwelling flats shall not be occupied for the first time until all of the approved measures required to protect the residential amenity of properties in Buccleuch Terrace, have themselves all first been fully installed in accordance with the approved details. Thereafter, the approved mitigation measures in both cases, shall be maintained at all times and in perpetuity.  
Reason: To ensure an appearance that is sympathetic to the character of the Listed Building.
3. All of the windows on the Southwest Elevation shall be fully obscurely glazed in full accordance with a scheme of details which itself shall first have been submitted to, and approved in writing by, the Planning Authority and in advance of the installation of these same windows. Moreover, the rooms lit by these same windows shall not be occupied until the approved glazing has first been fully installed in accordance with the approved details. Thereafter, this glazing shall be maintained at all times and in perpetuity in accordance with these same approved details. (Please see **Informative Note 2** for related advice).  
Reason: To safeguard the character of the Listed Building.
4. Notwithstanding the description of the supporting details, no new or replacement windows or external doors shall be installed until a scheme of details, which describes precisely, the proposed appearance and operation of the proposed new and replacement window units and external doors – including their proposed material(s); their proposed opening mechanism(s); and their proposed finished external colour(s); and which addresses in full the concerns of **Informative Note 3** attached to this same planning consent has first been submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall only be implemented in accordance with the approved details.

Reason: To safeguard the historic character of the Listed Building.

5. Notwithstanding the details presented in support of the planning application, no development shall commence until precise details of all of the following, have first been submitted to, and approved in writing by the Planning Authority:
  - (a) the material and finish of the external infills for the window-openings;
  - (b) the materials and finishes of all of the balcony structures on the Northwest Elevation including the divisions between different properties' balcony areas.
  - (c) the accommodation of the cast iron columns within the interior layouts; and
  - (d) the proposed materials and finishes of the supports for the under-croft car parking area.

Thereafter, the development shall only be implemented in accordance with the approved details. (Please see **Informative Note 4** for related advice).

Reason: To safeguard the historic character of the Listed Building

6. No development shall take place until the applicant has secured and implemented an approved programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Historic Building Survey. This will be formulated by a developer contracted archaeologist(s) and approved in writing by the Planning Authority. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- i) The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.

- ii) Historic Building Survey will be in accordance with the ALGAO: Scotland guidance as requested by the Planning Authority.

- iii) In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times.

- iv) Initial results shall be submitted to the Planning Authority for approval in the form of a Historic Building Survey Report (HBSR) within one month following completion of all on-site archaeological works.

- v) Once approved the site archive and HBSR shall also be reported to the National Record of the Historic Environment (NRHE) via the OASIS system within three months of on-site completion.

- vi) Results will be summarised in Discovery and Excavation in Scotland (DES) within one year of on-site completion.

- vii) The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological investigations, reporting and dissemination of results as required. The developer will be expected to fund and implement all further archaeological work.

Reason: To preserve by record a building of historical interest.

7. The screen around the balcony walkway and ramp on the Southeast Elevation and Southwest Elevation shall be fully obscure in full accordance with a scheme of details which shall first be submitted to, and approved in writing by, the Planning Authority and in advance of the installation of the balcony walkway. Moreover, neither of the flats served by this balcony walkway shall be occupied for the first time until the approved screen has first been fully installed in accordance with the approved details. Thereafter, this screen shall be maintained at all times and in perpetuity in accordance with these same approved details.

Reason: In the interests of safeguarding the character of the Listed Building.

8. Notwithstanding the description of the supporting details, no development shall commence until a scheme of details which describes the finished appearance of

the Northeast Elevation at ground floor level, has first been submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall only be implemented in accordance with the approved details.

Reason: To safeguard the character of the Listed Building.

### Informatives

It should be noted that:

#### **1. INFORMATIVE NOTE 1:**

The Proposal Drawings are inconsistent in their description of the accommodation of the Juliet Balconies relating to the properties identified as 'Flat 5' and 'Flat 10' in that these features are not described in profile on the elevation drawings (e.g. they are shown to have no projection at all on either of the Northeast Elevation or Southwest Elevation drawings) but are not described as occupying any inset area on the floor plans. Accordingly, a coherent description of how these features are in fact to be accommodated, needs to be provided for prior approval.

There is however, also an ulterior concern that the balconies should not lead to any unacceptable level of overlooking of properties in Buccleuch Terrace, and to this end, there is a requirement for some form of mitigation to be incorporated to prevent accidental overlooking from the Juliet Balcony areas of these residential properties to the southwest. This could be met appropriately in one of three ways: (i) the balconies are inset, and the rail accommodated flush to the walls as the Northeast Elevation and Southwest Elevation drawings describe; (ii) these balconies are removed entirely, and the elevation drawing of the Northwest Elevation amended to describe only windows (and not French doors or balcony) in this location; or (iii) if the Juliet balcony is to be accommodated projecting from the wall, some form of screen feature is added to the southwest side of each of the balconies to prohibit overlooking of properties in Buccleuch Terrace. In the event of the latter, the screen feature would need to be described on the revised drawings.

#### **2. INFORMATIVE NOTE 2:**

With regard to the obscure glazing, please note that the Planning Authority wishes the details required under Condition No 3, to demonstrate the adequacy of the opaqueness of the proposed glazing. Accordingly it is not details of the specific design or pattern that is required, but a measure of the proposed glazing's actual opaqueness. In order to be supported, this should be the maximum opaqueness within the supplier's range.

#### **3. INFORMATIVE NOTE 3:**

The design of the replacement windows should replicate as closely as possible the appearance of the existing windows. Any details or aspects that depart from the details of the existing windows should be substantiated and justified within the details presented in support of Planning Condition No 4.

#### **4. INFORMATIVE NOTE 4:**

With regard to the most appropriate treatment of the infilled window-openings, the Council's Heritage and Design Section recommends, firstly, that the infill area is itself recessed a perceptible distance behind the sills and surrounds; and

secondly, that the infill material itself, should be finished externally in a render which is then finished to have the appearance of a window (frame against black or dark grey background), in order to maintain visually the rhythm of the rows and columns of windows when these are seen in alignment with units that are maintained.

**5. INFORMATIVE NOTE 5:**

The ALGAO guidance for historic building recording can be found at: [https://www.algao.org.uk/sites/default/files/documents/ALGAO\\_Scotland\\_Buildings\\_Guidance\\_2013.pdf](https://www.algao.org.uk/sites/default/files/documents/ALGAO_Scotland_Buildings_Guidance_2013.pdf)

Consideration should be given to Historic Building Recording for the whole mill complex including those areas not impacted by development. This would ensure a complete record is made, precluding the need for future mitigation exercises.

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>
	Location Plan
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L(-2)002 (ExFF)	Existing Plans
L(-2)003 (ExSF)	Existing Plans
L(-4)001	Existing Elevations
L(-3)001	Existing Sections
L(-3)002	Existing Sections
L(-1)103	Proposed Site Plan
L(-2)201 (PrGF)	Proposed Plans
L(-2)202 A (PrFF)	Proposed Plans
L(-2)203 A (PrSF)	Proposed Plans
L(-4)101 C	Proposed Elevations
L(-3)101	Proposed Sections
L(-3)102	Proposed Sections
L(-3)103	Proposed Sections
L(-3)104 A	Proposed Sections
L(-3)105	Proposed Sections
L(-1)101 REV A	Proposed Site Plan
L(-3)106	Proposed Sections

**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
Stuart Herkes	Planning Officer (Development Management)



19/01813/FUL & 19/01812/LBC

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Hawick

