

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**4 FEBRUARY 2013**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 12/01383/PPP
<b>OFFICER:</b>	Stuart Herkes
<b>WARD:</b>	Mid Berwickshire
<b>PROPOSAL:</b>	Erection of 9 dwellinghouses and 6 business units
<b>SITE:</b>	Land West And South East Of 15 Edinburgh Road, Greenlaw
<b>APPLICANT:</b>	Mr Patrick Carrick
<b>AGENT:</b>	McLaren Murdoch and Hamilton

This application has been referred to the Planning and Building Standards Committee for determination under Section 43A(6) of the Town and Country Planning (Scotland) Act 1997. Its referral is supported by five Members on the grounds that there is a shortage of allocated and developable employment sites within the Greenlaw area, while there are nationally and strategically recognised requirements for the Planning Authority to bring forward appropriate alternative employment sites, to support economic development in rural communities such as Greenlaw.

**SITE DESCRIPTION**

The site comprises two distinct, but linked, areas of open agricultural land lying to the immediate southwest of Greenlaw, out with the Development Boundary identified in the Consolidated Scottish Borders Local Plan. Specifically, the site of the proposed business units lies to the south of Edinburgh Road, but not immediately adjacent to the Development Boundary. The site of the proposed housing lies to the immediate west of residential properties in Wester Row. Neither area has a formal allocation in the Consolidated Scottish Borders Local Plan.

**PROPOSED DEVELOPMENT**

The application seeks Planning Permission in Principle for the erection of nine dwellinghouses and up to six business units for office and light industry (Use Class 4). Indicative drawings of the site layout show nine detached dwellings west of Wester Row, and a row of three buildings to the south of Edinburgh Road, each accommodating two business units. A proposed footpath link is shown immediately adjacent to the rear boundaries of properties in both Edinburgh Road and Wester Row, linking the proposed business units site to the proposed housing site.

Within the supporting statement it is advised that the proposal would also include a biomass combined heat and power plant to serve the proposed business units, which would also *"be available for use by those houses ... which about the CHP (Combined Heat and Power) infrastructure"*. A 'Central Biomass Plant' building is shown on the indicative site plan, to the northeast of the proposed business units.

Within the supporting statement, the proposed dwellinghouses are identified as 'enabling development', which is required "*to offset part of the cost of the business units*".

It is proposed that an existing dwellinghouse in Wester Row, would be demolished to facilitate appropriate vehicular and pedestrian access to the housing site, from the public road in Wester Row.

## **PLANNING HISTORY**

A previous planning application for the entire application site, Planning Application 12/00283/PPP, was submitted and withdrawn earlier this year. This was for the erection of 11 dwellinghouses and 6 business units.

The Main Issues Report, which is the first formal stage of the new Local Development Plan, identifies a mixed use (housing and employment) allocation proposal ('MGREE001') to the west of Greenlaw, adjacent to the Edinburgh Road. Its boundaries are not consistent with those of the current application site.

Although not directly relevant, planning permission 08/01773/OUT allowed residential development, comprising affordable housing, on a site to the immediate north of Edinburgh Road, on the opposite side of the public road (A697) from the proposed business units. The same site is now the subject of housing land proposal, AGREE004, in the Consolidated Scottish Borders Local Plan. The land to the immediate north of this allocated site, has been identified within the Consolidated Scottish Borders Local Plan, for longer term housing development.

## **REPRESENTATION SUMMARY**

One letter has been received from a member of the public, objecting to the proposal on the following grounds:

- Existing and aggravated flood risk
- Inadequate screening
- Detrimental to character of Conservation Area
- Increased traffic and road safety
- Noise nuisance
- Poor design
- Impacts on existing trees and landscape
- Impact on water supply
- Over-provision of facility (housing and business units)

## **APPLICANTS' SUPPORTING INFORMATION**

Section 10 of the supporting statement advises that the proposed housing units are required as 'enabling development' to allow the business units to be delivered in such a way as to be affordable to local businesses. It is clarified that this is because the costs associated with the delivery of the proposed business units would otherwise be considerably greater than their open market value once completed, which would be liable to result in an estimated shortfall of £280,000. It is anticipated that the development of the nine dwellings would - at a rate of £31,111 per unit - address this shortfall, and allow the business units to be delivered such that they would be available for uptake by local businesses.

Section 6 of the supporting statement describes various consultations and surveys carried out by, or on behalf of, the applicant.

In addition to the aforementioned supporting statement, the applicant has also provided:

- Brochure describing a G90 and 125kWe Power Plant;
- Flood Risk Assessment
- Technical Note on proposed site accesses;
- Summary of Financial Appraisal;
- A table with information about five local businesses
- Notes of Meeting relating to a public meeting held at Greenlaw Town Hall on 22/08/12.

The supporting statement advises that there is a need within Greenlaw for business units of *“the type and style”* proposed, and that this need is recognised by Councillors, the Community Council and the Council’s Economic Development Section. It is further stated that the development of the land that is currently designated within the Adopted Local Plan for employment use at Duns Road, Greenlaw, is constrained, or liable to be constrained, by ownership, proximity to residential properties and the recent extension of an existing business premises.

It is maintained that the level of constraint acting on the allocated employment land, coupled with *“the current demand for additional business units within Greenlaw”*, is such that the Planning Authority should – in accordance with national and strategic requirements - seek to identify appropriate alternative employment sites within the Greenlaw area. It is advised that the application site would be particularly well-suited to meet this need due to its location in proximity to the A697, while it is pointed out that there is potential to create a new landscaped edge (it is more specifically advised that a 5m tree belt would be established to the west of the business units, to screen views from vehicles approaching Greenlaw on the A697). Distances to key services and transport links are noted in the Supporting Statement, to demonstrate the sustainability of this location as an employment site.

Within the supporting statement it is noted that the site is outwith the Development Boundary, but an appeal is made to the perceived precedent set by the approval of Planning Consent 08/01773/OUT. It is argued that this has shifted the emphasis of expansion of Greenlaw westwards, an emphasis with which the current proposal is considered to be consistent. In terms of policy support, it is advised that Approved Structure Plan Policies E12 and E16, and Adopted Local Plan Policy D1, are key, and that cognisance should also be had to the requirements of the SPP document.

The applicant has noted that the lower part of the field in which the site is located has been identified as being liable to a one-in-two-hundred year flood event and therefore the proposal has been informed by a Flood Risk Assessment; it is suggested that the development being proposed would be free from the potential effects of flooding. It is further advised that SEPA has agreed a Finished Floor Level for the dwellings (147.90AOD).

The applicant has provided updated indicative layout drawings in response to comments made by SEPA. While these have been substituted for the layout drawings originally provided, these do not change the boundaries of the proposal for which Planning Permission in Principle is being sought.

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

#### **Roads Planning Service:**

Advises with regard to the location of the business units accessed off the A697, that taking into consideration the allocated site for affordable housing directly opposite, together with the relocation of the 30mph signs, the principle of this form of development at this site, would be acceptable.

With regard to the proposed housing, it is advised that the location is not ideal, but it is anticipated that the visibility splays, junction width and radii would all be achievable despite the site constraints. Reservations are expressed however, with regard to the proposed pedestrian link between the two sites. The layout does not relate well with the adjoining land and existing housing, and does not accord with our latest policy on "Designing Streets"; that said, sympathy is expressed due to the history of previous approvals in the vicinity of the site.

With regard to the detailed layout, it is advised that had the development site been for residential use, then the cross roads element would have been a real concern, as vehicles and pedestrians would frequently cross over on a daily basis creating many road safety issues. However, the use is for small scale business units which creates completely different traffic manoeuvres, and is not a great concern. That said, it is acknowledged that any form of crossroads junction is not ideal, and even a slightly staggered junction would be preferable. It is advised that the physical dimensions of the new road and access layout would be capable of being addressed at the next stage.

#### **Director of Education and Lifelong Learning:**

Advises that development contributions would be required towards the upgrade of local education provision.

#### **Economic Development Section:**

##### *Initial Response:*

Maintains stance submitted at the time of the previous planning application for this proposal, with regard to the proposed business units.

With regard to the principle of what is being proposed, it is accepted that the site is outwith the settlement boundary of the village, but it is considered that a business land proposal could be appropriately judged against other policy matters, as identified by the applicant in the supporting statement, under sections 7 & 8.

It is advised that this is on the basis that delivery of the allocated land at Duns Road (zEL22 & zEL23) is currently problematic, and that an alternative site, and willing landowner, could provide opportunities for local businesses in a shorter time. It is considered that this is especially important in the current economic climate where the Council should be doing everything it can to support new economic development related investment, such as this, in a rural community like Greenlaw.

With regard to the specific site and indicative layout proposed, it is advised that a better layout would be required, including provision within the units for an alternative

mix of work space and yard storage; provision for alternative external and internal access arrangements; provision for parking; provision for a more robust landscaped boundary to the west; provision for storage areas to serve the biomass plant; provision of SUDS; and an indication if future phases are planned. In the latter regard, it is advised that it is difficult to judge this proposal in isolation, without some indication of planned future proposals for both the south and east of the site. It is advised that a more efficient layout could be achieved if future phases were considered, otherwise it would look for the whole site to be screened on these edges, if no future development is planned. It is suggested that the relocation of the planned housing to this location may be a more practical and cost effective option.

*Additional Response:*

Since providing an initial response, Economic Development has undertaken further examination of the current level and type of demand for business premises within the Greenlaw area.

Based on its own experience of enquiries submitted directly to it, Economic Development has advised that there have been no enquiries for industrial workspace in Greenlaw within the last 18 months. While there has been some interest in such properties within the wider area (Earlston/Duns/Coldstream) during that same period, businesses often had specific locational requirements that could not in any case have been met in Greenlaw, and/or their requirements have now been met by SBC or the private sector elsewhere. With specific regard to Greenlaw, it notes that there is a surplus of existing office space available for uptake within the town.

**Flood Protection:**

Advises 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 year. With regard to the proposed housing site, it is advised that the proposed site layout does show the housing out with the modelled flood envelope in the FRA. However, there is a concern that the houses would be constructed on the edge of the flood envelope. To compensate for inaccuracies in the flood modelling, it is advised that the applicant may wish to consider modifying the site layout to alleviate this concern. Additional concerns are expressed with regard to the lack of detail about the construction and layout of the roads and footpath. However, concerns are expressed, with regard to emergency vehicle access during times of flooding, should flood waters reach a depth of 600mm. It is advised that clarification and a detailed design of the Sustainable Urban Drainage (SUDS) system would be required at the full planning application stage. In the event of planning consent being granted, conditions would be sought to address concerns with regard to finished floor level, pedestrian access/egress and Green Field run off rates.

**Housing Strategy:**

Identifies a need for affordable housing contributions, in the event of planning permission being granted.

**Statutory Consultees**

**SEPA:**

Advises that if planning conditions identified to address flood risk concerns are not attached to any consent, its consultation response should be treated as an objection.

The proposed conditions more specifically would require that no development should occur within the 0.5% AEP (1:200) flood extent, and that a minimum finished floor level of 147.807 metres above ordinance datum (AOD), should be achieved. Additional information on flood risk; the biomass district heating system, waste management, and surface water management is included, to inform any detailed proposal.

### **Greenlaw and Hume Community Council:**

The Community Council supports the proposal as there appears to be a need for further industrial units within Greenlaw. Addressing this need will have a beneficial impact on the area by assisting to retain existing businesses and to encourage new businesses.

### **Other Consultees**

None

### **Consolidated Scottish Borders Structure Plan 2001-2018**

Policy E12 – Employment Land Supply  
Policy E16 – Rural Economic Development  
Policy H3 – Housing Land Allocation and Development  
Policy H4 – Five Year Land Supply  
Policy H7 – Housing in the Countryside: Building Groups  
Policy H8 – Housing in the Countryside: Isolated Housing  
Policy I11 – Parking Provision in New Development  
Policy I15 – Flood Risk Areas  
Policy N20 - Design

### **Consolidated Scottish Borders Local Plan 2011**

Policy D1 – Business, Tourism and Leisure Development in the Countryside  
Policy D2 – Housing in the Countryside  
Policy ED1 - Protection of Employment Land  
Policy G1 - Quality Standards For New Development  
Policy G2 – Contaminated Land  
Policy G4 – Flooding  
Policy G8 – Development outwith Development Boundaries  
Policy H2 – Protection of Residential Amenity  
Policy Inf3 – Road Adoption Standards  
Policy Inf4 – Parking Provisions and Standards  
Policy NE4 – Trees, Woodlands and Hedgerows

### **OTHER PLANNING CONSIDERATIONS:**

Housing in the Countryside SPG (2008)

Scottish Borders Local Development Plan Main Issues Report  
Berwickshire Local Plan (adopted 1994; now superseded)  
Finalised Scottish Borders Local Plan

SPP (February 2010)  
PAN 2/2010: Affordable Housing and Housing Land Supply

Jim MacKinnon, letter to Councils, 29 October 2010  
SPP 15 Planning for Rural Development (now superseded by SPP, noted above)

### **KEY PLANNING ISSUES:**

- Whether or not the proposed development is a justified exception to the plans and policies of the Adopted Local Plan;
- Whether or not sufficient evidence has been presented of both the need for the proposed business units *per se*, and moreover, of the need for these to be delivered *ahead of* the adoption of the forthcoming Local Development Plan;
- Whether or not there is a need for an 'enabling' residential development to deliver the proposed business units;
- Whether or not the proposed dwellinghouses, business units, CHP plant, and footpath link would be well-related in their siting and layout to the existing streetscape at Greenlaw; and
- Whether or not the elements of the development would be sympathetic in their positioning and form, to the landscape setting of Greenlaw.

### **ASSESSMENT OF APPLICATION:**

#### **Planning Policy**

Neither part of the site is the subject of any formal allocation in the adopted statutory development plan and both lie outwith the Development Boundary at Greenlaw.

The Main Issues Report for the emerging Local Development Plan does identify a mixed use allocation proposal that overlaps with part of the proposed business premises site, but the two do not cover the same area.

As the identification of site for a mixed use allocation is only at an early stage within the emerging local development plan process, it should carry very limited weight within the current decision-making process. Accordingly, the proposed development is should be assessed against the plans and policies of the adopted statutory development plan.

The proposed housing is located outwith the development boundary. Policy G8 Development Outwith Development Boundaries states that where development boundaries are located on Proposals Maps, they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period and that proposals for new development outwith this boundary and not on allocated sites identified on the proposals maps will normally be refused.

Policy G8 does contain exception criteria; however, the housing element does not meet these criteria: It is not job generating; it is not affordable housing; there is not a housing shortfall; and it does not provide significant community benefits. It of significance that there are already extensive housing allocations within Greenlaw and that there is a clear indication on the long term areas for future development.

There is no requirement identified through the housing land audit with regard to the provision of an effective five-year housing land supply. As such, there is no evidence base for supporting the proposed development as an exceptional approval on the basis of Adopted Local Plan Policy G8.

The applicant has not explicitly sought to present the proposal as development that would offer significant community benefits outweighing the need to protect the Development Boundary. The supporting case does, however, suggest that adjacent residential premises may have an opportunity to benefit from the energy generated by the CHP plant, and there is advice that local businesses would benefit from the proposed business units themselves.

Ultimately though, it is not considered that these are tantamount to benefits that could be said to be applicable to the local community as a whole. Certainly, they would not be considered so significant as to outweigh the policy objection to the proposals. Accordingly, it is not considered that this criterion of Policy G8 is satisfied.

### **Emerging Local Development Plan Proposals and Previous Land Use Allocations as Material Considerations**

The employment element of the proposal is outwith the development boundary as it stands but a similar area of land has been approved by the Council as a mixed use allocation (MGREE001) and is likely to be included in the next Local Development Plan which is currently being prepared.

By definition, a mixed-use site comprises a mixture of development types within a distinct allocation. The Council is committed to developing the concept of mixed-use and has identified this site in Greenlaw to further that commitment. The application includes a straightforward industrial proposal on this mixed use site which would run counter to the Council's primary aim for the proposed designation of the site.

Furthermore, the employment proposal in the application extends further to the south than MGREE001, which raises issues over the prominence of development, even with the structure planting proposed. In addition, the employment proposal is separated from the settlement and would relate poorly to other development on Edinburgh Road because there would be an undeveloped gap between the two.

In allocating MGREE001 as a mixed use site it is envisaged certain benefits should result, for example for the lifestyle of residents (i.e. through live-work units) or through sustainability measures (i.e. through the location of small-scale renewable energy development or certain waste management facilities). Therefore, the applicant should be encouraged to rework their proposals to meet the principle of mixed use development at MGREE001 as endorsed by the Council.

Against this background, it is considered that the proposals are clearly contrary to the plans and policies of the statutory development plan, and that this is not offset by any pre-existing or potential future land use allocation proposals.

### **Need for New and Developable Employment Land as a Material Consideration**

Notwithstanding the above, there is an inference within the applicant's supporting case that the proposal should nonetheless be made the subject of an exceptional approval on the grounds that this would facilitate the delivery of employment land that is required to replace the designated employment sites within Duns Road that are judged to be 'non effective'.

It is more specifically maintained that the Duns Road site is now so constrained that it is no longer capable of being developed for employment use, and that there is therefore a need for appropriate 'substitute' sites to be identified and made available



as a matter of urgency. The Economic Development Section – while critical of the proposed siting and indicative layout – is, in broad terms, sympathetic to this view.

Much of the supporting case is based upon perceived deficiencies within the Adopted Local Plan in terms of the allocation of employment land within the Greenlaw area, and, in effect, the applicant is seeking to address these issues through the planning application process.

However, it is considered that the need for the allocation of new employment sites in Greenlaw, is a matter that would be most appropriately progressed through the emerging Local Development Plan process, with the justification for new sites based on robust evidence.

As noted above, the Main Issues Report does include a mixed use proposal for Edinburgh Road. The potential need for additional and/or alternative business premises in Greenlaw in the long-term at least, is therefore recognised within the emerging Local Development Plan process, through the promotion of a particular form of mixed use employment development.

The applicant however, suggests that new business sites require to be delivered in Greenlaw *ahead of* the conclusion of the emerging Local Development Plan process. This suggestion is based on two contentions, firstly, that the existing employment land allocation is now 'non effective', and secondly, that there is an urgent need for new business premises of the type the applicant is proposing, in the Greenlaw area.

In so far as it relates to the determination of the current application, it is not considered that the applicant has demonstrated that the existing designated employment sites are now incapable of being used or developed for employment use or that there is clear evidence of demand for business space.

The residential amenity and land ownership issues raised by the applicant with regard to the Duns Road sites, are long-standing, and pre-date the adoption of the Consolidated Scottish Borders Local Plan. The close proximity of residential properties is an established feature of the designated employment sites, and no greater level of constraint in these respects, has been introduced in recent years.

In short, the amenity and ownership matters raised are not new and therefore do not in themselves, demonstrate any increased urgency to bring forward new sites.

The applicant also advances an argument that the recently approved extension of Border Embroideries' premises at Duns Road has constrained the extent to which the remainder of the designated employment land can now be developed. However, provision was included within that proposal for site access through to the remainder of the allocated site. Accordingly, it is not accepted that this extension has now introduced any greater level of constraint on the development of the remainder of the employment land in Duns Road.

It does follow that the recent uptake of additional land by an existing business has reduced the local employment land supply. However, this is not in itself justification for releasing further land in advance of the new development plan, particularly as safeguarded employment land still remains undeveloped.

Regardless of the emerging Local Development Plan process however, the applicant contends that there is an urgent demand in Greenlaw for alternative employment sites of the type being proposed, that the emerging Local Development Plan process

is not capable of addressing timeously. In support of this advice, a table has been provided, with the results of a survey of five local businesses, conducted in 2009 according to Paragraph 6.1 of the Supporting Statement.

Notwithstanding that the survey appears to be more than three years old, the evidence presented does not appear especially robust.

None of the businesses surveyed specifically identify an interest in the proposed business premises. One appears content to pursue expansion plans at Duns Road, and it is understood that in the period since the survey, this particular business has made progress in this respect.

It is unclear from the survey itself whether the identified 'requirements' of the other four businesses are currently being met elsewhere or whether they describe expansion proposals, or a combination of the two. All four identify a need for office space; three for yard space ('outside space' or 'parking space'); and two for a shed or workshop.

Acknowledging that the businesses surveyed may indeed have particular requirements and/or aspirations that are not being fulfilled by their current accommodation arrangements, it is not considered that the survey actually demonstrates there is an actual and/or urgent requirement on the part of these businesses for alternative or additional accommodation within Greenlaw.

Against that background, the Council's Economic Development section undertook their own examination of the current position to clarify what demand exists within the Greenlaw area for new business premises at the present time. As part of this exercise, it followed up with the businesses surveyed by the applicant, and has reported that these identified a need for more yard space and some covered yard space.

Two of the businesses were interested in workshops but only on a freehold basis (i.e. not leased space) or where these would/could be made available, at less than a commercial rent for new stock.

Based on its own experience of enquiries submitted directly to them, the Economic Development Service has advised that there have been no enquiries for industrial workspace in Greenlaw within the last 18 months. While there has been some interest in such properties within the wider area (Earlston/Duns/Coldstream) during that same period, businesses often had specific locational requirements that could not in any case have been met in Greenlaw, and/or their requirements have now been met by SBC or the private sector elsewhere.

With specific regard to Greenlaw, it notes that there is actually a surplus of existing office space available for uptake within the town.

Ultimately, the largely anecdotal information supplied by the applicant and the subsequent findings provided by the Economic Development team suggests that while some Greenlaw-based businesses are expressing an interest in the provision of additional business premises accommodation within Greenlaw itself, this interest suggests businesses' long-term aspirations rather than any immediate requirement to be accommodated on additional or alternative business premises. Moreover, it is by no means clear that this interest is, in any case, in the type of accommodation that the applicant is proposing to provide.

It may be that businesses within the wider area might be attracted to the proposed units if established, and Greenlaw, where it provides a central location for their operations, but again, neither the applicant nor Economic Development describe any significant interest in this possibility.

In the absence of any firm supporting evidence, therefore, it cannot be said that there is any significant demand that would either outweigh current planning policy or that suggest a need to bring forward additional employment development in advance of the Local Development Plan.

The appropriate mechanism would to achieve such provision would be through an evidence-based Local Development Plan process.

### **‘Enabling Development’**

In light of the above, it follows that there is no justification for the applicant’s identified need for the proposed nine dwellinghouses as ‘enabling development’ to facilitate the delivery of the proposed business units, particularly given that they, themselves, would lie outwith the existing settlement boundary.

Both aspects of the proposed development, housing and business units, are clearly inconsistent with the plans and policies of the statutory development plan, and, for the reasons set out above, it is not accepted that there are any material considerations that would justify an exceptional approval. The applicant can and should more appropriately take forward his general concerns with regard to the supply of employment land – and indeed his housing proposals – within the Greenlaw area through the emerging Local Development Plan process.

In the event that the application were to be supported, however, it would be appropriate to link the two elements of the development, and therefore to consider how the delivery of the proposed business units might be secured. This would be liable to require the conclusion of an appropriately worded legal agreement to guarantee their delivery in the event that the proposed housing development was to go ahead.

### **Design and Layout**

Given the fundamental objection to both aspects of the proposal set out above, and given the fact that the application is for Planning in Principle only, it is necessary to provide any detailed analysis of the applicants’ indicative layouts. However, these have informed the size and shape of the current planning application site, which do raise significant concerns in terms of their relationships to the existing streetscape within Greenlaw, and the village’s landscape setting.

The proposed business premises site is extremely poorly related to the existing streetscape within Edinburgh Road, in two key respects.

Firstly, it occupies a site that would be isolated from existing development, taking the form of an ‘island’ of development in the northwest corner of the field.

Secondly, it would be orientated differently from – almost perpendicular to – existing development in Edinburgh Road. It would not be aligned to the public road, with the consequence that it would extend further into the field than the existing housing development, in turn increasing the prominence of the site, particularly from the south. There is no clear requirement for the development to be sited and

orientated as proposed. By comparison, the layout of the mixed use allocation proposal MGREE001 in the Main Issues Report is more sympathetic to the form and relationship of existing streetscape within Edinburgh Road.

The proposed housing site occupies a 'backland' situation, lying to the rear of relative properties in Wester Row, while being accessed from Wester Row itself, requiring the demolition of one of the traditional houses in the street. The resulting relationship is not a particularly satisfactory one, in terms of pattern of development or potential for impact on existing residents.

Although apparently informed by advice from SEPA and flood risk information, the layout of the proposed residential development again, appears somewhat arbitrary, being informed more by the indicative layout than any concern to integrate with existing development in Wester Row.

There is no natural or logical containment of the site, and any western boundaries would have to be provided or established anew and would be likely to require a significant landscaping belt owing to the existing open aspect to this side of the village.

In conclusion, it is considered that the proposed layout would not be well related or sympathetic to the existing pattern of development in Greenlaw, or to the landscape setting of the settlement, and that the planning application should also be refused on this basis.

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

The Roads Planning Section has reviewed the proposals, and while expressing reservations about the proposed footpath link, does not envisage any concerns about the potential to achieve appropriate accesses into the site from the surrounding area. If the scheme were to be approved, these issues could reasonably be resolved as part of a detailed scheme.

Concerns raised by the Economic Development Section in terms of the internal layout of the business element of the proposal are matters of detail that would be more appropriately addressed at the detailed stage.

### **Landscape and Visual Impacts**

If the proposal were to be approved, appropriate conditions could be imposed to require the creation of new landscaped boundaries for the site. However, it is considered that landscaping alone would not be sufficient to address the unacceptable visual impact that would result from the siting of the business units as proposed. A view would need to be taken – most appropriately as part of the emerging Local Development Plan process – as to the appropriate scope and direction for the expansion of Greenlaw within the emerging development plan period, which will have, in turn, implications for the type and form of landscaping works that should be required.

### **Residential Amenity**

The housing site would occupy a 'backland' situation relative to properties in Wester Row, lying as it would, to the rear of the latter, while still being accessed from Wester Row itself. An adequate landscaping treatment would be required to help conserve

an appropriate level of privacy between the proposed dwellings and the adjacent extant properties.

The proposed footpath link between the two areas of the site would be constructed immediately adjacent to rear garden areas pertaining to properties in Edinburgh Road and Wester Row. It would be appropriate to consider how a more satisfactory relationship between this link and the existing properties could be achieved, potentially through a greater level of set back, and/or landscaping for screening, to ensure that there would be no unacceptable impacts upon the amenity of these properties.

### **Flooding**

The applicant has supplied a flood risk assessment of the site, which has been reviewed by the Council's Flood Prevention Section and SEPA. While both raise concerns with regard to how any detailed development would be progressed, neither identify any concerns in principle with the proposals, although SEPA's support is conditional upon particular requirements being incorporated into planning conditions to be attached to any consent issued.

A concern would be the extent to which there would be any raising of levels within the site, and how this would impact upon the relationship between the site and the adjacent existing streetscape in Wester Row. There would be a concern if the finished level identified to address the flood risk concerns, were to result in the proposed dwellings being raised significantly higher than the existing properties. The applicant's supporting details do not illustrate the differences in levels between the existing and proposed, or between the site and the surrounding streetscape. The demonstration of acceptable finished levels at the detailed design stage, should be made a requirement by condition, if the application were to be approved.

### **Developer Contributions**

There would be a requirement for a legal agreement to secure nine contributions towards the upgrade of local education provision and eight contributions towards the provision of affordable housing. The conclusion of such a legal agreement could reasonably be made a requirement of any planning consent issued.

### **Other Concerns**

The applicant highlights the approval of planning permission 08/01773/OUT, as establishing a westwards expansion of Greenlaw, but the circumstances of this site and of the proposal (affordable housing) are different, and were fully evidenced and justified under existing policy. The current proposal should be determined on its own merits, and not with reference to the circumstances of a previous approval on another site.

The site lies outwith the Conservation Area. It is not considered that in this case, there should be any exceptional requirement to protect the setting of the Conservation Area beyond those issues already set out in the assessment above.

### **CONCLUSION**

It is considered that the proposed development is contrary in principle to the plans and policies of the statutory development plan, including key policy, Adopted Local

Plan Policy G8, in that it would be located outwith the Development Boundary of Greenlaw without any strong reasons having been given to justify an exceptional approval to this policy. It is further considered that the proposed layout is poorly related to the form and character of the existing streetscape in Greenlaw, and would have a detrimental impact upon the landscape setting of Greenlaw. For these reasons, it is considered that the proposed development should be refused.

**RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES:**

I recommend that the application is refused for the following reasons:

1. The proposed development is contrary to Policy G8 of the Scottish Borders Local Plan 2011 in that the site lies outwith the Development Boundary at Greenlaw, with no exceptional justification for development in this location.
2. The proposed development is contrary to Policies G1 and G8 of the Scottish Borders Local Plan 2011 in that the site does not represent a logical extension of the built-up area; would prejudice the character, visual cohesion and natural built-up edge of the settlement at Greenlaw; and is not compatible with, and does not respect, the character of the surrounding area, neighbouring uses or neighbouring built form.
3. The proposed housing development is contrary to Approved Structure Plan Policies H6, H7 and H8; Adopted Local Plan Policy D2; and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008), in that the site lies outwith the Development Boundary, is not well-related to the existing pattern of development, and the need for new dwellinghouses on this site has not been adequately substantiated.

DRAWING NUMBERS

<b>Plan Ref</b>	<b>Plan Type</b>
2559 (PL) 000 B	Location Plan
999 GREENLAW (PL) 001 C	Site Plan

**Approved by**

Name	Designation	Signature
Brian Frater	Head of Planning and Regulatory Services	

The original version of this report has been signed by the Head of Planning and Regulatory Services and the signed copy has been retained by the Council.

**Author(s)**

Name	Designation
Stuart Herkes	Planning Officer

12/01383/PPP



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