

SCOTTISH BORDERS COUNCIL

**APPLICATION FOR PLANNING PERMISSION TO BE DETERMINED UNDER POWERS DELEGATED
TO THE HEAD OF PLANNING AND BUILDING STANDARDS**

PART III REPORT

REF : 08/01574/FUL

APPLICANT : Pearson Donaldson Properties Ltd

AGENT : Domus Limited

DEVELOPMENT : Erection of 3 No office units with associated parking and landscaping

LOCATION: Land East Of EBSEurope Ltd
Cavalry Park
Peebles
Scottish Borders

TYPE : FUL Application

Observations by Development Control Officer - Miss Karen Hope

This application seeks full planning consent for the erection of three office units with associated parking and landscaping at Cavalry Park in Peebles.

Office Block 1, which would be located within the southern part of the application site overlooking the public road, would measure approximately 40m x 14m. This would provide accommodation for five office suites. Office Blocks 2 and 3 would be located within the northern part of the site, each measuring approximately 23m x 13m. These would each provide accommodation for three office suite. A total of 41 parking spaces would be provided within the site (including disabled parking). 25% of the existing parking spaces opposite Block 1, to the south of the application site, would be made available to Office Block 1. The office blocks would have rendered external walls with profile sheet roofs.

The application site is allocated in the Scottish Borders Local Plan 2008 as an area for Employment Land Safeguarding. The proposals must therefore be assessed against Policy ED1 which states that there is a presumption in favour of industrial and business uses (Use Classes 4, 5 and 6) on strategic and other employment sites, including new land use proposals for employment land.

It was initially considered that the development would have archaeological implications. Work undertaken in 1994 ahead of services installations at Cavalry Park uncovered evidence of prehistoric stone tool manufacturing, pottery and possible evidence of leatherworking. It was therefore considered that a condition should be attached to any consent granted requiring that a survey of the site is undertaken and a watching brief requiring the presence of an archaeologist on site to monitor the excavation and removal of any soils. Discussions have taken place with the Agent and Scottish Enterprise and it has been established that works conducted in 1994, and subsequently in 2005, altered the archaeological sensitive sub-soils at the site and would have removed any traces of previous human activity had it existed. It is now therefore considered that the proposed development would not have any archaeological implications. It is understood that some of the sub-soils that were affected by earlier work were used to re-grade the site. As such, there remains a remote chance that there may be artefacts that could be encountered. It is therefore considered that a suitably worded informative should be attached to the consent requiring that any such evidence is brought to the attention of the Council for further consideration.

The Council's Engineer (Flood Prevention) advised that the site is at risk from a flood event with a return period of 1 in 200 years. The submission of a Flood Risk Assessment (FRA) was therefore requested. The

Agent advised, however, that the applicant is purchasing the site from Scottish Enterprise Borders for development on the basis that it has already been raised outwith the 200 year flood plain in accordance with the FRA carried out by Ironside Farrar Engineers. The Council's Engineer has since studied the Flood Risk Assessment and has advised that the area of development has been brought up to the ground levels, including freeboard, required by the FRA and the proposed FFL of the office units is shown at this level. The Engineer does not therefore oppose this development on the grounds of fluvial flooding. No response has been received from SEPA.

Conditions should be attached to the consent requiring a landscape plan and that the existing trees are retained. There are existing beech trees adjacent to the northern boundary of the site. In order to ensure that the root systems of these trees are protected, it is considered that the ultimate position of Office Block 2 should be agreed on site prior to the commencement of works.. It is considered that the block should be moved marginally to the west in order that an existing beech tree can be safeguarded.

The Director of Technical Services (Roads) initially raised concerns relating to Office Block 1. The block would face onto the main road and there were concerns that this would encourage visitors to park on the main carriageway. The proposals have been amended and now show a landscaped area between the front of the building and the public road. The Director of Technical Services (Roads) is now content that this should discourage on-street parking.

The Peebles and District Community Council has raised no objections and no neighbour responses have been received.

Overall, it is considered that the proposed development complies with the requirements of Policy ED1 of the Scottish Borders Local Plan 2008.

Recommendation:

It is recommended that the application be approved subject to the following conditions:

1. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
2. Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to, and be approved in writing by the Local Planning Authority, and none of the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.
3. Before any part of the permitted development is commenced, the trees to be retained on the site and those adjacent to the northern boundary of the site shall be protected by a chestnut paling fence at a location to be agreed by the Local Planning Authority and the fencing shall be removed only when the development has been completed. During the period of construction of the development:
 - (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
 - (b) No fires shall be lit within the spread of the branches of the trees;
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
 - (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
 - (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

4. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include:
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

6. The premises shall be restricted to a use within Class 4 of the Schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or to any other purpose in Class 6 (limited to no more than 235 square metres) of the Schedule to The Town and Country Planning (Use Classes) (Scotland) Order 1997.

Reason: To ensure that the use remains compatible within the site.

7. The existing bullnose kerbing at the end of the existing bellmouth must be replaced with 150mm x 125mm square channel kerbing to the specification of the Local Planning Authority before the offices become operational.

Reason: In the interests of road safety.

8. The position of 'Office 2' to be agreed on site with the Local Planning Authority before any works commence on site.

Reason: To safeguard the existing trees adjacent to the northern boundary of the site.

Informative:

It is possible that archaeological artefacts will be encountered when works are undertaken on site. Any such evidence found on the site should be brought to the attention of Scottish Borders Council for consideration.

Measures should be taken to prevent the flow of water onto the public road.

All work within the public road boundary must be completed by a contractor on Scottish Borders Council's approved list (attached) after obtaining the appropriate road opening permit (form attached).

Miss Karen Hope
Senior Planning Officer (East)

Recommended On: 21 November 2008