

App Ref: 15/00100/FUL
Applicant: Wilton Mills Ltd
Proposal: Erection of Class 1 retail food store & ancillary works etc.
Wilton Mills, 31- 32 Commercial Road, Hawick

Sir,

Observations of Hawick Community Council with reference to the above application, we (HCC) having viewed the Proposal have the following comments:-

Although it is not ideal to have another discount supermarket located in Hawick, with the adverse effect it will have on the established supermarkets and independent service shops in the town, it would however provide improved and more varied customer shopping choice, an opportunity to provide around 30 new jobs (full or part-time). It would encourage more foot-fall into the town with the added benefit that shoppers would also filter on to the High Street and other areas for goods and services.

With regard to the proposed new building, HCC would comment that we would prefer that some of the original stonework to be used as cladding to the elevations to give character to the structure, as well as re-use of the existing stone lettering incorporated into the building/landscape area.

We also comment that the existing clock tower/roof could be integrated into the proposal as a possible entrance to the area.

Information boards and finger-post signage could be erected directing shoppers to the High Street area.

We would also comment as to the state of the area as it stands at present, being located on the A7 trunk road between Carlisle and Edinburgh it is not welcoming and is in fact an eyesore and must be improved one way or another to benefit the town.

Regards

Cameron Knox
Vice-chair, Hawick Community Council.

REGULATORY SERVICES



To: **Development Management Service**
FAO Mrs. J. Hayward, Council H. Q.

Date: **9th Mar. 2015**

From: **Roads Planning Service**
Contact: **A. Scott**

Ext: **6640**

Ref: **15/00100/FUL**

Subject: Erection of Class 1 retail unit
Land at Wilton Mills, Commercial Road, Hawick –
15/00100/FUL

The main road serving this site is a trunk road, and as such, the comments of Transport Scotland must be sought with regards to the junction off Commercial Road and any proposed amendments to the layout of Commercial Road.

With regards to the internal layout of the proposal, I do have some concerns as below:

- The proposed layout proposed will result in service vehicles having to reverse in areas where pedestrians will be moving between the store and car parking spaces. This is not desirable and should be discouraged, particularly when delivery times cannot be controlled.
- Provision for taxis is required.
- Provision for suitably located trolley bays is required to discourage inappropriate abandonment of trolleys.
- With regards to the level of parking, the number of spaces is above the required levels for such a store, 78 overall being considered acceptable.
- All spaces should be a minimum of 2.5m x 5m in size, with disabled and parent/child being larger to accommodate extra space for manoeuvring around the vehicle.
- There are no surface water drainage details provided. These are required to ensure there is no detrimental impact on the trunk road.
- There should be a minimum of 6 covered cycle stands provided.

DJI

**To: Development Management Service
FAO Mrs. J. Hayward, Council H. Q.**

Date: 7th July 2015

**From: Roads Planning Service
Contact: A. Scott**

Ext: 6640

Ref: 15/00100/FUL

**Subject: Erection of Class 1 retail unit
Land at Wilton Mills, Commercial Road, Hawick –
15/00100/FUL**

Further to my previous comments of 9th March 2015, it would appear that the applicant has not addressed all my concerns.

- The proposed layout still results in delivery vehicles having to reverse in areas where customers are likely to be.
- There is still no taxi provision allowed for.
- There are still no areas within the car-park to accommodate trolleys.
- There are still no drainage details included.

Furthermore, the following points relate to the trunk road but shall still have to be resolved to the satisfaction of both the Council and Transport Scotland.

- There is no tracking indicated for delivery vehicles exiting the site and turning right.
- The widening of a public road would normally require road construction consent. However this may be able to be covered by an agreement being in place between the applicant, the Council and Transport Scotland.
- I cannot find a copy of the layout drawing referred to in Transport Scotland's response of 8th April 2015, namely drawing number A086735-SKA010 Rev. 1.

The above matters should all be resolved to the Council's satisfaction prior to any approval being issued.

DJI

Transport Scotland

Trunk Road and Bus Operations (TRBO)
Network Operations - Development Management



Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

**The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2008 S.I. 2008 No 432 (S.25)**

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Scottish Borders Council Environment and Infrastructure Newtown St Boswells Melrose TD6 0SA	Council Reference:-	15/00100/FUL
	TS TRBO Reference:	SE/11/2015

Application made by Wilton Mills Ltd per Aitken Turnbull Architects Ltd, 9 Bridge Place Galashiels Scottish Borders TD1 1SN and received by Transport Scotland on 05 February 2015 for planning permission for erection of class 1 retail foodstore with ancillary works including car parking, access and landscaping located at Land And Buildings At Wilton Mills, 31 - 32 Commercial Road, Hawick affecting the A7 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Route Manager (A7) 0141 272 7100 Network South, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Operating Company:- SOUTH EAST
Address:- 6a Dryden Road, Bilston Glen Industrial Estate, Loanhead, Edinburgh, EH20 9LZ
Telephone Number:- 0800 0420188
e-mail address:- OCCR.SESCOTLAND@amey.co.uk

DETAILS of works necessary within the trunk road boundary:-

New ghost island priority junction to serve as site access.

CONDITIONS to be attached to any permission the council may give:-

1	Prior to the occupation of any of the consented development, the proposed site access junction with the A7 Commercial Road, generally as illustrated in WYG Drawing No. A086735-SKA010 Rev.1, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland TRBO.
2	Details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.
3	Prior to commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland TRBO.
4	Prior to the occupation of any of the consented development, a barrier / boundary feature of a type approved by the planning authority in consultation with Transport Scotland (TS-TRBO) shall be provided and maintained along the proposed boundary of the site with the A7 Commercial Road.
5	There shall be no drainage connections to the trunk road drainage system.
6	No part of the development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the planning authority, after consultation with Transport Scotland, as the Trunk Roads Authority. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

REASON(S) for Conditions (numbered as above):-

1	To ensure that the standard of infrastructure modification proposed to the trunk road complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.
2	To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished
3	To ensure that there will be no distraction to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.
4	To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents
5	To ensure that the efficiency of the existing trunk road drainage network is not affected.
6	To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport

ADVISORY NOTES (to be passed to applicant):-

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Any works required and contact details are provided on Transport Scotland's response to the planning authority and is available on the Council's planning portal

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works the subject of the above Conditions will require Road Safety Audit as specified by the Design Manual for Roads and Bridges

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement

NOTES

Stage 1 Road Safety Audit has been carried out.

Transport Scotland Response Date:-

08-Apr-2015

Transport Scotland Contact:-

John McDonald

Transport Scotland Contact Details:-

Trunk Road and Bus Operations, Network Operations - Development Management

Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Telephone Number:

e-mail: development_management@transportscotland.gsi.gov.uk

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Trunk Road and Bus Operations, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

Our ref: PCS/138397
Your ref: 15/00100/FUL

Julie Hayward
Scottish Borders Council
Planning & Economic Development
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

If telephoning ask for:
Stephanie Balman

By email only to: dcconsultees@scotborders.gov.uk

25 February 2015

Dear Ms Hayward

**PLANNING APPLICATION: 15/00100/FUL
ERECTION OF CLASS 1 RETAIL FOODSTORE WITH ANCILLARY WORKS
INCLUDING CAR PARKING, ACCESS AND LANDSCAPING
LAND AND BUILDINGS AT WILTON MILLS, 31 - 32 COMMERCIAL ROAD, HAWICK,
SCOTTISH BORDERS**

Thank you for your consultation which SEPA received on 6 February 2015.

We **object** to this planning application on the grounds of flood risk. The proposed development may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69. We will review this objection if the issues detailed below and in Section 1 below are adequately addressed.

In summary, we wish to receive clarification on the following before we would consider reviewing our objection to the proposed development:

- Evidence that land-raising will be kept to an absolute minimum and car parking will be kept to existing ground levels.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

Advice for the planning authority

1. Flood risk

- 1.1 We previously commented on an earlier application to erect a supermarket on this site (planning reference: 14/00742/FUL). We recommend that our response (dated 5 August



Chairman
David Sigsworth
Chief Executive
James Curran

Edinburgh Office
Clearwater House, Heriot Watt Research Park
Avenue North, Riccarton, Edinburgh EH14 4AP
tel 0131 449 7296 fax 0131 449 7277
www.sepa.org.uk

2014) to that application is also referred to for background information with respect to flood risk at this site.

- 1.2 In our response dated 12 December 2014 (ref: 14/00742/FUL), we highlighted our concerns regarding: 1) drainage during high flows in the River Teviot, 2) the flood risk from the lade structures that historically flowed through the site, 3) land-raising of the site to reduce the risk of flooding from the River Teviot, and 4) bridge blockage potential.
- 1.3 We were provided with an updated Flood Risk Assessment (FRA) in December 2014. The FRA notes that a site walkover confirmed that both the inlet and outlet of the lade structures beneath Wilton Mill have been blocked hence there is no direct connection. It is also proposed that the lades will be further in-filled during development of the site. As such, the risk from the lades to the site can be mitigated
- 1.4 The FRA notes that surface water will pass quickly and directly to the River Teviot and that the SUDS design will include non-return valves to prevent the River Teviot backing-up. The FRA also notes that the "time to peak for such extreme storm events is considerably longer than that of the site itself and closure of the non-return valves along the watercourse is unlikely to result in a surcharging of the drainage system during the peak storm event." We would stress that depending on what level the discharge pipe outlet is set at, it may still result in the drainage system being unable to drain during less extreme events.
- 1.5 The FRA also notes that the Wilton Mill buildings were tightly packed and would not readily allow for the movement of water through the site. Water would likely have got access to the building through vents, doorways, access points and potentially under the floor. By land-raising the site to enable development this will permanently remove an area of floodplain storage. As such we cannot support the current proposal as no compensatory storage can be provided for the site. This is in line with our Technical Flood Risk Guidance for Stakeholders.
- 1.6 Bridge blockage has been investigated and the conclusions of the FRA are that any blockage would not impose a significant restriction in flow. We cannot comment further on this conclusion.
- 1.7 We support the inclusion of flood resistant and resilient measures into the design of the building.
- 1.8 As indicated in a telephone conversation, between William Hume (Terrenus) and Alistair Cargill (SEPA, Operational Flood Risk Manager) in January 2015, we would not support land-raising on site without the provision of compensatory storage. We would look more favourably upon the retaining of the car park on existing ground levels and keeping any land-raising to an absolute minimum.
- 1.9 It is worth highlighting that there is a Flood Prevention Scheme proposed for Hawick which will offer protection up to the 1:75 year return period event from the River Teviot. Although final design and funding is yet to be confirmed, should the scheme be built it would afford some protection to the site which may be adequate to satisfy the developer's concerns without the need for additional measures
- 1.10 We have been provided with a Design and Access Statement for the site in the current application. The proposed floor level of the food store is 102.15mAOD. The design statement mentions that this is in line with SEPA. We would stress that for this situation, the inability to offer compensatory storage prevents us from supporting raising floor levels

as the site is to be land-raised to enable this. In addition, the statement also mentions that the building occupies a reduced ground area thus providing compensatory storage. We do not accept this statement as our understanding is that the whole site is to be raised and no additional storage is proposed to replace that which will be lost.

2. Surface water drainage

- 2.1 This development will require two level of treatment for all hardstanding areas including roads. We encourage this first level of SUDS to be source control. Further guidance on the design of SUDS systems and appropriate levels of treatment can be found in CIRIA's C697 manual entitled *The SUDS Manual*. Advice can also be found in the SEPA Guidance Note *Planning advice on sustainable drainage systems (SUDS)*. Please refer to the SUDS section of our website for details of regulatory requirements for surface water and SUDS.
- 2.2 Comments from Scottish Water, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.

Detailed advice for the applicant

3. Content of flood risk advice

- 3.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland.
- 3.2 We refer the applicant to the document entitled: *Technical Flood Risk Guidance for Stakeholders*. This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction Policy 41 (Part 2).
- 3.3 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.
- 3.4 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Scottish Borders Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: *Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities* outlines the transitional changes to the basis of our advice inline with the phases of this legislation.

Regulatory advice for the applicant

4. Regulatory requirements

- 4.1 Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you

need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office (tel: 01896 754797).

If you have any queries relating to this letter, please contact me by telephone on 0131 449 8559 or e-mail at Stephanie.Balman@sepa.org.uk.

Yours sincerely

Stephanie Balman
Planning Officer
Planning Service

ECopy to: Aitken Turnbull Architects Ltd admin@aitken-turnbull.co.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. If you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found in How and when to consult SEPA, and on flood risk specifically in the SEPA-Planning Authority Protocol.

Consultation Reply



ENVIRONMENT AND INFRASTRUCTURE

To: HEAD OF PLANNING AND REGULATORY SERVICE

FAO: Julie Hayward

Your Ref: 15/00100/FUL

From: HEAD OF ENGINEERING & INFRASTRUCTURE

Date: 25th March 2015

Contact: Ian Chalmers

Ext: 5035

Our Ref: B48/1869

Nature of Proposal: Erection of Class 1 retail food store with ancillary works including car parking, access and landscaping
Site: Land and Buildings at Wilton Mills 31 - 32 Commercial Road
Hawick

In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the "third generation flood mapping" prepared by SEPA indicates 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.

The Indicative River & Coastal Flood Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.

Due to copyright restrictions I cannot copy the map to you however, if the applicant wishes to inspect the maps they can contact me to arrange a suitable time to come in and view them.

Hydraulic modelling was produced in the Hawick Flood Protection Scheme Report which demonstrates that the proposed development lies within the 1 in 200 year (0.5%) inundation outlines for the River Teviot and it is anticipated that there will be flood depths of between 2.51 – 3.00m. This study is anticipated to be more accurate than the indicative mapping although no warranty is given.

Having received the updated flood risk assessment undertaken by Terrenus, I have the following comments.

It is noted that information has been provided on the Mill Lade and that it is blocked at both the inlet and outlet and that further backfilling is to be completed.

I would state that as there is no capacity for compensatory storage provisions, there should be no land raising at the site as this would further remove storage capacity. I would also agree with the comments made by SEPA which favour the car parking being left at current levels.

I would also recommend that the applicant adopts water resilient materials and construction methods as appropriate in the development as advised in PAN 69.

Although public consultation for the Hawick Flood Protection Scheme has been undertaken, this is only anticipated to protect Hawick to a 1 in 75 year flood event. This would not protect the development to the sufficient 1 in 200 year plus climate change return period standard of protection which is a requirement of the Scottish Planning Policy. It would still be required that this flood risk be mitigated if this development is to be approved.

Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Ian Chalmers
Flood Risk and Coastal Management

PLANNING CONSULTATION

To: Forward Planning Section

From: Development Management

Date: 6th February 2015

Contact: Julie Hayward ☎ 01835 825585

Ref: 15/00100/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 27th February 2015, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 27th February 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: Wilton Mills Ltd

Agent: Aitken Turnbull Architects Ltd

Nature of Proposal: Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping

Site: Land And Buildings At Wilton Mills 31 - 32 Commercial Road Hawick
Scottish Borders

OBSERVATIONS OF: Forward Planning Section

CONSULTATION REPLY

This application seeks full planning permission for the erection of a Class 1 food retail store on land and buildings at Wilton Mill, Commercial Road, Hawick. It follows an earlier application (14/00742/FUL) for a similar proposal by the same applicant which was withdrawn on 3 November 2014.

The current proposals differ from the 2014 application in that the proposed building would have an increased footprint of 1,715sqm as opposed to 1,587sqm. Sales floor area has been increased from 1,145sqm to 1,254sqm. The design and external materials of the proposed building remain constant but the store has been relocated from the south west of the site to the north east with car parking accommodating the south west part of the site. The proposed car parking has been increased by 15 no spaces from 86 to 101. The existing Clock Tower building is proposed for demolition (14/01437/LBC).

The comments submitted in my earlier responses of 22 August 2014 and 16 September 2014 remains relevant and I have copied these below for ease of reference.

Comments of 22 August 2014

The application site is located within an area of Hawick covered by Policy H3 – Land Use Allocations of the Consolidated Local Plan 2011. It forms part of a larger redevelopment opportunity (zRO8) on Commercial Road and is covered by an approved Supplementary Planning Guidance note from February 2009.

Paragraph 2 of Policy H3 states:

“Development will be in accordance with any Council approved planning or development brief including where this has been prepared by developers, provided it meets the requirements for the site and its acceptability has been confirmed in writing by the Council”.

Paragraph 3 also states:

“Sites proposed for redevelopment or mixed use may be developed for housing, employment (classes 4, 5 and 6 of the Use Classes Order) or retailing, subject to the sequential test, or a mix of uses....”

The approved SPG for Commercial Road sets out a development framework for the entire zRO8 site and aims to outline options for the most suitable development of the site. It specifies that the wider site could accommodate a range of development from residential to business and retail. The SPG recognises that in terms of national and local retail policies, the Commercial Road area, especially at its southern end, offers potential to be considered as a suitable edge-of-centre location for retail development. The northern development site however (Wilton Mills), where this application site is located, offers the potential for residential development given the listed buildings on site, the urban character of the area and the previous use.

The SPG was informed by a retail capacity study for Hawick undertaken on behalf of the Council by Roderick MacLean Associates Ltd (January 2008). This identified that there was potential capacity at that time to promote a small retail park with a discount food retailer or small supermarket/frozen food store. Whilst the SPG also stated that there was unlikely to be sufficient convenience expenditure capacity to support a new superstore in the town, it recognised that this was dependent upon the market situation.

Since the retail capacity study for Hawick, a new Sainsbury's Store on Commercial Road (09/00622/FUL) has been approved and constructed. Whilst not large enough to be considered a superstore, this new medium sized retail store has taken up any spare retail capacity which previously existed in the town. In fact, the new store exceeds the spare capacity identified by the Roderick MacLean study and referred to in the SPG. It is now considered that there is no spare retail capacity to accommodate an additional Class 1 food retail unit within the town.

Whilst not yet an adopted policy, consideration should also be given to Policy ED3 – Town Centres and Shopping Development of the Proposed Local Development Plan 2013. This policy was developed alongside work undertaken for the Council by Robert Drysdale Consultancy on retail capacity (September 2011) across the Borders. Amongst key findings from that study was that with the exception of Galashiels, there was limited capacity for further retail floor space. In particular it found that there would be no spare capacity to support new stores in Hawick. This finding confirmed the previous work undertaken by Roderick MacLean (above) prior to the development of Sainsbury's on Commercial Road.

Forward Planning consider that the proposed erection of a Class 1 retail store would be contrary to Policy H3 of the Consolidated Local Plan and the Commercial Road SPG as there is no spare capacity to support new stores in Hawick and the preferred option for this site would be residential.

Comments of 16 September 2014

I refer to the above planning application and our original planning consultation response dated 22 August 2014. The following observations are in response to your request for an analysis of the retail statement submitted with the planning application, particularly in relation to the potential harm on the vitality and viability of the town centre.

Paragraph 1.5 of the Retail Statement states that *“The proposals will help provide complementary*

shopping facilities and a different retail experience locally, compared with existing provision”.

Forward Planning consider that the proposed Aldi store would not provide a complementary shopping facility but would in fact provide a similar retailing experience to existing competing stores such as Lidl, Farmfoods and Iceland who already have a presence in the town centre. It is considered that the proposed food retail unit would therefore have an unacceptable adverse impact on existing retailers, contrary to the applicant’s statement and more importantly contrary to development plan policies ED3 and ED5.

Paragraph 1.7 also states that the proposals will “...serve a limited catchment and will not lead to any unacceptable impact on the vitality and viability of Hawick town centre”, however no figures or justification are provided in the statement to substantiate this claim. Appendix 2 of the Retail Statement provides a limited retail health check for Hawick town centre and concludes that the town centre is performing well and that vacancy levels are below the national average. This is contrary to the information and findings available to the Council through work carried out by consultants Roderick MacLean Associates and Robert Drysdale Consultancy (referred to in our original response), as well as the Council’s Winter Retail Survey 2013. Forward Planning would question the applicant’s assumption that the proposed development would not lead to an unacceptable impact on the vitality and viability of the town centre. The statement is devoid of any detailed assessment of the proposed catchment area for the store, assessment of competing stores and centres or projected turnover based on a store of comparable size. Further information is required to make a full and proper assessment of this claim.

Paragraph 4.7 of the statement also states that the town centre health check found that Hawick “is performing quite well against a number of vitality and viability indicators”...and that “...a retail use at the subject edge of centre site would...have a positive impact on vitality and viability.” As confirmed above, no figures or justification are provided in the statement to substantiate this claim.

Appendix 2 of the Retail statement states that *the “survey found that the unit vacancy level within Hawick town centre currently stands at 13%” which “is lower than the national average which was 14.2% in February 2013”.* This is not consistent with the figures currently available to the Council in the Winter Retail Survey 2013 which show a much higher vacancy level of 17% in the town centre, 3% above the national average of 14%. Paragraph 13.3 of the Retail Survey states that *“Hawick’s retail unit vacancy rate and total floorspace vacancy rate continue to give cause for concern and will be subject to ongoing monitoring. The town has the highest retail unit vacancy rate (17%) and the second highest total floorspace vacancy rate (12%). Other research has also shown that footfall levels in Hawick have been decreasing at a faster rate than other town centres”.* These findings provide clear evidence of the challenges the town centre is facing.

Appendix 2 of the Retail Statement also makes further comments regarding footfall within the town centre, suggesting that high levels were present on the day of the survey. Again, there are no figures within the statement to substantiate this claim. Further information would be required to allow an accurate analysis of the footfall levels within the town. As stated above, research currently available to the Council has shown that footfall levels in Hawick have been decreasing at a faster rate than other town centres. This is contrary to the applicant’s assertions.

It is accepted that the sequential test does not offer any town centre locations that would be appropriate for the proposed end user in terms of availability, suitability and viability. This test would be consistent with the considerations as set out in SPP. Policy ED3 is relevant in this case as it aims to guide new shopping development to town centres in order to protect the vitality and viability of these centres. The sequential test ensures that the first preference is given to town centres followed by edge of centre locations and only as a last resort, out of centre sites.

Amongst key findings from the Robert Drysdale Consultancy report was that with the exception of Galashiels, there was limited capacity for further retail floor space in the borders. In particular it

found that there would be no spare capacity to support new stores in Hawick. This confirmed previous work by Roderick MacLean prior to the development of Sainsbury's on Commercial Road. The erection of an additional store would ultimately exceed the spare capacity previously identified and the provision of a new retail unit in the town, regardless of whether it is located in the town centre or on an edge of centre site, would have an adverse on retailing in the town.

It is the view of Forward Planning that the supporting Retail Statement does not justify the erection of a discount foodstore on this edge of centre location and does not support the applicant's claims that the development would have a positive impact on the viability and vitality of the town centre. Not only would the proposed store exceed any spare retail capacity that may exist within the town, but it is considered that the erection of a store at this edge of centre location would have an adverse effect on the vitality and viability of the already vulnerable town centre which is experiencing above average vacancy levels and decreasing footfall levels.

It remains our position that the proposed erection of a Class 1 retail store would be contrary to development plan policy and the Commercial Road SPG as there is no spare capacity to support new stores in Hawick and the erection of a store on this edge of centre location would have an unacceptable adverse impact on the vitality and viability of the town centre.

Additional Comments

It is acknowledged that the Retail Assessment submitted with the current application includes additional supporting information over and above that submitted with the earlier application. Part 5 – Sequential Approach and Part 6 – Deficiency, Impact and Scale Considerations have been added to the Retail Assessment and the Town Centre Health Check has been promoted from the appendices to the main body of the report. However, it remains the view of Forward Planning that the proposals continue to be contrary to development plan policy and the aspirations contained within the supplementary planning guidance note.

It is also accepted that the updated sequential test does not offer any town centre locations that would be appropriate for the proposed end user in terms of availability, suitability and viability. However, Policy ED3 aims to guide new shopping development to town centres in order to protect the vitality and viability of these centres. The proposed class 1 retail development continues to fall outwith the town centre boundary and therefore remains contrary to prevailing development plan policy.

Paragraph 7.14 of the Retail Assessment states that *"the unit vacancy level within Hawick town centre currently stands at 12%"...* which is *"lower than the national average which was 13.2% in October 2014"*. This is not consistent with up to date SBC figures contained within the Summer 2014 Retail Survey. Hawick's retail unit vacancy rate and total floorspace vacancy rate have both shown noteworthy improvement since the winter 2013 survey, which had highlighted Hawick as a town centre which gave cause for concern. The town's retail unit vacancy rate is now 14% (down from 17% in the last audit) and its total floorspace vacancy rate is down to 10% (from 12% in the last audit). Whilst this is an indication that the town centre is showing signs of recovery, the current vacancy rate is still above the national vacancy rate of 13%.

As stated previously in my response of 16 September 2014 to application 14/00742/FUL it is the view of Forward Planning that the supporting Retail Statement does not justify the erection of a discount foodstore on this edge of centre location and does not support the applicant's claims that the development would have a positive impact on the vitality and viability of the town centre. There is no spare capacity to support new stores in Hawick and it is considered that the proposed edge of centre development would have an unacceptable adverse effect on the vitality and viability of this already vulnerable town centre which is experiencing above average vacancy levels.

Furthermore, the 2013 SBC Footfall Survey for Hawick has recorded rapidly declining footfall over the last six years, down 36% from 9680 in 2007 to 6200 in 2013. The survey also recorded a drop of 17% between 2012 and 2013. This succession of decline is causing considerable concern and the patterns of footfall decline are sufficient to warrant continued close attention going forward. It is felt that the proposed erection of a Class 1 retail foodstore in an out of centre location as is proposed by this application would further exacerbate this trend and lead to further reductions in town centre footfall which in turn would have an adverse effect on Hawick town centre vitality and viability.

It is noted from the application papers that the existing Clock Tower, a Category B Listed Building located on the south east boundary of the site is proposed for demolition. Whilst this proposed demolition is being assessed under application 14/01437/LBC it should be considered as part of this proposal to redevelop the site. Part 5 of Policy BE1 of the Consolidated Local Plan states that *"the demolition of a Listed Building will not be permitted unless there are overriding environmental, economic, social or practical reasons. It must be satisfactorily demonstrated that every effort has been made to continue the present use or find a suitable new use"*. As listed buildings are most vulnerable when they are unoccupied, encouragement should be given to appropriate development that would protect the long term active use and conservation of this listed building. Has consideration been given to retaining the building and incorporating it into the proposed retail store? The proposed demolition of this building should be considered in accordance with the advice contained within the Scottish Historic Environment Policy (SHEP) produced by Historic Scotland.

You will be aware that the Proposed Local Development Plan (LDP) is currently at Examination with an independent Scottish Government Reporter. Representations have been submitted by the applicant in respect of the proposed Redevelopment Allocation zRO8 – Commercial Road on the grounds that the site should be included within the town centre boundary. Part of the redevelopment site zRO8 is shown on the proposed LDP settlement map for Hawick as being located within an extended town centre boundary and it is argued by the Respondent that there is nothing material to distinguish this land from the subject (application) site. Also, the Respondent has made representations in respect of policy ED3 – Town Centres and Shopping Development and argues that the inclusion of this site within the town centre would increase the ability to deliver viable regeneration of the site and with it, make a positive contribution to the conservation area.

It is my advice that the proposed development should not be assessed against proposed LDP policy as this would be premature in advance of the Reporters examination and recommendation. The proposed development must therefore be assessed against prevailing development policy contained within the Consolidated Local Plan. It remains our position that the proposed erection of a Class 1 retail store would be contrary to established development plan policy ED5 – Town Centres and policy H3 – Land Allocations as well as the Commercial Road SPG as there is no spare retail capacity to support new stores in Hawick and the erection of a store on this edge of centre location would have an unacceptable adverse impact on the vitality and viability of the town centre. Furthermore the proposed loss of the listed Clock Tower building would be contrary to Policy BE1.

PLANNING CONSULTATION

To: Economic Development Section
From: Development Management Date: 6th February 2015
Contact: Julie Hayward 01835 825585 Ref: 15/00100/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 27th February 2015, if further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 27th February 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: Wilton Mills Ltd

Agent: Aitken Turnbull Architects Ltd

Nature of Proposal: Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping
Site: Land And Buildings At Wilton Mills 31 - 32 Commercial Road Hawick Scottish Borders

OBSERVATIONS OF: Economic Development Section

CONSULTATION REPLY

It is noted that this application follows on from 14/00742/FUL and 14/01437/LBC where the Economic Development section supported development which created job creation from this site.

We now note that the Forward Planning section has identified that the current proposal would be contrary to development plan policy and the Commercial Road SPG, and that they are of the view that there is no spare retail capacity for a development of this size in Hawick. The Built Heritage and Design section views are also noted and that any demolition of the Clock Tower building would require that the SHEP test be undertaken and proven that demolition is required.

Our main criterion is the indication of jobs created, lost or protected. We note the contents of the 2009 SPG, Commercial Road, Hawick, which recognises the previous uses range from retail, employment, industrial and some residential units. The Development Vision for the area recognises, housing, employment (classes, 4, 5 and 6 of the Use Classes Order), or retailing subject to sequential test, may be acceptable.

In view of the employment previously generated within this area, we would support a development which would provide the prospect of generating new employment opportunities. Should the food retail development be refused, there may be potential to develop a new high quality office scheme, or/and development within classes 4, 5 and 6, or non-food retail. The agreement on non-food retailing would only be acceptable providing it does not have a negative impact on vitality and viability of the Town Centre because of the potential loss of footfall, due to relocation to the edge of the town centre.

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	15/00100/FUL
Uniform Ref	15/00205/PLANCO
Proposal	Planning Consultation - Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping
Address	Land And Buildings At Wilton Mills 31 - 32 Commercial Road Hawick Scottish Borders
Date	6th February 2015
Amenity and Pollution Officer	Susan Bolderson
Contaminated Land Officer	Gareth Stewart

Amenity and Pollution

Assessment of Application

Noise

No deliveries shall be taken at or despatched from the site between the hours of 23.00 and 07.00 Monday to Friday and 22.30 and 07.00 on Saturdays nor at any time on Sundays, Bank or Public Holidays.

To protect the residential amenity of the occupiers of neighbouring properties and the amenity of the area.

Assessment of Application

I have assessed this application in terms of noise.

The applicant is proposing to develop a retail shop selling food.

No information has been provided regarding the plant equipment that the shop will potentially install.

In order to assess this application the applicant must provide the following information:

- List of the refrigeration, air conditioning and any other noise emitting equipment that will be installed. Included on this list should be the noise level as specified by the manufacturer and if there is any tonal characteristic associated with the equipment.
- Depending on the equipment that will be installed then I may require more noise information to be provided or a noise assessment to be carried out.
- Confirm if the retail shop will be cooking or baking any food onsite. If any cooking or baking is to be carried out then details of the ventilation system will need to be provided.
- Confirm time of the earliest and latest delivery to the retail shop.

Informative

The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used.

The following are the recommended hours for noisy work

Monday – Friday 0700 – 1900

Saturday 0900 – 1300

Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council).

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites.

For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

Lighting

No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted and approved in writing. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety)

Recommendation

Further Information Required Before Application is Determined

Contaminated land

Assessment of Application

The above application appears to be proposing the redevelopment of land which previously operated as a Woollen Mill including a mill gasworks. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

It is therefore recommended that planning permission should be granted on the condition that development is not permitted to start until a site investigation and risk assessment has 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.

The attached standard condition may be helpful in this respect

Recommendation

Delete as appropriate – Agree with application in principle, subject to conditions /~~Further Information Required Before Application is Determined / Information to be Provided Before Work Commences (see conditions) / No Comment / Object / Informative Note~~

Conditions

Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. **No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.**

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council **prior to addressing parts b, c, d, and, e of this condition.**

and thereafter

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

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.

From: Stewart, Gareth
Sent: 09 April 2015 15:34
To: Hayward, Julie
Subject: RE: 15/00100/FUL: Wilton Mills Commercial Road Hawick

Hi Julie,

I have now had an opportunity to review the submitted report. My review comments are attached. Can you please forward these on to the relevant parties?

Please let me know if you require anything further.

Kind Regards

Gareth Stewart | Contaminated Land Officer |
Planning & Regulatory Services
Scottish Borders Council
T: 01896 661384
E: gareth.stewart@scotborders.gov.uk

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From: Stewart, Gareth
Sent: 24 March 2015 10:26
To: Hayward, Julie
Subject: RE: 15/00100/FUL: Wilton Mills Commercial Road Hawick

Julie,

Can I get the CD copy please.

Just let me know when you have it to hand and I'll drop round.

Thanks

Gareth Stewart | Contaminated Land Officer |
Planning & Regulatory Services
Scottish Borders Council
T: 01896 661384
E: gareth.stewart@scotborders.gov.uk

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From: Hayward, Julie
Sent: 18 March 2015 14:03
To: Stewart, Gareth
Subject: 15/00100/FUL: Wilton Mills Commercial Road Hawick

Hi

I have received a Site Investigation Report for the above application, following your consultation response. This has been scanned in to Idox and I also have a CD and paper version if these are easier to use.

I would appreciate your comments.

Thanks

Julie

Julie Hayward
Principal Planning Officer
Development Management
Regulatory Services
Scottish Borders Council
Tel: 01835 825585
E-mail: jhayward2@scotborders.gov.uk

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Site	Wilton Mill, Hawick
Prepared By:	Scott Bennett Associates (Group 1) Ltd
Report Title:	Post Demolition Site Investigation Report
Report Ref:	J2912D
SBC Ref	15/00100/FUL
CL Ref	15/00004/DC

Review Date	06/04/2015
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Point	Report Section	Comment
1	Section 3.2	Discussion is presented on a feature assumed to be a gas holder. A town plan for Hawick dated 1857 confirms and labels the location of the gasometer, this plan is publically available and may be helpful in adding support to Scott Bennett Associates assessment.
2	Section 3.3 (Table 1)	It is understood Trading Standards hold a record of a petroleum licence relating to the site, although a request was submitted to trading standards it is noted a response was not held at the time of investigation. If information relating to this has since been received has it been considered within the conceptual model and subsequent assessment?
3	Section 4.4	This section of the report discusses the proposed hard landscaping and its implications for exposure. It is important to consider the lawful use of the site, i.e. future changes that could lawfully be made to the development without future regulatory input. As an example it may be proposed to redesign the site hard and soft landscaping in future, without evidence to demonstrate any hard standing forms a remedial measures and is therefore enforceable this could not be prevented. For this reason it is necessary to assess the site to consider any uses which may be lawfully made of it.
4	Section 4.7	The report identifies a proposed investigation density of 30m centres due to perceived low sensitivity. Main investigations as detailed in BS 10175 recommend a density not exceeding 25m centres. The sensitivity of the future use is considered within appropriate risk assessments which take account of relevant exposure

		scenarios. Reduced density of investigations limits the characterisation and as a result the confidence in the assessment of the soil sources across the site. It is further noted that when consideration is given to only locations that were subject to analysis (TP101-TP109) the spacing appears to equate to approximately 20m to 45m between locations.
5	Section 4.7	Proposals include sampling made ground at 0.5m intervals, or at changes of strata within the upper 1m. Below 1m the proposals are to sample at 1m intervals only. This approach is inconsistent with BS 10175. The proposals in relation to natural soils are also unclear. It is common practice to validate the natural soils underlying any made ground to: <ul style="list-style-type: none"> o Assess any impact which may have resulted prior to the made ground having been emplaced o Assess the potential for made ground to have impacted upon the underlying naturals The sampling undertaken should be discussed in line with the conceptual site model, the ground conditions encountered, and current best practice (BS 10175).
6	Section 4.7/ 5.3	These sections identify issues of limited/ restricted access to the area of the former gasworks/ gasometer due to the presence of a material stockpile. This is considered a significant limitation however the proposals to address this uncertainty (along with the mill lade) during 'pre construction investigations' is noted.
7	Section 5.6	Limited groundwater was encountered in boreholes which restricted sampling. Has consideration been given to low flow sampling techniques?
8	Section 7.4	Encountered asbestos is discounted as it was recorded as clumps assessed as having no respirable fibres. This assessment does not appear to take account of future degradation or also the potential for release of fibres through unmanaged site operations in the affected areas.
9	Section 7.5	The comment regarding the likely dilution within the Teviot is noted, it would however be beneficial to present an assessment of the likely dilution to quantify and support this assessment.

10		<p>The location of the boreholes from which samples were obtained, and how these inform the assessment should be considered. SBA have assumed a hydraulic gradient towards and entering the River Teviot. BH01 is located towards the west of the site and both CP101 and CP102 are located in the eastern section of the site and in fairly close proximity to each other. As a result a significant portion of the site, which may impact upon the underlying groundwater might not be identified by this monitoring program</p>
11	Section 8.0	<p>Calibration certificates for gas monitoring equipment should be presented within the report.</p>
11	Section 8.0	<p>Gas monitoring was proposed to be undertaken over a period of 2 months. It is noted that the 6 monitoring visits were undertaken between 20 January and 23 February 2015, equating to a period of approximately 1 month.</p> <p>It would be helpful to discuss this in the report in relation to factors likely to influence the ground gas regime and the adequacy of the assessment to date.</p>
12	Section 13.0	<p>The discussion on validation requirements identifies the need to produce a remediation strategy to assess the mill lade as well as the gasometer. The inability to investigate these features to date is a limitation to the assessment of the site.</p> <p>This additional supplementary investigation would require to be undertaken prior to development commencing, and it would not be appropriate to form part of a remediation strategy as this section of the report appears to propose.</p>
13	General	<p>The ground conditions encountered across the site and how the sampling program has been implemented is unclear. In general the depth of made ground appears to have been much greater during the 2014 investigation than encountered during the recent investigation. Was a significant strip undertaken to reduce levels and if so are records held?</p> <p>As an example: during the 2014 investigation TP03 encountered 2.6m of made ground (however the plan in the report states 2.2m), in 2015 TP103 which was located immediately adjacent encountered 0.3m (however the plan in the report states >0.6). The 'Conjectured Thickness & Distribution of Made Ground' plan appears to contain a number of errors in relation to depths presented for locations, and also appears to incorporate 'possible made ground' in this assessment.</p> <p>It is appears that BH locations, in general, encountered much thicker depths of made ground across the site.</p>

		However sampling was solely undertaken within trial pits. As a result a significant amount of made ground appears to remain uncharacterised.
14	General	It would be helpful to provide a plan overlay to identify the position of the gasometer, and the previously licensed petroleum storage.

From: Bolderson, Susan
Sent: 31 August 2015 17:10
To: Hayward, Julie
Cc: PLACE Environmental Health
Subject: RE: 15/00100/FUL: Wilton Mills Commercial Road Hawick

Sorry about that Julie,
See my response below

1. **Confirm time of the earliest and latest delivery to the retail shop.**

There is still no confirmation of the delivery times

The response just says two deliveries per day one during normal opening hours , with no clarification of the time of the other delivery .

You advise that unloading of the articulated lorry takes 45-60 minutes , if this is early in the morning or late at night a noise nuisance could occur.

Further down the paragraph it advises that local suppliers will deliver during normal opening hours . If the question is not answerable I would recommend a noise assessment is undertaken.

2. **List of the refrigeration, air conditioning and any other noise emitting equipment that will be installed. Included on this list should be the noise level as specified by the manufacturer and if there is any tonal characteristic associated with the equipment.**

You have advised that the proposal is for 1x Arctic Circle FD 8 Unit and 2X single compressor condenser units to be installed . Please confirm if any of this equipment has a tonal characteristic

From: Shiel, Diane **On Behalf Of** PLACE Environmental Health
Sent: 31 August 2015 16:21
To: Bolderson, Susan
Subject: FW: 15/00100/FUL: Wilton Mills Commercial Road Hawick

Hi Susan

Refers to 15/00205/PLANCO

Thanks

Diane

From: Hayward, Julie
Sent: 31 August 2015 16:09
To: PLACE Environmental Health
Subject: FW: 15/00100/FUL: Wilton Mills Commercial Road Hawick

Hi

I do not seem to have had a response to my previous e-mail dated 7th July. I would appreciate your comments on the attached information.

Many thanks

Julie

Julie Hayward
Lead Planning Officer
Development Management
Regulatory Services
Scottish Borders Council
Tel: 01835 825585
E-mail: jhayward2@scotborders.gov.uk

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From: Hayward, Julie
Sent: 07 July 2015 10:57
To: PLACE Environmental Health
Cc: 'aweir@aitken-turnbull.co.uk'
Subject: 15/00100/FUL: Wilton Mills Commercial Road Hawick

Hi

In respect of the above planning application for the erection of a Class 1 retail food store the applicant has submitted the attached information regarding noise to address your previous concerns. I would welcome your comments.

Many thanks

Julie

Julie Hayward
Principal Planning Officer
Development Management
Regulatory Services
Scottish Borders Council
Tel: 01835 825585
E-mail: jhayward2@scotborders.gov.uk

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REGULATORY SERVICES

To: Head of Regulatory Service
Fao: Julie Hayward
From: Built and Natural Heritage

Date: 19/02/2015

Contact: Mark Douglas, Principal Officer ☎ x6563
(Built Heritage & Design)

Ref: 15/00100/FUL

**Subject: WILTON MILLS, HAWICK
PROPOSED ERECTION OF A CLASS 1 FOODSTORE**

It is recognised that a formal recommendation for a decision can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Management service in respect of built heritage and design issues.

I refer to the above application and comment as follows:

BACKGROUND

The site for the proposed redevelopment was previously occupied by Wilton Mills for nearly 200 years. The buildings, which were listed at category B, ceased to be used and have been incrementally demolished in recent years. The site lies within the Hawick Conservation Area.

In general terms I welcome a proposal for the redevelopment of the whole of this site, the condition of which has blighted Commercial Road for many years.

It should be noted that the current LBC application only refers to the clock tower building and lodge. There is no LBC approval for the demolition of the remaining section of the YM building substantially demolished under a section 29 Notice, nor for works to the wheel pit to the rear of the former high mill. If works are proposed for these areas, then a separate LBC application will be required.

ASSESSMENT OF PROPOSALS

The applicant has submitted a Design and Access Statement with this application. This statement contains a lot of information on the history of the site, the economic benefits of the development for a retail supermarket, pedestrian links etc but only limited information about the design approach taken for the new building and its setting within the conservation area. This Statement includes a statement about the earlier proposals for mixed uses and as well as a supermarket proposals on the site which retained the clock tower building for which formal consent was sought and then withdrawn without determination.

A site plan, store layout and elevations have been submitted as well as some useful 3D site visuals.

A appreciate that there are certain constraints on the redevelopment of the site, including an approach access point off the trunk road, flooding (which is major issue) and the need for parking and service vehicle access.

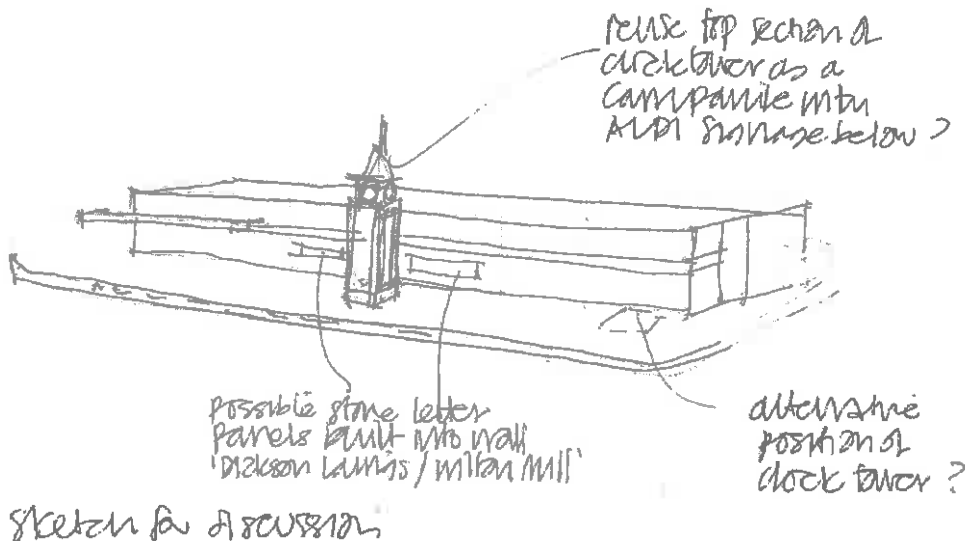
I have broken down my comments into two areas:

- The supermarket building itself
- The boundary treatment and the external works generally.

The supermarket building itself

The location of the building on the site is largely dictated by the flooding issue as far as I understand; the NE part of the site being naturally higher and therefore requiring less. The proposed building is essentially a standard flat roof "box" with mainly solid walls (and some clerestory glazing) on the more visible walls and solid walls to the rear and far end. Sandstone panels have been incorporated on the more visible walls as cladding, but this could be considered a merely "wallpaper" on a standard box. I appreciate that the internal plan of a supermarket is fairly fixed on a standard layout to suit the particular operator, but there should be more opportunity externally to ensure that the elevation treatment is a response to a particular location. I am not against the use of modern materials or contemporary design but we will need to consider view down on the building from parts of the town as well as from road and pavement level.

There is the opportunity for example, of reusing the stone lettering from the demolished buildings and even to develop this perhaps by cutting a date in similar lettering. The clock tower from the building which is proposed to be demolished could be incorporated as a feature, possibly as a "campanile" which could also incorporate site signing – see sketch below, for example, the new building could then be more understated. This could also help to allay local concerns about the loss of the clock tower from the town.



The boundary treatment and the external works generally.

I am pleased to see in the Design Statement that it is intended to form a boundary to the front of the site (the plan shows this to include the return up Wilton Lane) in natural stone recovered from demolition to a height of 1200m with railings. No detail of this wall is shown and this should certainly be a condition to consider – I have recommended a linking condition in the proposals for LBC from demolition of the clock tower building, note the comment about the need for LBC for the demolition of the final section of the YM building, this contains stonework capable of being reused for boundary treatment. The boundary treatment to the rear includes some sheet metal piling by the service yard and the boundary treatment to the SW is simply boarding but there appears to be a substantial return of the boundary wall.

Some boulevard tree planting is shown on the plan, but this seems to be omitted in part from the 3D visuals in front of the building. I will leave commentary on the planting proposals to my landscape architect colleagues.

No information seems to be provided on the surface treatment of the parking, roadways and paving; this can be dealt with by a suitable condition.

There is a note of the layout plan about a "stone entrance" feature at the junction with Wilton Lane, but no details are provided and there is also a note about a signage board by the main entrance but no details. Conditions will be required for these items. An effort should be made to consider resiting the clock cupola and faces on the site, if not incorporated into the building itself.

No details are shown of the former wheel pit and currently exposed lade system. As a minimum (and subject to LBC), it may be that the wheel pit is carefully infilled (on a separating membrane) and surface paving is used to show the former line and location of the wheel pit. I also consider it necessary to incorporate some form of interpretation board to provide details on the history of the site.

RECOMMENDATION / RECOMMENDED CONDITIONS

This is very much an initial response to the proposals; I cannot support the scheme as currently submitted but consider that there is an opportunity to build on these to improve the design quality to an acceptable level within the conservation area. I am happy to continue a dialogue with the applicant to further refine and develop these proposals.

If we are minded to approve the application, I recommend that we consider the following conditions:

- Samples and details of all materials for elevation treatment of the supermarket will be required.
- Full details, including internal and external elevation and a section of the proposed boundary wall treatment including how the salvaged stonework from the proposed demolition will be incorporated within it shall be submitted and approved in writing by the planning authority. This may incorporate the former lettering "Wilton Mills" from the demolitions. A short section sample of the boundary wall shall be approved by the planning authority in writing.
- Details should be submitted in respect of the all external works, including surface treatment and also proposals for the interpretation of the former mill lade and wheel pit.

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 6th February 2015

Contact: Julie Hayward ☎ 01835 825585

Ref: 15/00100/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 27th February 2015, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 27th February 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: Wilton Mills Ltd

Agent: Aitken Turnbull Architects Ltd

Nature of Proposal: Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping

Site: Land And Buildings At Wilton Mills 31 - 32 Commercial Road Hawick
Scottish Borders

OBSERVATIONS OF: Landscape Architect, J. Knight following site visit on 19.02.15

CONSULTATION REPLY dated 27 February 2015

It is recognised that a formal recommendation can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Control service in respect of landscape related issues.

Description of the Site

The site is the area of the former, now derelict, Wilton Mills on the north west side of Commercial Road facing the River Teviot.

Nature of the Proposal

It is proposed to demolish the remaining (listed) buildings and develop the site as a supermarket with associated car parking and access.

Implications of the Proposal for the Landscape including any mitigation

This site has a long planning history and the former Wilton Mill has deteriorated badly since it became disused. There is now little of the original mill left. The proposed layout is shown on drawing AT2342-PP-01D dated December 2014 and the design rationale and some background is provided in the applicant's 'Design and Access Statement' dated received 4 Feb 2015. The site lies within Hawick Conservation Area but is also part of land allocation zR08 and is covered by policy H3 allowing commercial development. As the principal of redevelopment has been accepted, the loss of the remaining iconic listed buildings seems inevitable unless there is some way of working some part into the new building?

Given that the principal is accepted, the main issues, in landscape term focus on the presentation of the development onto the main street i.e. the Commercial Road frontage and also the physical backdrop to the site. To some extent the main access to the development follows the layout found

at the Sainsbury site along the road with a junction on to the main road with a belt of planting set behind a boundary wall separating the site physically from the street. This works reasonably well. However, the following matters of detail design need to be addressed:

1. Store elevations are shown on drawing AT2342-PP-04B dated January 2014. The south east (street facing) frontage of the store is a blank wall without windows which is given some relief through *Natural 'site reclaimed' sandstone panels with buff sandstone pillars and basecourse*. I am not convinced this is sufficient for the principal frontage. Perhaps some additional tree planting to reflect that shown on the southern part of the site by the car park, would help reduce the visual dominance of the rectangular store building facing the street?
2. The backdrop at the rear is a banking rising up to residential housing on Princes Street. There are a number of trees which have statutory protection and these need to be retained with suitable allowance for Root Protection Areas (RPA) as set out in our Trees and Development SPG and BS5837:2012.
http://www.scotborders.gov.uk/directory_record/7451/trees_and_development The applicant should submit a 'Tree Constraints Plan' in support of the application. This will show the retained trees together with their RPAs and the proposed measures (i.e. fencing) for tree protection during construction. Some supplementary tree planting is also needed at the rear.
3. The applicant has not provided detailed hard and soft landscape plans e.g. paving materials, boundary wall details and species composition of planting areas. For a significant development such as this, these matters should be clear before the application is determined.

Recommendation

I can support the application in principal but not in detail until the above matters are satisfactorily resolved.

Consultation Summary

This is a significant site in the Hawick townscape. The principal of redevelopment is accepted but details, particularly relating to the Commercial Road frontage and the tree screen to the rear, need to be tied down.

PLANNING RE-CONSULTATION - Incorporating revisions to previous consultation

To: Landscape Architect

From: Development Management

Date: 26th June 2015

Contact: Julie Hayward ☎ 01835 825585

Application Ref: 15/00100/FUL

PLANNING RECONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 10th July 2015. If no reply is received by 10th July 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: Wilton Mills Ltd

Agent: Aitken Turnbull Architects Ltd

Nature of Proposal: Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping

Site: Land And Buildings At Wilton Mills 31 - 32 Commercial Road Hawick
Scottish Borders

Outline Consent :

**OBSERVATIONS OF: Landscape Architect, J. Knight, following site meeting on
07.10.15**

RE-CONSULTATION REPLY dated 8 October 2015

It is recognised that a formal recommendation can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Control service in respect of landscape related issues.

I refer to my previous reply dated 27 February 2015.

Description of the Site

The site is the area of the former, now derelict, Wilton Mills on the north west side of Commercial Road facing the River Teviot.

Nature of the Proposal

It is proposed to demolish the remaining (listed) buildings and develop the site as a supermarket with associated car parking and access. The revised site layout drawing is now AT2342-PP-01 Revision K dated July 2015. The application is supported by a Tree Report and Recommendations dated June 2015.

Implications of the Proposal for the Landscape including any mitigation

At least in terms of footprint, the revised site layout is very similar to that previously commented on. In terms of my previous comments:

- 1 It is good to see some windows in the street facing south east elevation shown on drawing AT2342-PP03 Revision C dated July 2015.

2 In relation to the Tree Report, it appears that there has been some unauthorised felling since the report was prepared and trees 279 and 283 are no longer present. It therefore is unnecessary to remove further trees near the Chicken Coops as this would create a large gap in the tree cover. This area should therefore be left alone and the proposed re-planting moved to the area alongside where trees have already been removed. The proposed tree removals at the eastern end of the site (numbers 292, 293, 294 and 295) should proceed

3 Soft landscape plans have been provided. These are broadly agreeable. One change that I do request is an amendment to the 8nr trees indicated along the main street frontage. These need to be trees of reasonable stature and I propose 8 nr Tilia x euchlora, extra heavy standard root balled trees. This is an aphid free form of lime tree used extensively in street frontages elsewhere. It would also be prudent to allow for 75mm of medium grade bark mulch throughout the planting beds in order to minimise moisture loss and inhibit weed growth. As usual, we should request, as part of the condition, a deadline date for completion notifying the planning authority that the works have been completed and are available for inspection.

Recommendation

Subject to the above remarks, I have no objection to the proposal.

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 6th February 2015

Contact: Julie Hayward ☎ 01835 825585

Ref: 15/00100/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 27th February 2015, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 27th February 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: Wilton Mills Ltd

Agent: Aitken Turnbull Architects Ltd

Nature of Proposal: Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping

Site: Land And Buildings At Wilton Mills 31 - 32 Commercial Road Hawick
Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

Thank you for requesting an archaeology consultation. There are archaeological implications that will require mitigation. Please see my comments regarding application 14/00742/FUL as much of these remain valid. Specifically, the requirement to record the historic structures on site prior to demolition is necessary to preserve the record of these buildings.

Assessment

With regard to below ground archaeology, this will be significant and will require a carefully thought out plan for mitigation by a suitably qualified archaeologist with expertise in industrial archaeology specifically. The issues are:

- The below ground survival of structures, features and objects pertaining to the former mill including:
 - Walls
 - Tanks
 - Wheel pits
 - Objects relating to the history of the site
- The below ground survival of the Wilton mill lead system

The application presents contradictory recommendations for the below ground archaeology. In the Post Demolition Site Investigation Report, I note the following statements:

- The investigations have identified sub-surface obstructions, which are considered to represent historical buried foundations. The potential impact of the former 'Lade' features also require consideration in relation to the identified foundation solution. These will require to be grubbed out and removed, where they fall within the proposed foundation footprint.

- Investigations to assess possible ground contamination in the inferred location of the former gasworks encountered a sandstone wall. This wall could represent foundations associated with this former use, however it is unlikely to be the gasholder itself as the wall was straight and given the small size of the former gasholder shown on historic maps, a curvature would normally be expected to be visible in the trial pit excavations.

The first statement recommends the grubbing out of the former lade within the foundation footprint. This is not acceptable in policy terms as it does not seek to first of all, consider the preferred option of preservation in situ, and secondly to mitigate the loss of these features through recording. The second statement in the report clearly shows the existence of below ground archaeology in the form of buried walls.

The Design and Access Statement recommends partial mitigation for the lead system which would be acceptable. This states:

- There are at least three major underground structures which are of arched roof profile and constructed in masonry. From previous investigations, these are assumed to be founded down on rock and probably have rock inverts. The mill lades are assumed to be the underlying issue with the settlement deterioration of the former Clock Tower. As part of the proposals, **the mill lades would be excavated fully, recorded & back filled with structural fill**. Advantageously the vast extent of the lade system will be predominantly below the proposed supermarket car parking area avoiding significant store point loads.

This statement is at odds with the findings of the SI report and suggests the lade system will be retained in situ and filled with backfill.

In my prior comments I requested: 'I recommend that the structural survey work as suggested in the Design and Access Statement is undertaken *prior to determination* and that a report be submitted outlining the results and proposed mitigation that may be needed to either ensure preservation in situ or other measures.'

This has not been taken on board for this application, and I reiterate the need to, in this instance, provide the Council with further information clarifying what is proposed for the lead system, and to provide proposals for mitigation. To this I would add that the complexity of the site's archaeology, as highlighted in the SI report, now requires an archaeological desk based assessment and proposals for mitigation be undertaken by a qualified archaeologist as highlighted above.

The loss of industrial heritage in the Borders has occurred at an alarming rate over the past 20 years. The heritage is of local to regional value, and per Policy BE2, proposals that seek to further erode this non-renewable resource must balance the impacts with either preserving effected assets or mitigating their loss.

Recommendation

I can not support the proposal as currently submitted given the lack of information pertaining to impacts to buried archaeology in particular. However, I would be very happy to reconsider if further information is submitted that assesses the archaeological resource of the site and proposed mitigation that is acceptable to the Council.

My earlier comments provide rationale and suggested mitigation proposals which remain valid.

PLANNING CONSULTATION

To: Ecology Officer

From: Development Management

Date: 6th February 2015

Contact: Julie Hayward ☎ 01835 825585

Ref: 15/00100/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 27th February 2015, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 27th February 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: Wilton Mills Ltd

Agent: Aitken Turnbull Architects Ltd

Nature of Proposal: Erection of Class 1 retail foodstore with ancillary works including car parking, access and landscaping

Site: Land And Buildings At Wilton Mills 31 - 32 Commercial Road Hawick
Scottish Borders

OBSERVATIONS OF: Ecology Officer

CONSULTATION REPLY

It is recognised that a formal recommendation for a decision can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Management service in respect of heritage and design issues (biodiversity).

Regarding ecological impacts, the issues are as per the related application for the demolition of the Clock Tower and Gate Lodge (14/01437/FUL) as follows:

Adopting the Council's Supplementary Planning Guidance for biodiversity

<http://www.scotborders.gov.uk/life/planningandbuilding/plansandresearch/6003.html>

from the information provided, the proposed development and type of structure proposed for demolition conforms to the type of development requiring a bat survey and breeding bird survey (see section 4.3.1). I have not visited the site to inform this consultation response.

Recommendation:

- Prior to determination a survey for bats by a suitably qualified person^[1], adopting best practiceⁱ, will be required for all buildings to be demolished. Following guidance from the Scottish Government, bat surveys and any subsequent licensing requirements will need to be resolved before the planning application is determined. Impacts on bats will be assessed against the three key tests. Surveys likely to involve disturbance to bats or their roosts can only be carried out by a licensed bat worker. Activity surveys for maternity roosts and occasional roosts in buildings and trees should be conducted between May and September (optimally May - August). Preliminary roost assessments can be undertaken at any time of year. If evidence of bats or their roosts is found in the surveys, the developer

will be required to submit as part of their submission to the Planning Authority a mitigation plan for bats.

- A survey of breeding birds is required for all buildings to be demolished. Before development on the site begins, a scheme for the protection of birds shall be submitted to and approved in writing by the planning authority. Any works shall, thereafter, be carried out in accordance with the approved scheme. Where it is established that there is a breeding bird interest, no works shall be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority. Supplementary surveys and a mitigation plan will be required.

Dr Andy Tharme
Ecology Officer
01 April 2015

^[1] Preferably a member of the Institute of Ecology and Environmental Management <http://www.ieem.net/> or a licensed bat worker.

ⁱ Bat Surveys. Good Practice Guidelines. 2nd Ed (Hundt, L 2012). Bat Conservation Trust