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[REDACTED]  
Director  
Camerons

Your ref:9291/A4/GWY  
Our ref: NA-LNP-009  
7 January 2019

Dear [REDACTED]

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
THE TOWN AND COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS)  
(SCOTLAND) DIRECTION 2009  
RESIDENTIAL DEVELOPMENT COMPRISING 34 FLATS WITH ASSOCIATED PARKING  
AND RETAINING WALL WORKS, HUDDERSFIELD STREET, GALASHIELS**

1. This letter contains Scottish Ministers' decision on the above application submitted to Scottish Borders Council by Camerons on behalf of Eildon Housing Association Ltd. The application was called in for Scottish Ministers' determination on 21 May 2018.
2. The application was considered by means of written submissions, hearing and site inspections by [REDACTED] a reporter appointed for that purpose. A copy of [REDACTED] report is enclosed.

**Consideration by the Reporter**

3. The reporter's overall conclusions and recommendations are set out in Chapter 9 of the report.

**Scottish Ministers' Decision**


4. Scottish Ministers have carefully considered the report. They agree with the reporter's overall conclusions and recommendation and adopt them for the purpose of their own decision. They, therefore, accept the reporter's recommendation that planning permission should be granted subject to conditions.

5. Accordingly, Scottish Ministers hereby grant planning permission subject to conditions set out in the Annex to this letter for the residential development comprising 34 flats with associated parking and retaining wall works at Huddersfield Street, Galashiels.

6. The foregoing decision of Scottish Ministers is final, subject to the right conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997 of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date hereof. On any such application the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the appellant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

7. A copy of this letter and the report has been sent to Scottish Borders Council and SEPA. Those parties who lodged representations will receive a copy of this letter.

Yours sincerely

## ANNEX

### PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT COMPRISING 34 FLATS WITH ASSOCIATED PARKING AND RETAINING WALL WORKS AT HUDDERSFIELD STREET, GALASHIELS

#### CONDITIONS OF PLANNING PERMISSION

1a. All approved residential units shall meet the definition of "affordable housing" as set out in *Scottish Borders Council Local Development Plan 2016* and *Supplementary Planning Guidance Affordable Housing 2015*.

1b. No development shall begin until details of the following have been submitted to and approved in writing by the planning authority:

the method by which occupiers of the proposed flats are selected;

the terms of occupation; and

the period of availability.

1c. The approved residential units shall be occupied only by persons who have been selected in accordance with and whose terms of occupation accord with the details approved in terms of 1b.

*Reason: The permission has been granted for affordable housing. Development of the site for unrestricted market housing would not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools and the reinstatement of the Borders Railway.*

2. The development shall be carried out wholly in accordance with the plans and drawings approved under this consent, including finished ground, road, parking and floor levels, unless otherwise agreed in writing by the Planning Authority or amended by any other condition in these conditions.

*Reason: To ensure the development is completed in accordance with the approved plans, principally to ensure it has an acceptable visual impact, incorporates flood mitigation and safeguards road and pedestrian safety. It is essential that the finished floor level of the ground floor is as approved. This is to ensure that the residential accommodation is not subject to unacceptable flood risk.*

3. No development shall begin until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage services will be made available to serve the development. All such services shall be operational prior to the occupancy of any residential unit.

*Reason: To ensure the development is adequately serviced.*

4. No development shall begin until a surface water drainage scheme, including maintenance measures, based on the approved site layout, has been submitted to and

approved in writing by the Planning Authority. The approved scheme shall be operational prior to occupancy of any residential unit and shall be maintained in accordance with the approved measures.

*Reason: To ensure the development is served by a sustainable urban drainage scheme.*

5. No development shall begin until a construction method statement has been submitted to and approved in writing by the Planning Authority. The construction method statement shall include measures to minimise adverse effects of construction activities on neighbouring properties and on the stone boundary wall on the south-east side of the site. The development shall be implemented in accordance with the approved statement.

*Reasons: To minimise adverse effects on neighbouring amenity during construction of the development. The stone boundary wall should be retained because it provides necessary separation between the proposed development and the adjoining site and because it makes a beneficial contribution to the character of the locality.*

6. No development shall commence until the following ecological mitigation measures have been submitted to and approved in writing by the Planning Authority:

(a) a construction method statement containing mitigation measures designed to safeguard the Gala Water (River Tweed Special Area of Conservation) during construction of the development;

(b) a species protection plan for birds, including mitigation or enhancement for lost habitat;

(c) a species protection plan for otters;

(d) the results of a bat survey to determine whether bats are present in crevices in the existing retaining wall; and

(f) if the bat survey shows that bats are present, a species protection plan for bats.

The development shall be carried out in accordance with the approved measures.

*Reasons: To limit potential risk to the Special Area of Conservation, breeding bird and otter habitat and account for loss of bird habitat as a result of the development. To safeguard any bats that may be present.*

7a. No development shall begin until a site contamination report has been submitted to and approved in writing by the Planning Authority.

7b. The site contamination report shall include:

(i) details of the results of a site investigation to identify whether contamination is present within the site and to assess the effect of any such contamination;

(ii) measures for the treatment or removal of contamination that is identified within the site;

(iii) procedures for validation and monitoring; and

(iv) a timescale for treating or removing contamination.

7c. The approved measures for treatment or removal of contamination shall be carried out in accordance with the approved procedures and timescale.

*Reason: To ensure that potential contamination within the site has been assessed and treated and that the treatment has been validated and monitored in a manner which ensures the site is appropriate for the approved development.*

8. No development shall begin until further details of soft landscaping indicated on drawing 9291.1.02C have been submitted to and approved in writing by the Planning Authority. The details shall include:

- (a) planting specifications;
- (b) implementation timescale; and
- (c) arrangements for future maintenance.

The landscaping shall be implemented and maintained in accordance with the approved details.

*Reason: To assist with visually integrating the development sympathetically with its context.*

9a. Submitted details of materials for hardstandings, site walls and railings and submitted details for external finishes on the proposed building (including walls, roofs, windows, doors and fascias), are not approved.

9b. No development shall begin until further details, including details of colours and, where requested, samples of the following have been submitted to and approved in writing by the Planning Authority:

- (i) all external materials for all hardstandings, site walls and railings; and
- (ii) all external finishes on the proposed building, including walls, roofs, windows, doors and fascias.

9c. The walls identified on the approved site plan as being constructed from natural stone shall be finished to match existing natural stone walls to the south-east of the site.

9d. The development shall be implemented in accordance with the details approved in terms of 9b.

*Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.*

10. No development shall begin until the Planning Authority has approved in writing dimensioned or scaled elevation drawings showing the following:

- (a) all walls, including the riverside retaining wall and its material specification;
- (b) boundary, retaining and bin enclosure walls; and

(c) any tie ins to the existing path and bridge to the north-west.

The development shall be carried out in accordance with the drawings approved in terms of this condition.

*Reason: Further information is required of these details in the interests of ensuring a satisfactory form of development, which contributes appropriately to its setting.*

11. No development shall commence until further details of the following have been submitted to and approved in writing by the Planning Authority:

(a) the undercroft arrangement;

(b) the proposed grilles; and

(c) a maintenance scheme for keeping the undercroft clear of all obstructions to flood water.

The development shall be carried out and maintained in accordance with the approved details.

*Reasons: The elevational treatment of the undercroft requires further consideration to ensure it has a sympathetic visual impact. To ensure the undercroft provides sufficient flood water conveyance.*

12a. No residential unit shall be occupied until the access and parking layout, paths, bike storage and bin enclosure have been completed in accordance with the plans and drawings approved under this consent.

12b. No works shall commence on the access until construction details have been submitted to and approved in writing by the Planning Authority. The details shall include drainage arrangements that minimise the likelihood of surcharged surface water flow entering the site from Huddersfield Street.

12c. All works alongside Huddersfield Street (including parking spaces 1-4 and the adjacent path) shall be carried out in accordance with the Council's adoptable standards.

12d. After completion of them, all works to which this condition refers shall be retained free from obstruction and shall be available for their approved purpose.

*Reason: To ensure the development will be adequately serviced by road, parking, bike and bin storage provision.*

13. No residential unit shall be occupied until a flood warning and evacuation procedure has been submitted to and approved in writing by the Planning Authority. The units shall only be occupied while the approved procedure is in operation.

*Reason: To manage any potential flood risk to the site.*

14. No site lighting shall be installed unless the details of the lighting (location, height, design, specification and light spread) have been submitted to and approved in writing by the Planning Authority. All lighting shall accord with the approved details.

*Reason: To minimise the potential visual impact of lighting and to safeguard neighbouring amenity and road safety.*

15. No work on the proposed development shall begin until:

the play space contribution has been paid to the Planning Authority or

a binding agreement has been concluded whereby there is an enforceable commitment to pay the play space contribution to the Planning Authority by a specified date or by a specified stage in implementation of the proposed development.

In this condition, “the play space contribution” shall be an amount of money determined by the Planning Authority in accordance with policy IS2: *Developer Contributions in Scottish Borders Council Local Development Plan 2016* and in accordance with any related adopted supplementary guidance.

*Reason: To facilitate provision of play space to meet needs of children who may be resident in the proposed development.*

16a. No work on the proposed development shall begin until a Town Lade structural condition report has been submitted to and approved by the Planning authority. In relation to that part of the Town Lade that is beneath the site, the report shall include the following:

(i) an assessment of its structural condition;

(ii) identification of all repair work needed to maintain its structural integrity;

(iii) an assessment of the ability of the lade structure to support the proposed development;

(iv) identification of any work needed to ensure that the lade structure is capable of supporting the proposed development; and

(v) a programme for carrying out all work identified in terms of (ii) and (iv).

16b. The work identified in terms of (ii) and (iv) above shall be carried out in accordance with the programme approved in terms of (v) above.

16c. At all times the ability and capacity of the Town Lade to convey water beneath the application site shall be maintained.

*Reasons: To ensure that the presence of the Town Lade beneath the site does not constitute a possible danger to the safety of persons using the proposed development. To ensure that the functioning of the Town Lade is not impaired.*

### **Advisory notes**

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)

2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position. (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).)
4. **Roads Construction Consent:** Roads Construction Consent is required for works forming part of the adoptable road network on Huddersfield Street.
5. **Public street lighting:** Any amendment to existing public street lighting must be agreed with the Council's street lighting section.