

Hill, Laura (Planning HQ)

From: Gordon Thomson [REDACTED]
Sent: 03 March 2014 11:05
To: localplan
Cc: Aoife Buckley
Subject: 15140/A3 Proposed Scottish Borders LDP - Netherbarns Representation
Attachments: 15140 A5 130227 GT Doc 12 Statement of Reps on Scottish Borders Proposed LDP.pdf

Dear Sir/Madam

Please find attached a copy of our statement of representations on the Proposed Scottish Borders Local Development Plan consultation prepared on behalf of Ballantyne Ltd. Our representation is accompanied by a Site Plan, Proposed Landscape Plan and Letter from Historic Scotland.

I trust that you find this to be in order and would be grateful if you would confirm receipt of this submission.

Regards

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Associate Planner

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SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN

PROPOSED LOCAL DEVELOPMENT PLAN

STATEMENT OF REPRESENTATIONS

PREPARED BY
BARTON WILLMORE

ON BEHALF OF
M & J BALLANTYNE LTD

MARCH 2014

SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN
PROPOSED LOCAL DEVELOPMENT PLAN
STATEMENT OF REPRESENTATIONS

Project Ref:	15140/12	15140/12	
Status:	DRAFT	FINAL	
Issue/Rev:	-		
Date:	28 February 2013	3 March 2014	
Prepared by:	GT	GT	
Checked by:	AB	AB	

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Ref: 15140/12
Date: March 2014

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CONTENTS

1.0 INTRODUCTION 1

2.0 REPRESENTATIONS 3

APPENDICES

APPENDIX 1 SITE PLAN

APPENDIX 2 PROPOSED LANDSCAPE PLAN

APPENDIX 3 LETTER FROM HISTORIC SCOTLAND

1.0 INTRODUCTION

- 1.1 Barton Willmore are instructed by M & J Ballantyne to prepare and submit these representations on the Proposed Scottish Borders Local Development Plan (herein referred to as the LDP).

- 1.2 We wish to be kept informed of the consideration of these and all other representations and the progression of the preparation of the LDP towards approval. We would be pleased to meet with members of the LDP team to discuss our representations should it be deemed appropriate.

2.0 REPRESENTATIONS

2.1 Our client, M & J Ballantyne, own land at Netherbarns, Galashiels (herein referred to as the Site) which they have been promoting for residential development through the planning process for a number of years. The Proposed Scottish Borders Local Development Plan (LDP) identifies the Site as an allocation for residential development, which our client welcomes and supports. This statement will reiterate the merits of the Site and demonstrate both its suitability for development and our client's commitment to its delivery, as well as some general comments on the strategy and policies of the Proposed LDP.

LAND AT NETHERBARNNS

2.2 The owners of Netherbarns, M & J Ballantyne, are committed to its development as is evident through their continuous promotion of its development potential since 2003 and of recent advance planting and servicing work and investment already committed. The promotion of the Site has been encouraged by the Council throughout, which has been welcomed by our client.

Accessibility

2.3 The Site is well served by public transport with regular buses leaving from stops adjacent to its northern boundary. These stops are within the recommended walking distance to public transport set out in PAN75 and provides regular services to Galashiels Town Centre, the neighbouring centres of Selkirk, Hawick, Langholm as well as to Edinburgh and Carlisle city centres.

2.4 Vehicular access would be taken from an existing junction onto the A7 at Kingsknowe Drive. Both Kingsknowe Drive and the A7 to which it leads are lit and have pedestrian footpaths on either side.

2.5 The northernmost edges of the Site are also within recommended walking distance to Galashiels Town Centre, as defined in the LDP Settlement Map, and the services contained therein.

2.6 The Council's Site Assessment of AGALA029 confirms that **"The site has good access to local services and facilities and employment in the settlement. The settlement is on the A7(T) and A6091(T) and the strategic public transport network. There is**

also a proposed railway station on the proposed Waverley Line in the settlement."

Design and Landscape Fit

- 2.7 The Council's allocation of the Site confirms (Page 324) that it should be the subject of a Development brief which will inform detailed proposals for development following adoption of the LDP. Our client is agreeable to this process and looks forward to working with Scottish Borders Council to agree suitable design parameters and principles within which to bring forward detailed proposals for the delivery of the Site.
- 2.8 The LDP advises (Page 324) that further consideration is to be given to the landscaping of the Site. Netherbarns lies outwith but adjacent to an area designated as an Area of Great Landscape Value. A short distance to the south east of the Site, over the River Tweed, lies a designed landscape associated with the A-Listed Abbotsford House.
- 2.9 Mature trees bound the Site on all sides, providing screening from views outwith, and a belt of young trees dissects the Site east to west. The Council's Site Assessment (Page 102) states that views into the Site are available from some parts of the A7 and from the Southern Upland Way adjacent to the Site.
- 2.10 The Site has an extensive planning history, having repeatedly been identified for development by the Council since the publication of the Consultative Draft Scottish Borders Local Plan in May 2004. The principal reason for the Site not having come forward to date was the then perceived impact upon the setting of Abbotsford House and its policies.
- 2.11 Since that time, material changes in circumstance now mean that Netherbarns can be brought forward as an allocation for development in the emerging local development plan without risk to the sensitive historic landscape.
- 2.12 Our client recognises the sensitivities of the landscape within which the Site sits and as a result, commissioned a landscape framework which was developed by Peter McGowan (**Appendix 2**). This shows a landscape management plan and planting strategy demonstrating how the landscape framework for the Site could be improved to accommodate sensitive development.
- 2.13 It proposes the strengthening of the existing landscape framework in and around the Site, and would ensure that trees along the south eastern boundary are not compromised by

development proposals and that an existing gap in the woodland is infilled by substantial new planting.

- 2.14 Discussions with Historic Scotland have resulted in them confirming that they are not opposed to appropriate residential development and welcome the current landscape informed approach (**Appendix 3**), which they acknowledge has the additional benefit of providing screening to the existing development at Netherbank from Abbotsford. As such the development of the Site in the context of the landscaping strategy proposed would result in a net benefit to the existing situation.
- 2.15 Our client has now begun partial implementation of the landscape strategy in advance of development commencing on site and proposes that the development would be sensitively phased to ensure no adverse impact upon the setting of Abbotsford and its policies at any point. The planting strategy will include the management of existing trees on site as well as the introduction of new planting. This will reinforce and increase the screening that is presently afforded to the Site, mitigating any potential impact upon the historic environment or wider landscape that may have arisen as a consequence of development on the Site.
- 2.16 Implementation of the planting and woodland management scheme for zones 2 - 5 as shown in Appendix 2 has commenced.
- 2.17 As part of proposals to be secured by the grant of planning permission for the development of the Site and implemented thereafter, the landscaping strategy for Zones 6 - 7 as shown in Appendix 2 will reinforce the planting along the north western boundary of the Site by widening the existing belt to 10m wide at its narrowest throughout and extending its length westwards. This will result in the provision of enhanced screening of the existing suburban development at Netherbank from Abbotsford and its policies.
- 2.18 The planting will therefore enable the management of existing trees on site and provide screening to the existing residential development at Netherbank to the north west which currently detracts from the setting of Abbotsford, therefore, resulting in an improvement to its existing setting. This would be in accordance with the Council's policies on Gardens and Designed Landscapes.
- 2.19 As well as the agreement of Historic Scotland to the proposed landscape informed approach to the planning of the Site, our client has been in ongoing discussions with the Trustees of Abbotsford who are also favourably disposed to the landscape proposals and the potential benefits which could be achieved via their implementation.

- 2.20 Future proposals for development will be developed as described above and in the context of the landscape framework proposals already prepared.
- 2.21 The masterplan and house types will be evolved through consultation with Scottish Borders Council, the public, stakeholders and consultees. As with the preparation of landscape proposals, M & J Ballantyne intend to undertake engagement with Historic Scotland and the Abbotsford Trust at the outset of the design process.

Effectiveness

- 2.22 Planning Advice Note 2/2010 Housing Land Audits, defines the effectiveness of sites by reference to a range of headings. A brief consideration of the effectiveness of the Site, in the context of PAN2/2010, is provided below.
- Ownership – The Site is under ownership of M & J Ballantyne, which has the appropriate resources and financing available to develop the Site including front end services and infrastructure. M & J Ballantyne are better financially positioned to be able to bring housing forward in the recovering economic climate than other house builders as they do not rely on bank lending to enable construction, thus providing greater certainty in relation to the effectiveness of the Site.
 - Physical – The Site is free from constraints related to slope, aspect, flood risk and ground stability. Although a watercourse lies a short distance to the south of the Site, due to changes in topography it is not in an area identified by SEPA as at risk of flooding in a 1:200 year event. A gas pipeline crosses the Site, but is not a hindrance to development. Appropriate vehicular and pedestrian access can be provided to the Site from the road network to the north east.
 - Contamination – Previous use of the Site has been exclusively agriculture. No contamination is expected.
 - Deficit Funding – No public funding would be necessary to make the Site economically viable for residential development.
 - Marketability – The location of the Site in this attractive setting within Scottish Borders principal settlement is considered to be highly attractive to our client as developer and to purchasers alike. It can therefore be developed fully within the period of the Plan.
 - Infrastructure – Initial work for servicing the Site has been undertaken. There is sufficient capacity for the provision of water, waste and energy. The Council's Site Assessment identifies a potential need for increased education provision at both high school and primary school level in Galashiels. As a result the Site has been identified as an area of consideration for primary school provision. This is noted and our client

will discuss this potential with Scottish Borders Council's Lifelong Learning department to explore this possibility.

- Land Use – Residential use, with accompanying access arrangements, is considered appropriate for this Site's location within an existing settlement.

2.23 The Site can therefore be considered effective and free of insurmountable constraints. The applicant is fully committed to achieving development on the Site.

2.24 Our client is a local Borders company which sustains a local work force.

2.25 We therefore wish to state **our client's support of the identification of land at Netherbarns as a housing allocation and can confirm their full commitment to its sensitive development.**

2.26 Notwithstanding, we wish to raise issue with the stated indicative capacity of the Site as set out in the LDP.

Capacity

2.27 The LDP states that the Site should be developed for low density residential development with a stated capacity of 45 dwellings. Across a 7.4ha site, a development of 45 dwellings would represent 6 dwellings per hectare.

2.28 SPP confirms (Paragraph 80, Page 16) that planning authorities should promote the efficient use of land and buildings.

2.29 It further states that **"The density of new development should be determined in relation to the character of the place and its relative accessibility, with higher densities appropriate at central and accessible locations. Through good design it is possible to achieve higher density living environments without overcrowding or loss of amenity."**

2.30 While the sensitivities of the Site are recognised, it is submitted that the density proposed in the MIR is very low and might not make efficient use of the land as required by SPP. The capacity of the Site should be determined following the outcome of a detailed design process in the context of the landscape framework already undertaken. With quality design it may be possible to make more efficient use of the land without adverse impact upon the landscape.

- 2.31 The need to make efficient use of new housing sites within the LDP is compounded by the requirement of SPP to provide a generous supply of land for housing at all times.
- 2.32 The South East Scotland Strategic Development Plan (SESplan) draft Supplementary Guidance confirms a requirement for 290 new homes in the Central Borders SDA. In its current iteration the LDP allocates 285 new homes across 4 sites in this SDA, 65 of which are within Galashiels.
- 2.33 The draft SPP recently consulted on the definition of a 'generous supply' suggesting that this could be in the region of 20% above identified need. Recent Reporters decisions on local development plan examinations have reiterated this fact. If a 20% generosity were to be applied to the Central Borders SDA requirement this would result in allocations of 348 new homes.
- 2.34 While the LDP states (P160) that flexibility will be provided through long term opportunity sites. In the case of Galashiels the only long term opportunities are large and divorced from the settlement. As a result they are unlikely to be deliverable in small chunks during the plan period without significant infrastructure and front funding. It is therefore important that efficient use of the identified sites are made with a view to ensuring that an effective supply of land is maintained.
- 2.35 The SESplan Supplementary Guidance also confirms that the extent to which existing sites carried over from the current local plan remain capable of delivering sufficient housing by 2024 must be reassessed by LDP. There is no clear indication of such an assessment or comfort that the historical housing land supply is truly effective in terms of the criteria set out in Planning Advice Note 2/2010 Housing Land Audits.
- 2.36 Again, in this context, the output from new greenfield sites should be maximised.
- 2.37 With the above in mind, it is submitted that the indicative capacity for Netherbarns does not promote the efficient use of land and in the context of maintaining an effective 5 year supply of land should be either increased or removed and replaced with reference to capacity being set as a result of a masterplanning process.

APPENDIX 1

SITE PLAN



Revisions	
project	
M & J Ballantyne Ltd.	
Netherbarns	
Galashiels	
title	
Existing Site Plan showing	
Landscape Plan	
date	January 2009
drawing no.	
scale	1:1000 @ A1
drawn	P.G.

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architecture

survey

plan

create

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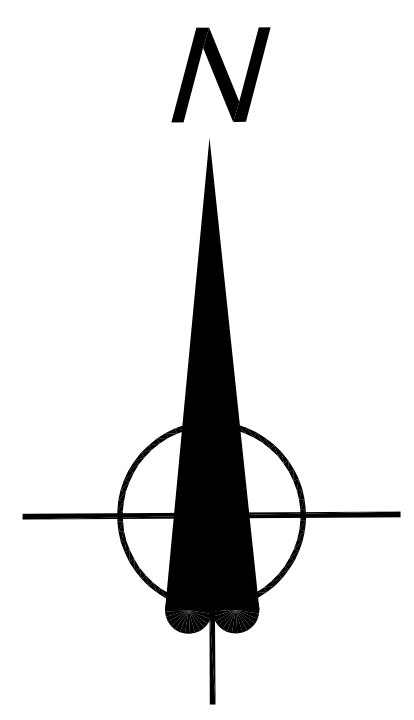
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APPENDIX 2

PROPOSED LANDSCAPE PLAN



Revisions
project

M & J Ballantyne Ltd.
Netherbarns
Galashiels

title
**Proposed Site Plan showing
Indicative Landscape**

date January 2009 drawing no.
scale 1:1000 @ A1 drawn P.G.

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- Zone 6 - Planting strip along south side of A7**
- Existing belt of young planting growing well but requiring substantial more growth before it becomes an effective screen of the Netherbarns housing. Comprises only deciduous species, mainly birch and alder. Varying width belt - 3m to 6m at narrowest; up to 12m wide. Extend on south side to minimum of 10m wide; also extend to west beyond high residential gas meter. Rip and interplant existing birch and alder, and plant widened area on south and north to west. Maintain existing protective fence on north side; install rabbit-proof fence on north side on south and west.
- Existing trees belt interplanting**
- Ash *Fraxinus excelsior* 10%
 - Holly *Ilex aquifolium* 30%
 - Scots pine *Pinus sylvestris* 30%
 - Sessile oak *Quercus petraea* 20%
 - Yew *Taxus baccata* 10%
- New planting on south side**
- Gean *Prunus avium* 15%
 - Hawthorn *Crataegus monogyna* 10%
 - Hazel *Corylus avellana* 10%
 - Holly *Ilex aquifolium* 20%
 - Rowan *Sorbus aucuparia* 15%
 - Scots pine *Pinus sylvestris* 20%
 - Yew *Taxus baccata* 10%
- Zone 7 - Incidental planting areas within housing development**
- Planting of public open spaces/road corners etc where possible. Groups, blocks or narrow belts of planting for amenity within the housing area as well as screening. The following species, as used in other projects with exotic broadleaves and conifers added as accent or feature trees locally.
- Ash *Fraxinus excelsior*
 - Beech *Fagus sylvatica*
 - Bird cherry *Prunus padus*
 - Gean *Prunus avium*
 - Hawthorn *Crataegus monogyna*
 - Holly *Ilex aquifolium*
 - Large-leaved lime *Tilia platyphyllos*
 - Rowan *Sorbus aucuparia*
 - Scots pine *Pinus sylvestris*
 - Sessile oak *Quercus petraea*
 - Whitebeam *Sorbus aria*
 - Yew *Taxus baccata*

- Zone 3 - Planting strip on north side of disused railway**
- Create planting strip a minimum of 10m wide incorporating all the existing 6m wide strip; include edge spikes on east side; fence with rabbit-proof fence.
- Plant mixed, mainly native, species incorporating a high percentage of evergreens (%), including groups of semi-mature Scots pine in the eight locations as shown. Species mixed in small groups not exceeding 5 of each; 1.5m centres on a triangular grid.
- Tree species**
- Ash *Fraxinus excelsior* 10%
 - Holly *Ilex aquifolium* 25%
 - Scots pine *Pinus sylvestris* 25%
 - Sessile oak *Quercus petraea* 25%
 - Yew *Taxus baccata* 10%
- Edge species - smaller tree species along 3m wide north edge**
- Gean *Prunus avium* 20%
 - Hawthorn *Crataegus monogyna* 20%
 - Hazel *Corylus avellana* 10%
 - Holly *Ilex aquifolium* 38%
 - Rowan *Sorbus aucuparia* 20%

- Zone 5 - Central planting strip, existing and new planting**
- Existing 5-10 year old planting of ash, beech, birch, gean (wild cherry), hawthorn and whitebeam. Extend on south side to form belt 10-15m wide; thin existing planting and interplant with evergreens; plant up extended area on south with mainly native species incorporating a high percentage of evergreens. Belt also regards to be extended to the west boundary, aligned to fit in with the development plan. Maintain existing protective fence on north side and extend to include new areas on south and west.
- Existing planting**
- This existing planting generally, with priority to removing birch and hawthorn; to create planting positions for evergreen planting as follows:
- Holly *Ilex aquifolium* 40%
 - Scots pine *Pinus sylvestris* 40%
 - Yew *Taxus baccata* 20%

- New planting on south side**
- Ash *Fraxinus excelsior* 10%
 - Beech *Fagus sylvatica* 10%
 - Gean *Prunus avium* 10%
 - Holly *Ilex aquifolium* 20%
 - Rowan *Sorbus aucuparia* 10%
 - Scots pine *Pinus sylvestris* 20%
 - Sessile oak *Quercus petraea* 10%
 - Yew *Taxus baccata* 10%

- Zone 4 - Planting area in south-west corner at west end of disused railway**
- Plant with mixed tree species suitable for wet locations with Zone 3 continued along the north side, or a component of tree species, where conditions allow. Species mixed in small groups, not exceeding 5 of each; 1.5m centres on a triangular grid.
- Wet area tree species**
- Bird cherry *Prunus padus* 10%
 - Common alder *Alnus glutinosa* 30%
 - Scots willow *Salix caprea* 25%
 - Western hemlock *Tsuga heterophylla* 10%
 - White willow *Salix alba* 25%

- Zone 1 - Abbotsford-owned strip between river Tweed and Boleside Road**
- Existing strip of mature beech (dominant), willow and sycamore and occasional ash and Scots pine. Restock strip so that young trees are growing to replace mature beech (dominant) when they need to be felled; species need to be shade-tolerant therefore beech should be the main component for restocking, with the other species present used where light levels allow. Small standards with individual protection.

APPENDIX 3

LETTER FROM HISTORIC SCOTLAND

13 JUL 2009

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Job No. TD093

Action By DCB

David Burgher
Aitken Turnbull
22 Buccleuch Street
Hawick
TD9 0HW



Our ref:
Your ref: LTR/TD093/29/RSB
10 July 2009

Dear Mr Burgher

**PROPOSED INCLUSION OF SITE AT NETHERBARNES, GALASHIELS IN
SCOTTISH BORDERS LOCAL PLAN AMENDMENT**

I refer to your letter and enclosures of 17 February and to subsequent meetings both with Andrew Martindale and myself regarding this site.

Background

We previously objected to a planning application at this site and to the proposal to allocate the site for housing in the Local Plan.

In relation to the planning application for 83 houses, we considered that it would neither conserve nor enhance the Abbotsford designed landscape which is acknowledged to be of international importance and furthermore that it would adversely affect the setting of the category A listed Abbotsford House.

In relation to the Local Plan, we pointed out that the Abbotsford garden and designed landscape entry in the Inventory of Gardens and Designed Landscapes indicates that the north-west view across the Tweed from Abbotsford House constitutes the 'principal vista' of the entire Abbotsford Garden and Designed Landscape. This 'vista' is centred on the thin strip of deciduous trees which lines the Tweed. The Netherbarns site at present is an open field and is of particular sensitivity as it lies behind these trees opposite Abbotsford House. Whilst it could be argued that there is substantial mitigation by way of mature trees which follow the riverbank, this is not the case in winter, as they are deciduous. We considered that to place 70 houses, per the allocation in the Finalised Local Plan, within this open field would severely compromise the immediate setting of the designed landscape.

We acknowledged that there has been previous modern development to the E and the N of this site; however this should not be viewed as setting a precedent for further development.



It was also Historic Scotland's view that development in the area allocated in the Local Plan for housing, was bound to have a detrimental effect on the setting of the Category A listed Abbotsford House. The main public rooms of this highly landscape orientated set piece are all designed to take full advantage of the view out to the stepped grass banks, grazed meadow and haugh directly across the River Tweed to where the Netherbarns site is located. The present modern developments are very obvious in the winter months. It should also be taken into consideration that the principal view looking into the designed landscape specifically focussed on Abbotsford House from Gala Hill and the Southern Upland Way would be severely compromised by any development.

Historic Scotland's *Memorandum of Guidance on Listed Buildings and Conservation Areas* states that Development *outwith the curtilage* of a listed building should also be regarded as affecting the setting where this will be seen in any principal view either of or from the listed building, or affect in any way the main approaches to it. It should be noted that it is not sufficient that the listed building and the new development will not be intervisible.

Response to current request to consider allocation

Our position remains as above in relation to the need to ensure that the setting of both Abbotsford House and its garden and designed landscape are safeguarded. However, that does not preclude appropriate development on the Netherbarns site. It is our view that it may be possible to accommodate appropriate development on the site. However, there are significant constraints on any development and whilst the work that you have done goes some way to alleviating some of our concerns, we are not in a position to confirm that the 70 units you propose is a density that we can support.

Your supporting documentation discusses the topography and landscape character of the site and the area and indicates that the typical Galashiels landscape is of houses amongst trees. It is clear that some development in this area conform to that character, yet the housing at Netherbank to the north west appears as a dense suburban development with no structural landscaping to soften its appearance on the hillside. This is particularly true in the winter months.

I would be concerned that the challenging topography on this site could also result in a similar appearance during winter months with engineering necessary to achieve the number proposed. I acknowledge that the additional planting will consolidate the screening in place at present. However the level of detail required to fully assess the site capacity would include detailed plans to show the access roads, parking and scale of buildings. This would be supplemented by detailed views analysis, including views at different times of year.

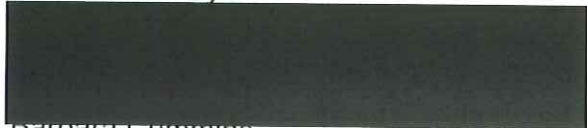
For all these reasons I do not consider that the site would be suitable for a school development as it would appear as a single large mass on the site with all the associated requirements of a school resulting in significant ground level changes and engineering works.

In Summary

Historic Scotland accepts that there is the potential to develop the Netherbarns site for housing. However, the density of development will be dependent on reinforcing the landscape features of the site, considering views into and from the site in relation to Abbotsford house and designed landscape, site topography, scale of buildings and materials used. We would suggest that a density range might be an appropriate solution in terms of an allocation with an upper limit that would constitute a maximum rather than an absolute and that either detailed guidance or design principles sit behind this.

I hope the above is of some use to you at this stage. If you have any further queries please contact me.

Yours sincerely



Barbara Cummins
Head of Development Assessment