

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**24 APRIL 2017**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 17/00187/FUL
<b>OFFICER:</b>	Mr C Miller
<b>WARD:</b>	Tweeddale East
<b>PROPOSAL:</b>	Revised design pertaining to planning permission 09/01542/FUL to replace public bar/restaurant/function suite with 3 No. dwellinghouses and 4 No. flats
<b>SITE:</b>	Land West of and including Golfer's Rest Former Station, Cardrona, Peebles
<b>APPLICANT:</b>	Waverley Tweed Ltd
<b>AGENT:</b>	Yeoman McAllister Architects

**SITE DESCRIPTION**

The site is located at Cardrona, immediately adjoining the River Tweed and to the south of the main public road leading into the village from the hotel roundabout, adjoining the road bridge. The site comprises of open scrub land occupied by a fenced off car parking area, the Tweed Valley multi-use path, the path leading under the road bridge and some land beyond the former railway line and platform to the south. The site is part of a former site approved in 2010 for a mixed use development comprising of a public bar/restaurant, café/shop extension, two houses and eight flats – the current site being where the public bar/restaurant was proposed.

To the west of the site lies the River Tweed, road bridge and former railway bridge carrying the Tweed Valley multi-use path. On the eastern side, a coffee house occupies the former station with some trees and dwellinghouses to the rear of the coffee house.

The site lies within the Tweed Valley Special Landscape Area and within allocation MCARD007 in the Scottish Borders Local Development Plan 2016, identified for “...a mix of uses including commercial and employment”.

**PROPOSED DEVELOPMENT**

The application has been submitted in full for the erection of a residential development comprising of four flats and three houses in two separate development blocks. It is proposed that the whole development will be for affordable housing, the proposals being supported by Government funding. The Housing Strategy Officer confirms the site “...is included within the Council's new Strategic Housing Investment Plan 2017-22 , which was submitted to Scottish Ministers in Nov 2016. It is envisaged that it will be a developer led project in anticipation that it will be delivered in collaboration with Eildon Housing Association to produce additional homes for social rent. Scottish Government are aware of this emerging project and have indicated in principle willingness to grant assist in due course.”

The development will utilise the access road proposed under previous consents, situated between that and the footpath passing under the road bridge. Two blocks are proposed with four flats to the north of the site and three houses in a terraced row to the south-west. These will splay away from the access road and no immediate curtilage parking will be provided, this being provided in a communal parking area south of the former railway line totalling 30 spaces. This parking area is also to serve the residential development approved under 15/00206/FUL (six houses and four flats) as well as general users of the area. Whilst it will not be adopted, it will be expected to remain communal and unallocated.

The houses and flats are designed to match with the development approved under 15/00206/FUL, the flatted block having hipped roofs with a flat section, the houses having a gabled-ended design, The main entrances will be from the new access road with canopy porches. One flatted unit will enter from the northern gable facing the main road. Upper floor windows within the houses will be contained within pitched roof dormers, some twin dormers proposed to the rear. All windows will have a vertical emphasis with mid-rails and a two over two pattern. Projecting eaves are also proposed with timber gable end features. No materials are specified.

No specific garden boundaries are delineated, the surroundings appearing to be open plan. Schematic planting is proposed down the access road and around the communal parking area. No site development levels are provided but the elevations display raised floor levels from the proposed access road,

## **PLANNING HISTORY**

There were earlier consents as part of the overall Cardrona Golf Village development and to the coffee shop, but the most pertinent and recent applications were as follows:

04/02397/FUL – withdrawn application for 20 flats, five houses and an extension to the shop with offices.

05/01076/FUL – planning permission from August 2005 for an extension to form a shop and offices.

08/01862/FUL – withdrawn application for same proposal as 09/01542/FUL

09/01542/FUL – planning permission from 4 May 2010 for the whole area comprising a public bar/restaurant/function suite with café extension, two houses and eight flats. Suspensive conditions were discharged and a site commencement was confirmed in May 2013, determining that this consent remains valid.

15/00206/FUL – planning permission from 19 June 2015 for a revised design and arrangement of the approved residential units split between six houses and four flats in two separate blocks.

## CONSULTATION RESPONSES:

### Scottish Borders Council Consultees

**Roads Planning:** A number of issues need resolved before support can be given, especially as the road serving the site will now need to be constructed to an adoptable standard and Road Construction Consent will be required.

Although the car park won't be adopted, details must still be submitted for approval and thereafter implemented prior to occupation of any unit. The parking spaces must remain communal and unallocated to ensure the use of the parking area is maximised. The multi-use path either side of the development, must be allowed to pass through the site, the proposed alignment being unacceptable. The route must be kept open at all times and any temporary diversions required for construction purposes must be agreed in writing prior to implementation. Additional parking at the far end of the site to the east of the existing shop on the private lane must be removed.

Conditions could control the above issues, together with other matters relating to disabled parking bays, roadside crash barrier and bin/cycle stores. In addition, an informative should be included on any approval highlighting the need for Road Construction Consent for the access road into the site.

**Forward Planning:** The site is a Mixed Use site allocated within the Scottish Borders Local Development Plan (LDP)2016, the allocation stating: *"The site should provide for a mix of uses including commercial and employment"*.

In pre-application discussions regarding this proposal, Forward Planning noted that the existing shop could be extended thereby providing an opportunity for further mixed use on the site. It was also noted that there was the intention to market the business part of the site MCARD006 (north of the river) allowing an opportunity for that site to provide commercial and employment opportunities. Given the size of the area intended for the pub/restaurant and the demonstrable lack of buyer interest, it is considered that affordable housing within that area would be acceptable.

**Education Officer:** The development is within the catchment areas of Peebles High School and both Priorsford and Kingsland Primary Schools, requiring total contributions of £4025 and £43375 respectively, based upon management of capacity issues. Would allow the phasing of contributions but also states that contributions can change per year based upon the BCIS index.

**Landscape Architect:** An updated plan showing all trees on site is required. The orientation of the terraced houses does not properly address the streetscape with an awkward path layout. The terraced houses could be reorientated, taking the development further away from the river and allowing private rear gardens, subject to sensitive boundary treatment. Sketch layout suggested. A condition of any consent should be a Planting scheme for the development.

**Archaeology Officer:** The previous consent was subject to three archaeology conditions that remain outstanding, albeit a WSI has been approved to allow for a watching brief. Conditions should be carried forward, with an amendment to the condition seeking a watching brief for compliance to the existing WSI.

An interpretive plan for the Cardrona Standing Stone is awaited. A landscape plan to preserve the site's setting still needs agreed with the planning authority and Historic

Environment Scotland together with a schedule of measures for the positive management of the stone. Heras fencing is also needed around it.

**Access Officer:** There is one core path through the site forming part of the Tweed Valley Railway Path. Would like clarification on how the route will be clearly demarcated both in terms of signage and surfacing. On the drawing it appears as if the route will be unclear, competing with vehicles in the car parking area and even interrupted by kerbing.

Core paths are protected by law under the Land Reform (Scotland) Act 2003(sec.19). There are other tracks in the area that the public would have a 'right of responsible access' to under the Land Reform (Scotland) Act 2003.

**Ecology Officer:** No objections, noting the acceptance of SNH but also noting no response from SEPA, seeking re-attachment of relevant conditions from earlier consents in relation to impacts on the River Tweed SAC. Also as time has passed since previous surveys and reports, seeks a Species Protection Plan for breeding birds and otter, incorporating a pre-development checking survey and measures to be undertaken for protection.

**Housing Strategy:** Aware of the site being identified as a potential affordable housing opportunity and is included within the Council's new Strategic Housing Investment Plan 2017-22. Envisaged it will be a developer led project delivered in collaboration with Eildon Housing Association to produce additional homes for social rent. Scottish Government have indicated willingness to grant assist.

**Flood Protection Officer:** The site is at risk from a flood event with a return period of 1 in 200 years. The 1 in 200 year flood level at the site was estimated to be 152.14mAOD and discussions with SEPA addressed issues regarding finished floor levels and road levels for safe access and egress on 09/01542/FUL. Requests that a finished floor level of 152.90 mAOD is adopted due to the significant flood risk at the site.

### **Statutory Consultees**

**Historic Environment Scotland:** No comments. Archaeology and Listed Building matters can be advised upon by the Council's own services in those respects.

**Scottish Natural Heritage:** The revised design affects the layout of the western area of the development, which is the closest part of the development to the River Tweed. However, the proposed development is as far from the River Tweed as the approved development and as such the revisions will not impact on the River Tweed SAC/SSSI. No concerns relating to the current proposal, provided that the relevant conditions covering the rest of the development still apply.

**SEPA:** Objection based upon flood risk and a potential increase in footprint without an attendant increase in compensatory storage. Also no indication that the finished floor levels will be above that previously requested and in the absence of suitable signage, users of the car park would also be at risk of flooding. After further information was submitted, withdraws objection as footprint will be less than previously consented and previously approved compensatory storage will be sufficient. Accepts the FFL and signage can be advisory.

**Innerleithen and District Community Council:** Support the objections expressed by Cardrona individuals. Parking issue is already demonstrable and over restriction is

likely to be harmful to Nashy's very welcome and thriving business. Residential development so close to the River Tweed looks out of kilter with the riverside and a bar/restaurant/function suite may have made the overall mix more palatable. Number of dwellinghouses and flats proposed in the revised design is an over-development. The flood risk needs careful assessment.

## **REPRESENTATION SUMMARY**

Letters of objection have been received to the application from the occupants of nine properties in Cardrona. These can be viewed in full on the Public Access website and the main grounds of objection can be summarised as follows:

- The public house was part of the original vision for Cardrona, the village not being well served with facilities and the hotel not catering for local demand.
- Contravenes the Local Plan allocation of mixed use.
- The rents for the affordable houses will be higher than other locations.
- The location is not suitable for affordable housing with most facilities three miles away
- The area is prone to flood risk.
- Road and pedestrian safety risk with current roadside parking as a result of the closure of the car park and a bus stop adding to congestion. Too few off-road spaces being proposed.
- Unlikely to be demand for more houses and flats.
- Tweed Valley Railway Path not well provided for during construction and thereafter, including unsuitable sharing of uses and diversion.
- Overdevelopment and detrimental impact on local amenity.
- Education, village hall and play space contributions are required.
- Better uses should be considered such as recreational/tourist related businesses.

## **APPLICANT'S SUPPORTING INFORMATION**

A letter is submitted in support of the application from Savills who marketed the proposed pub/restaurant site for over a year in 2010/11. They targeted developers, pub and restaurant chains as well as a more general market and advertised in *The Scotsman*. The site did not sell and feedback suggested the location, limited catchment population and existence of a similar facility at the McDonald Hotel all contributed to the lack of interest. It was also felt that people would not travel from Peebles or Innerleithen as similar facilities existed in those towns and public transport was limited. Savills conclude that "...the proposed use at that location was not viable".

The applicant's agent has also submitted several emails in response to the objections and consultation replies received. These are all available on the Public Access file and, in particular, Members should note their response dated 6 March 2017 which addresses a number of the third party objections.

## **DEVELOPMENT PLAN POLICIES:**

### **Scottish Borders Local Development Plan 2016**

Policy PMD1 Sustainability  
Policy PMD2 Quality Standards  
Policy PMD5 Infill Development

Policy HD3 Protection of Residential Amenity  
Policy EP2 National Nature Conservation Sites and Protected Species  
Policy EP3 Local Biodiversity  
Policy EP5 Special Landscape Areas  
Policy EP8 Archaeology  
Policy EP13 Trees, Woodlands and Hedgerows  
Policy EP15 Development Affecting the Water Environment  
Policy IS1 Public Infrastructure and Local Service Provision  
Policy IS2 Developer Contributions  
Policy IS5 Protection of Access Routes  
Policy IS6 Road Adoption Standards  
Policy IS7 Parking Provisions and Standards  
Policy IS8 Flooding  
Policy IS9 Waste Water Treatment Standards and Sustainable Urban Drainage  
Policy IS13 Contaminated Land

### **OTHER PLANNING CONSIDERATIONS**

“Trees and Development” SPG  
“Placemaking and Design” SPG  
“Affordable Housing” SPG  
“Developer Contributions” SPG  
“Biodiversity” SPG  
“Local Landscape Designations” SPG

### **KEY PLANNING ISSUES**

The main determining issues with this application are compliance with Local Development Plan Policies and an allocation for a mixed use development within Cardrona settlement. In particular, the reclassification of commercial to residential use, design, impacts on parking and road safety, public access and flood risk.

### **ASSESSMENT OF APPLICATION**

#### Planning Policy - Allocation

The site is within the settlement boundary of Cardrona and is allocated for a mixed use development, the Local Development Plan stating that “*The site should provide for a mix of uses including commercial and employment*”. The current application site forms the western part of this allocation and was previously approved for a public house/restaurant/function suite within the extant 2009 planning permission. That permission also provided for residential development on the eastern part of the allocation and extensions to the northern façade of the current coffee shop.

That development was commenced through formation of the sub-base, drainage and kerbing to the access road bellmouth. Subject to discharging of certain remaining suspensive conditions, any part of this development could still be carried out, including the public house and coffee shop extensions. Similarly, the amendments to the residential element consented in 2015 could be carried out separately and the remainder of the 2009 permission still also implemented.

There has been some regret in the local community at the potential loss of the public house facility, some commenting that Cardrona needs such a facility and that the nearby hotel caters for a different requirement. This is understandable. However, it is also the case that there was some opposition to the proposal for a public house in

2009 when it was first proposed. Evidenced by the submission from Savills, it is clear that there has been no interest in the site for the proposed use despite being marketed, reasons being given including the current hotel facility, lack of catchment population and duplication of facilities in Peebles and Innerleithen. It is also the case that the demand for rural and semi-rural public houses has declined over time, witnessed by proposals for changes of use across the Borders. There is no justification for continuing to hold out for a facility where there has been no commercial interest in the past seven years. A decision to refuse permission for the current scheme would not make that alternative any more viable.

Whilst some have noted that a move away from the proposed facility would be against the mixed use zoning in the Local Development Plan, the response from Forward Planning makes it clear that there would still be mixed use elements within both of the allocations at Cardrona. The coffee shop lies within the zoning and has an extant approval for enlargement. The site at Horsbrugh North also retains an area for commercial and employment opportunities. Forward Planning advise that the replacement of the proposed public house with affordable housing would not remove the mixed use element requested by the zoning. Although it may, of course, weigh the overall development heavily in favour of affordable housing, there is nothing in the allocation that stipulates what ratio or balance there should be between the uses. It is also noted from the Housing Strategy response that there is a need for affordable housing and that such a development at the location would be supported by Government funding.

Although there is a Local Development Plan Policy that also seeks to protect service improvements identified on Proposals Maps, taking all of the aforementioned factors into account, it is not considered that the “loss” of the proposed public house facility would be against Local Development Plan Policy. There is no latent demand for such a facility and there is a demand for affordable housing. It also still allows for mixed use development at Cardrona, both on the site and within a nearby allocation.

A decision on planning policy grounds must be made on the suitability of the scheme being proposed on its own merits, rather than whether other suitable or “better” alternatives exist.

#### Planning Policy – Infill

Apart from the question of the allocation, the other main Local Development Plan Policy to be applied to the proposal is that governing infill development, PMD5 in the Local Development Plan. This Policy encourages development where a series of criteria are satisfied, including conforming with the area character, no over-development, respecting scale and design, adequacy of access/services and no significant impacts on residential amenity.

Assessing the application against these criteria:

- *The site must conform with the established land use of the area* - as the existing and proposed uses to the east are predominantly housing, this criterion is met.
- *The site must not detract from the character or amenity of the area* – the houses are of appropriate and sympathetic form, design, height and finishes and will comply with this criterion.

- *The site must not lead to overdevelopment* – the site is adequate to accommodate the houses and parking without the density of the area being contravened. The development will appear in context with the approved development adjoining the coffee shop and the terraced housing at the western edge of the village.
- *Respects scale, form, design and materials* – the proposals are sympathetic to the site and surroundings as explained below and materials can be conditioned to respect the area.
- *Adequate access and servicing* – this can be met as explained below.
- *No significant loss of daylight or privacy* – the proposals are acceptable as they are well separated from the nearest houses.

It is therefore considered that the development, with appropriate conditions, will meet the various criteria listed in the appropriate infill development Local Development Plan Policy PMD5. The site is a suitable infill opportunity and the proposed development complies with the Policy in that respect.

### Design and Landscape Impact

Policies PMD2, PMD5 and EP5 of the Local Development Plan require appropriate design and quality standards to be applied to all new development and there to be no significant adverse effects on the Tweed Valley Special Landscape Area. In terms of design and materials, Policy PMD5 seeks respecting of the surroundings and PMD2 seeks scale, massing, design and materials to complement the highest quality architecture in the area.

The original permission for the site was for a public house with a relatively large square footprint on the site. Although this was set back further from the road than the current housing proposal, there is no evidence to suggest the new development represents overdevelopment of the site as has been claimed by some objectors. The footprints are almost exactly the same. The Streetscape also shows that the ridgeline of the new proposal is 1.73m below that of the approved public house and a much less bulky facade is presented to public view to the north.

In recognition of the prominence of the northern gable end of the development and the fact that it can be accepted the development could be of less visual interest than the previous pub design (which resembled a farmhouse and steading), the development was switched at pre-application stage to present the larger flatted block to the north with a projecting element, windows and a door entrance – rather than a blank gable end. Together with two further windows along this elevation, the result complements the gable end design across the access road approved under 15/00206/FUL. It is accepted that both gables are nearer the main road than the original 2009 development but these gables have been improved in design, punctuation and architectural detailing to the extent that it is considered they would be sympathetic to the general architectural styles at the eastern end of Cardrona.

In terms of design, discussions held during the processing of application 15/00206/FUL resulted in a more appropriate design for this semi-rural area. An extract from the report on that application explains the evolution of the resolution of concerns over the design which is now carried through into the current application. What was of concern was:



- *“the dominance of hipped roofs and especially the pyramidal roof shape in the corner unit, which presents a series of blank gables to the main public view of the development.*
- *the lost “cottage” feel as a result of the removal of projecting eaves, gable spandrels, lower roof slope, plain fenestration and double/triple arrangements without mullions.*
- *the use of double windows within the dormers.*
- *removal of traditional pitched roof door canopies and replacement with one lean-to canopy, thus weakening the strength of the principal elevations facing north.*
- *lack of empathy with the approved pub design*
- *query the external materials are as previous approval on this site was for CUPA natural slate roofing.*

*After several revisions, the latest set of revised plans address all these elements more satisfactorily. Most of the criticisms above have now been addressed and the whole architectural arrangement is more traditional and in keeping with the current designs at the entrance to Cardrona. More gabled designs have now been proposed and the “rear” elevation feel of the prominent northern elevation has been improved with solid timber doors, single dormers, porch canopies and projecting eaves and spandrel panels.*

*The northern gable end nearest the road edge has been improved by engulfing the bin and cycle store internally and presenting a gable with windows and more interest than previously. The unit does present a two storey gable slightly nearer the road edge than the initial submission but really no closer than the single storey bin/cycle store - both of which are closer to the road edge than the approved design. However, this is offset by the remainder of the development being narrower and allowing greater space for gardens and landscaping.*

*A permitted development restriction would be considered essential to prevent any cluttering of this area with screening and garden outbuildings. The pyramidal corner building has also been redesigned for the better and the ridge heights reduced considerably in this corner. Elsewhere, the improved roof pitch has resulted in the other building ridge height being increased by just under half a metre, although this will be no higher than approved previously. Slate is not proposed for the roofing but there are much more realistic alternatives now available and it is considered that a suitable material can be selected.”*

The new design follows on from these improvements and still presents a cottage/farmhouse steading feel that matches in with the architecture at the entrance to Cardrona from the west. No materials are specified and these will need to be reserved for agreement by planning condition. There is some criticism over the plain elevations facing public view but there has also been a mistake on the drawings whereby the east and west elevations have been wrongly labelled. The main east elevation presents the main entrance views with porch canopies, door entrances and greater articulation than the rear elevations. Whilst the rear elevations are of less interest and face onto the access path under the road bridge, the windows with glazing bars and a vertical emphasis present a relatively attractive rear façade, together with pitched roof dormers, projecting eaves and French Doors. The overall shape and form of the development is also vernacular. For these reasons, it is considered that the development to comply with Local Development Plan Policies PMD2 and PMD5 on Quality Standards and Infill Development, comparing favourably with the previous pub/ housing designs.

The Landscape Architect has suggested that the southernmost terraced housing block be turned so that it is parallel with the access road rather than being splayed away from the road with what is considered to be an awkward path layout. She also believes this would provide the opportunity to create some private garden space to the rear riverside boundary. The agent has responded to this suggestion by stating that there is a legal wayleave restriction preventing them from developing as suggested, or indeed developing the original pub as intended. They do point out that the proposed development is more separated from the river than the public house would have been.

Whilst the comments from the Landscape Architect are recognised, and even if it had been legally possible, turning the terraced block towards the street may also increase congestion and create a less attractive open space feel to the street as proposed. It would also increase the possibility of rear garden clutter rather than keeping an open space feel around the development as proposed. As with the consent 15/00206/FUL, a permitted development restriction will be imposed to control garden development.

In terms of other landscape related comments, it would be advisable to have an updated landscaping plan on that consented with the 2009 development as there has been a number of legitimate tree removals within the overall site, referred to in the agent's response to the Landscape Architect. This can take into account current trees as well as new planting proposals. This would not only be for the significant tree planting proposed around the car parking but also to make a feature of the open space within the street leading to the car parking and along the rear of the houses. Subject to a condition on that, it is considered that the development would comply with Local Development Plan Policies PMD2, PMD5, EP5 and EP13.

#### Access and parking

Policy PMD5 of the Local Development Plan requires developments that generate traffic to be capable of being accessed safely and Policy IS7 seeks adequate parking provision. Policy IS5 also seeks the protection of public access routes. The two main issues with this application relate to parking provision in the local context and adequate provision for the continuation of the Tweed Valley Multi-Use Path through the site to Cardrona.

When the 2009 permission was given for ten residential units and the public house, four parking spaces were proposed in a lay-by along the road outside the coffee shop and two double rows of parking were proposed to the south of the site, one double row to the south of the proposed pub and the other to the south of the housing and flats. When the 2015 residential amendment application was approved, there were local concerns expressed over the parking sufficiency for existing and proposed uses, concerns again expressed on the current application.

In considering these concerns on the 2015 application, the following extract is taken from that handling report:

*"In terms of the parking for the shop, the approved development only provides four lay-by spaces to the front with the remainder of the housing, pub and general spaces to the rear. As the application is only for the houses, the initial submission only provided the four spaces to the front as per the approval and a proportion of spaces to the rear equalling 14. Given there was no guarantee when the pub and the remainder of the parking spaces would be provided, this parking provision was not*

*considered to be adequate compensation for the parking area lost in relation to the shop.*

*The developer has now revised the parking plans by providing an extra lay-by space to the front and an extra six spaces of those previously approved. A footpath section has also now been proposed on the corner of the roadway to lead people from this parking around the roadway to the shop - although it is also possible that people could walk inbetween the development to the shop. The objectors and people who made general comments may feel this is still inadequate but the developer makes the point that much of the current parking is not shop-related and that the additional spaces do not need to be right beside the shop.*

*On balance, there are seven additional spaces from the scheme first submitted and improved pedestrian provision - all in line with comments also raised by Roads Planning. Subject to an extra condition on treatment of the crash barrier, I am content that the development has addressed the concerns over the impacts on parking."*

In relation to that development, the current application makes no changes to the agreement to provide five parking spaces outside the shop nor to the link footpaths that could take people from the rear parking area to the coffee shop or bus stop. The application does impinge on the rear parking area however and replaces the previous pair of double rows of parking with one block of landscaped parking to provide 30 spaces. Whilst this is a reduction on the total amount of parking previously intended to the rear, Roads Planning are content at the sufficiency of the parking proposed subject to two disabled spaces being provided.

Whilst this has led to local concerns over the road and pedestrian safety consequences of what is perceived to be insufficient parking provision, Roads Planning have accepted the proposal for reasons including the following:

- The 30 rear spaces are above the 150% communal provision sought for both affordable housing developments.
- The reduction in overall spaces is as a consequence of the public house not being proposed which could have generated parking shortfall issues in itself.
- The parking area, whilst not adopted, should not be allocated to particular properties or users and should be available to all.
- The pattern of usage during the day will tend to differ between residential use and other users, there being likely to be more spaces available by shop, bus or footpath users during the day when they are needed.
- Parking spaces are provided outside the coffee shop and there will also be opportunities to park on-street on the housing access road which is double carriageway width.

The agent has also stated that the off-street parking has been tolerated for many years by the landowner and that any congestion issue is not the responsibility of the landowner, provided adequate provision is being made in the current proposals.

Taking into account the above, it is considered that there is sufficient parking provision for existing and proposed uses at the site. A planning condition will need to be imposed in relation to the parking staying unallocated and for general use and Roads Planning have also sought other amendments to the layout and additional details including parking constructional details, removal of parking spaces blocking the continuation of the multi-use path, alignment of the roadside crash barrier, relocation of disabled spaces and location of the bin and cycle stores. It is

understood that a revised plan dealing with these issues will be submitted but a condition is also included to cover these points. The roadways will also need to be constructed to adoptable standards.

The other main access issue raised is in relation to the continuation through the site of the Tweed Valley Multi-Use Path, between Peebles and Cardrona. On previous consents at the site, a condition was imposed seeking a scheme for a clearly marked cycleway to be implemented prior to the occupation of any buildings on the site. This condition should still be imposed on this permission but there have been some concerns expressed over what has been shown on the submitted layout plans. Roads Planning state that *"...There is a multi-use path either side of the development, approximately 3 metre wide, and the proposed layout of this site must allow for this path to pass through the site. The current alignment of the proposed route for the multi-use path through the development is unacceptable. As this route forms part of the core path network, the route must be kept open at all times and any temporary diversions required for construction purposes must be agreed in writing prior to implementation."* Furthermore, the Access Officer states *"...I would like clarification on how the route will be clearly demarcated both in terms of signage and surfacing. On the drawing it appears as if the route will be unclear, will have to compete with vehicles in the car parking area and may even be interrupted by kerbing, all of which would not be acceptable especially where there exists the opportunity through development to avoid these issue."*

In answer to these concerns, the agent clarifies that the Core Path will continue through the site at a minimum width of 3m, there would be no kerb restrictions and the path will pass over an adopted road surface for part of its way. The path could be delineated within the road surface. Agreement had already been reached with the Council on previous applications with regard to the temporary diversion of the path during the construction period, including signage details.

It is clear that further details will still be required to satisfy the Council on an acceptable continuation of the path through the site and a condition will be imposed to secure a satisfactory scheme. This will cover alignment, construction, delineation and kerbing among other matters to ensure a satisfactory public right of passage through the site.

Subject to the relevant conditions at the end of this report, it is considered that the development will comply with Local Development Plan Policies PMD5, IS5 and IS7

#### Flood Risk

Policy IS8 of the Local Development Plan requires development to be free from unmanageable flood risk and not to create insurmountable problems elsewhere. At the time of consideration of the 2009 application, a Flood Risk Assessment (FRA) was carried out and the development was accepted by SEPA and the SBC Flood Protection Officer on the basis of a finished floor level of 152.90m AOD being adopted for the developments (0.76m above the estimated 1 in 200 year flood level). This also took into account safe access and egress.

In response to the current application, the SBC Flood Protection Officer accepts that the site is at risk from a 1 in 200 year flood event as also indicated in some of the third party objections. However, there is acceptance of the development on the basis that the same finished floor level is used as was agreed in 2009 following the FRA. The principle of the development cannot be challenged although, initially, SEPA had lodged an objection due to a perception that footprints have increased without

adequate additional compensatory storage being provided above that agreed in 2009. They also believed the agreed minimum finished floor level should be specified and that signage should alert users of the car parking to the flood risk.

The agent has responded to SEPA and they have now withdrawn their objection. It is accepted that the footprint of the pub and replacement houses are almost identical, the houses being very slightly less. When taken into account with the reduced footprint on the site consented under 15/00206/FUL, the reduction in footprint is more substantial and that, consequently, there is no need for additional compensatory storage to be found or provided. In any case, the 2009 permission was simply subject to a condition on finished floor levels and there was no additional requirement in the conditions to create areas of compensatory storage nor was it required by SEPA as a condition at that time. Nevertheless, given SEPA have withdrawn their objection based upon the agreement they had with the applicant over compensatory storage in 2009, the agent for the current application is content to accept an additional planning condition regarding implementation of the compensatory storage that was previously agreed with SEPA. This was an area to the southernmost part of the application site. The agent also agrees to any additional signage required and has confirmed the development will be no lower than the agreed minimum finished floor level. This was, indeed, shown on the submitted Streetscape drawing.

As SEPA and the Council's Flood Protection Officer accept the development subject to the previously agreed finished floor levels, it is considered that Policy IS8 can be met by the application.

#### Other issues

Although all other issues have been considered, none are raised that would outweigh the consideration of the application as set out above. Archaeological and Ecological issues at the site can be met by conditions carried through from previous consents. A Written Scheme of Investigation to cover a watching brief for archaeological purposes has already been agreed but all other conditions are to be carried through, including protection and interpretation of the Standing Stone to the south of the site. In terms of ecology, conditions need to be repeated which also include new surveys for otter and breeding birds. Scarcement from, and protection of, the River Tweed SAC will be controlled by conditions and the new development, in any case, is further away from the SAC than the consented public house – SNH are content based upon this and appropriate conditions.

Issues of potential land contamination resulted in a condition being attached on the 2009 consent but this was then adequately addressed in an engineer's report submitted in order to discharge those conditions to enable a site commencement.

#### Developer Contributions

Local Development Plan Policy IS2 requires new residential developments to contribute towards certain infrastructure and affordable housing stock, as currently identified. There are already Section 75 Agreements in place on the site reflecting previous applications for affordable and private market housing, including clauses timing the provision of offset affordable housing in relation to other sites at Horsburgh North and Stanin Stane, Cardrona. It is expected that the replacement of the part of the site intended for a public house/restaurant with affordable housing will have little effect on the purpose of the existing Section 75 Agreement but, nevertheless, there is likely to be the need for some adjustment to the Agreement, including the provision of additional financial contributions for play space within the village and less education

contribution to reflect the omission of private market housing on the application site. Given the proposal is for affordable housing, no other contributions are normally sought, including access path and village hall contributions, the latter being raised by consultees.

## **CONCLUSION**

Subject to the conditions listed below and a revised or new Legal Agreement, the development is considered to comply with the Local Development Plan allocation and Policies on infill development, design, access, flood risk and landscape within a settlement.

## **RECOMMENDATION BY CHIEF PLANNING OFFICER:**

I recommend the application is approved subject to the following conditions and a Legal Agreement covering the adjustment to the development proposal and additional play area contributions:

1. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.  
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
2. The finished floor levels of all the buildings hereby approved shall have a minimum finished floor level of 152.9m AOD.  
Reason: To ensure that there is no impact on the existing floodplain and that the occupants of the buildings are protected from flooding.
3. Prior to the commencement of development a scheme for the integrated provision of suitable motorcycle and bicycle parking and storage and bin storage facilities shall be submitted to and approved by the Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the occupation of the development and thereafter permanently retained.  
Reason: To ensure that an integrated range of storage and on-site vehicle parking facilities are made available to users of the development.
4. In accordance with the agreed Written Scheme of Investigation outlining the Watching Brief, access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

5. Further details shall be submitted in writing and approved by the local planning authority, following consultation with Historic Scotland for the following:
- an interpretive plan for the Cardrona Standing Stone
  - a design for screening, planting and landscaping to preserve the setting of the monument
  - measures for the positive management and enhancement of the field containing the scheduled monument
- The approved details shall be implemented prior to the occupation of the buildings.

Reason: To safeguard a site of archaeological interest and to enhance its setting.

6. Prior to, and during the construction phase, temporary fencing shall be placed around the Standing Stone, details of which shall to be agreed in advance with the local planning authority in consultation with Historic Scotland.

Reason: To safeguard a site of archaeological interest.

7. No development shall take place except in strict accordance with a revised scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. existing landscaping features, trees and vegetation to be retained and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

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

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

9. None of the trees identified for retention on the agreed Landscaping Plan (as per Condition 7) shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Planning Authority.

Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.

10. Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:
  - (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
  - (b) No fires shall be lit within the spread of the branches of the trees;
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
  - (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
  - (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

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

11. No work shall be carried out during the bird breeding season (March-August) without the written consent of the local planning authority.

Reason: to protect any breeding birds on the site.

12. A Species Protection Plan for otter, incorporating a pre-development checking survey and measures to be undertaken for the protection of otter, (including those outlined in the Ecological Assessment of December 2015), shall be submitted to and approved in writing by the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved Plan.

Reason: In order to protect any protected species found within the site.

13. Prior to commencement of work, the updated Landscape and Habitat Management Plan shall be submitted to and approved in writing by the Planning Authority. This plan will also include a 10m riparian buffer strip of native woodland (willow, alder) using stock of local provenance or alternatively a planting scheme complimentary to the existing Cardrona designed landscape. Any works shall, thereafter, be carried out in accordance with the approved scheme.

Reason: In order to protect any protected species found within the site.

14. Directional lighting will be required to ensure that the river and river bank are not significantly illuminated by lighting associated with the development.

Reason: In order to protect any protected species found within the site.

15. Any development should be kept back from the watercourse edge to a minimum of 20m, to minimise any impact on the site features from the construction and prevent any need for bank protection work, preserve natural



bank vegetation etc. The banks of the river Tweed shall be fenced off to a minimum of 10m prior to the commencement of any development operations, separating the river and its banks from the building operations etc and providing an undeveloped buffer strip which retains the existing natural vegetation. For the avoidance of doubt this buffer strip shall also include the area of land between the cart track and the river, with access provided to the 18th tee.

Reason: In order to protect any protected species found within the site.

16. No intervention works shall be carried out on the water course itself.

Reason: In order to protect the River Tweed SAC

17. A scheme for a clearly marked cycle way shall be submitted to and agreed in writing by the local authority before the development is commenced (including temporary diversion proposals) and the said scheme shall be implemented prior to the occupation of any of the new buildings on the site. The route must start where the old railway bridge meets the proposed development area then going eastwards on a line to be agreed to meet Cardrona Way

Reason: To ensure the safe passage of cyclists through the site.

18. The area noted for parking on the submitted plan to the south of the development shall be properly consolidated, surfaced and drained before the buildings are occupied to the engineering details submitted and agreed as per the approval 09/01542/FUL. Parking bays to have minimum dimensions of 2.5 by 5 metres with a 1 metre hard-strip around the outer extremities of the parking area. Parking area to include 2 disabled bays which conform to current Building Regulations. All parking spaces within this area must remain unallocated to any particular property and should be available at all times for use by all users

Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.

19. The proposed roads, lay-by parking, footpaths and turning spaces indicated on the approved drawing, to an extent agreed with the Planning Authority, shall be constructed to adoptable standards and shall be subject to Roads Construction Consent.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic.

20. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Planning Authority.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

21. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved in writing by the Planning Authority.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

22. No development to be commenced until details are submitted to, and approved by, the Planning Authority, relating to the roadside crash barrier at

the junction of the access road and the public road and how it will be altered to allow for the visibility splays to be formed.

Reason: In the interests of road safety.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent Order amending, revoking or re-enacting that Order), there shall be no further building, structure or enclosure placed on the site unless an application for planning permission in that behalf has first been submitted to and approved in writing by the Planning Authority.

Reason: The Planning Authority considers that any further development would prejudice a satisfactory layout and would have a harmful effect upon the amenity of the area.

24. No development to be commenced until full details are submitted to, and approved by, the Planning Authority relating to compensatory floodplain storage within the site. Once approved, the works to be completed before the development is commenced.

Reason: To safeguard existing and proposed properties from any increase in flood risk as a result of the development.

25. The proposed residential units shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Local Development Plan 2016 and any accompanying supplementary planning guidance and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority.

Reason: The permission has been granted for affordable housing, and 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

### Informatives

It should be noted that:

- 1 Roads Planning advise the following:

It should be borne in mind that all work within the public road boundary, and prospective public road boundary, must be undertaken by a contractor first approved by the Council.

- 2 The Council's Flood Protection Officer recommends that, to receive flood warnings from SEPA, residents sign up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188. SEPA also advise that the residents' car parking area and road access to it are at a significant risk of flooding from the River Tweed. They would recommend that some signage or information boards are used to display this risk to residents and visitors to the car park area. They would also recommend that residents are encouraged to sign up to receive flood warnings for the River Tweed in this area so that vehicles can be safely moved from the car park area before the onset of flooding.

DRAWING NUMBERS

Site Location Plan – (PL) 024  
Proposed Streetscape – (PL) 023  
Proposed Floor Plans – (PL) 021  
Proposed Roof Plan – (PL) 025  
Proposed Site Layout – (PL) 020 B  
Proposed Elevations – (PL) 022  
Kerbs and Surfaces – 5383-101 B  
Drainage Layout – 5383-102A  
Drainage Details  
Road Construction Details – 5383-103 A  
Road General Arrangement – 5383-100 A

**Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

**Author(s)**

Name	Designation
Craig Miller	Lead Planning Officer



17/00187/FUL

Land West Of And Including  
Golfer's Rest Former Station  
Cardrona  
Peebles

