

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

2 OCTOBER 2017

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 17/00015/PPP
OFFICER:	Mr C Miller
WARD:	Tweeddale West
PROPOSAL:	Residential development with associated supporting infrastructure and public open space
SITE:	Land east of Knapdale, 54 Edinburgh Road, Peebles
APPLICANT:	S Carmichael Properties Ltd
AGENT:	Andrew Bennie Planning Ltd

SITE DESCRIPTION

The site is located at the north-eastern edge of Peebles, lying to the east and above the housing lining Edinburgh Road. It consists of 7.1 hectares of rough open grassland, formerly used as grazing, rising steeply from the back of the Edinburgh Road houses to the boundaries of the Venlaw Castle Hotel access road and the boundaries of houses within the Venlaw Castle building group as well as sporadic houses and a farm to the north and north-east of the site. The rising ground continues up to form Venlaw Hill. The drop from east to west through the centre of the site is approximately 36m at its greatest.

The site boundary is demarcated largely by post and wire fencing with woodland belts outwith all but the Edinburgh Road garden boundaries. There are also some mature trees towards the centre of the site which increase towards the south and south-east boundary. A burn runs within and along the northern boundary of the site adjoining the Venlaw Castle access road.

The site does not lie within the Peebles Conservation Area but is within both the Tweed Valley Special Landscape Area and the Venlaw Castle Designed Landscape. There are unscheduled archaeological features to the southern and western parts of the site in the form of cultivation terraces. Two statutorily listed buildings adjoin the site to the south-east (Venlaw Castle –B Listed) and to the north-west (Venlaw North Lodge – C Listed). The site lies wholly outwith the settlement boundary of Peebles as defined in the Scottish Borders Local Development Plan 2016 (LDP).

PROPOSED DEVELOPMENT

The application has been submitted for Planning Permission in Principle and, thus, there are no detailed layouts or numbers of housing units available or, indeed, required. Initially, the application was submitted as a red line around the 7.1 hectares of land with an access shown connecting with Edinburgh Road south of the burn and Venlaw Castle access road. This was then adjusted to include land to the north with the burn and section of access road now within the site. The relevant notifications were carried out of both additional neighbours and land owner.

A drawing was also submitted showing how an access might be achieved from a widened access road at the current junction with priority across the burn into the housing site, the Venlaw Castle road then diverting from the new access at a Give-Way. Walling to the south of the current junction would be removed with new radii and ghost islands and a central refuge would be intended on the A703.

The initial drawing indicated only the northern half of the site would be intended for housing (26 in total), the southern half being left as open space and enhanced with augmented planting. During the processing of the application, an indicative plan was produced demonstrating this in more detail with a no-development zone also being shown along the western boundary to the rear of the Edinburgh Road houses. New planting zones are shown along this boundary, along the site access road and between the main rows of houses. The development area is limited generally to the 8-15% slopes and away from the steeper slopes to the west and south.

These indicative plans are available to view in full on the Council's Planning Portal website. There are also statements, drawings and reports in support of the application, as follows:

Pre-Application Consultation Report – This outlines the statutory community consultation held during the PAN period and summarises feedback from those who attended the exhibition. Results taken from both verbal feedback on the day and completed forms. Main conclusions were that concerns over impact on local services could be mitigated by development contributions, access could be addressed at the next stage, landscape impact could be mitigated by new planting and design and the need for new housing has been demonstrated following the LDP Examination.

Planning Statement – considers that SBC have not demonstrated that the site should not be considered to meet the housing shortfall, that there are no adverse landscape impacts, no adverse archaeological impacts and that safe access can be provided. The application should be considered without prejudice from previous planning history. It can be considered effective as there is a willing owner and strong demand for housing in the area.

Landscape Capacity Assessment Report – this assessed the existing landscape character and baseline conditions, analysed the site in relation to visual receptors then prescribed mitigation to reduce or remove adverse effects. Whilst not a full Landscape and Visual Impact Assessment, similar methodology was used. The site characteristics, topography, designations and existing landscape structure were assessed and sensitive receptors identified from roads, houses and public locations across 16 viewpoints. Photographs from the viewpoints are shown. The effects were then categorised with most effects being graded as moderate or moderate/minor in significance. Mitigation is proposed to offset the effects involving new boundary and internal planting, avoidance of white renders, retention and augmentation of existing landscaping. Remaining effects were not felt to be significant, especially as new planting matures.

Landscape Response to SBC Landscape Consultation – dated 26 June 2017, believes SBC response is flawed as effects largely taken just from the A703 and the Rosetta development on sloping land elicited no objection. Feels Peebles is not a valley based settlement. Does not consider that the SLA and Designed Landscape designations prohibit development and that the access impacts and visual impacts on the slope can be mitigated successfully. Does not accept the SBC Landscape Capacity Study conclusions about prominence and sensitivity.

Cross Section Drawings and Engineer Letter – dated 9 March 2017 in response to the SEPA objection re flood impacts from the burn.

Indicative layout and landscaping plan with supporting email – dated 26 June 2017 showing 26 houses in the north-eastern part of the site with areas of open space, existing and proposed planting, road layout, access and drainage.

PLANNING HISTORY

A previous application for residential development on the site was submitted in 2008 (08/00436/OUT) and ultimately withdrawn after the site was not included in the Scottish Borders Local Plan approved amendments. It was then subsequently considered and discounted during the Local Development Plan process, including rejection by the LDP Examination Reporter. It was then promoted by the land owner again as part of the Supplementary Guidance (SG) on Housing but discounted at the first stage by the Department, thus not being included in the Draft SG as a preferred or alternative site.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning: Cannot support application and refers back to reasons expressed during previous withdrawn application and the Local Development Plan process. Considers there to be a proliferation of junctions in close proximity serving commercial and housing uses, including a garage, hotel and filling station. Visibility splays overlap leading to confusion of movements, indication, stacking distance inadequacy etc. Traffic created by the development will exacerbate the current situation and complete rationalisation of junctions is needed involving different owners before a reassessment of the objection can be made. The revised access layout with ghost island does not resolve the issues. There are also topographic constraints to achieving an internally connected layout as per “Designing Streets”.

Forward Planning: Cannot support as application against LDP Policy PMD4 and does not comply with the criteria set down for granting exceptions for development outwith settlement boundaries. In terms of any shortfall identified in the Housing Land Audit, the Supplementary Guidance on Housing has considered but not included the site in its aim to provide an additional 916 units, being discounted at the first stage. It was also discounted as part of the LDP process and rejected by both the Council and Reporter who determined the Proposed Local Development Plan Examination, the latter considering that the insufficiency of the housing land supply did not justify acceptance of the site and adverse impacts on character and visual amenity at this sensitive settlement edge. Includes an extract from the Reporter’s decision on the site which reasoned mainly on landscape fit, being within a Special Landscape Area and representing urban sprawl on rising land where the settlement is already well contained.

Education Officer: The development is within the catchment areas of Peebles High School and Kingsland Primary School, requiring contributions of £1051 and £7463 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: Cannot support due to significant landscape and visual effects on a steeply sloping and prominent site. Identifies the site is part of the

Venlaw Castle Designed Landscape and within the Tweed Valley Special Landscape Area, also being 1.4km from the nearest part of the Upper Tweeddale National Scenic Area. Also refers to the 2006 SBC/SNH "Development and Landscape Capacity Study" which had a remit including landscape impacts of settlement expansion. This report identified how sensitive the west facing slopes of Peebles were in the north-eastern part of the town and concluded there was no capacity for new housing and settlement boundary expansion.

Comments on the applicant commissioned "Landscape Capacity and Visual Assessment Report" which selected 16 viewpoints within 2km of the site, but not the Manor Sware NSA viewpoint. Half of the viewpoints could expect significant visual effects. Whilst mitigation in the form of additional planting is noted, this is not demonstrated in development visualisations. Historically, development on higher land to the north-east has been limited and sporadic, conflicting with the character and nature of Peebles as a valley-based settlement. Mitigation is unlikely to be effective given the slopes and infrastructure requirements. The access alone will create a major gap in existing tree cover.

Responds to additional comments from applicant's Landscape Consultant but does not change opinion on the original valley-based character of the town or the inappropriateness of development on the application site which occupies sloping parkland. She particularly reiterates the impact across the town from the Manor Sware area and although she does recognise that some encroachment up slopes may happen as flat land runs out of supply, the application and Rosetta sites cannot be equally compared for reasons she sets out.

Housing Strategy: Not aware of it as a potential affordable housing opportunity but could provide 25% provision, of potential interest to an RSL prioritised through Strategic Housing Investment Plan procedure.

Estates Officer: Response awaited.

Archaeology Officer: No objections provided a condition is imposed seeking a field evaluation with trial trenching over 10% of the development area. To the south of the site are two cultivation terraces of prehistoric or medieval origin. Whilst unscheduled, they are protected by LDP Policy EP8 and although it is noted they are not intended to be developed with housing, landscaping intervention should be kept away. Interpretation of the terraces should also be secured by condition.

Flood Protection: Response awaited.

Neighbourhood Services: Response awaited.

Statutory Consultees

Scottish Water: Response awaited.

SEPA: Initially objected due to potential flood risk from small watercourse and its interaction with the Eddleston Water, seeking a Flood Risk Assessment or topographical and access information to show site is free from risk, would not affect other property and would be free from surface water flooding. Also expect SUDs principles to be used for surface water and foul to the public sewer network. Provides advice on sustainable waste management.

Following the receipt of access and cross section information, SEPA withdrew their objection provided conditions are attached to any consent. Accepts enough height difference between the burn and development exists but still requiring a condition to demonstrate flood-free access/egress and water crossings to convey peak water flows. Also recommends flood resilient measures and mitigation to protect the development from surface water flow but also not to increase flood risk elsewhere.

Peebles and District Community Council: Objects to application as site is outwith Peebles settlement boundary in LDP and application contrary to Policy PMD4. Considers public consultation exercise inadequate at PAN stage with little information and PAC conclusion flawed in respect of stating majority residents were supportive. Agree with objections of Civic Society. Land has agricultural past use and development against SBC biodiversity Policy. Sustains objection following more detailed plan dropping number of houses to 26, there being no “exception” justified.

Peebles Civic Society: Objects to application as the site will compromise the landscape character and setting of Peebles upon approach from the north, against the findings of the SBC Landscape Capacity Report. Opposes Applicant’s Landscape Capacity Study findings, believing new tree screening would be ineffective because of the slope and that visualisations of the actual development are lacking. Overall, disagree that the visual impact would be minor. Agrees with SBC that the site should be discounted from the Housing SG and that there is no pressing need, given other windfall sites such as Rosetta. The site is outwith the LDP boundary and access could cause road safety issues at the junction.

Sustains objection following more detailed plan dropping number of houses to 26, there being no evidence that the landscape setting would be mitigated. Still in agreement with SBC rejection of the site in the Housing SG.

REPRESENTATION SUMMARY

Letters of objection have been received to the application from the occupants of 84 properties. These can be viewed in full on the Public Access website and the main grounds of objection include the following:

- The site has been rejected on previous occasions in application and Local Development Plan form.
- Site still excluded from the latest Local Development Plan and lies outwith the settlement boundary, being neither an exception nor included in the Housing SG.
- There is no shortfall in the Housing Land Audit, the Council concentrating on development in the Galashiels/Kelso areas and any development in Peebles being mainly south of the river.
- Adverse landscape impact for reasons of -
 - on a rising town boundary which is parkland and agricultural
 - the impacts being underestimated by the applicant
 - against the SBC Development and Landscape Capacity Study
 - up valley sides and not contained in linear lower-lying character as existing
 - against the Reporter’s landscape ruling on the Examination into the LDP
 - against previous SNH advice
 - contrary to the Special Landscape Area designation
 - impact on views from viewpoints across the town and rural surrounds

- loss of trees and vegetation at the access and within the site
 - Detrimental impact on recreational usage of the site by the community and loss of agricultural land.
- Adverse road safety impacts for reasons of –
 - The Edinburgh Road being increasingly busy, congested and with limited parking opportunities.
 - A concentration of housing, business and agricultural accesses in close proximity including Crossburn Caravan Site, Crossburn Farm Road, Harrison’s Filling Station and garage and Venlaw Hotel and houses.
 - The access point being inadequate, steep and dangerous in winter.
 - No safe access proposal has been advanced.
 - Additional strain on Tweed Bridge due to location of the High School.
- Increased drainage and flood risk impacts from the site, especially on the houses below and the Venlaw Burn and overall drainage capacity.
 - Inadequate water supply.
 - Detrimental impacts on the town economy, local tourist businesses and limited benefit from commuter housing.
 - Town services cannot cope with increased demand, including schools and health care.
 - Detrimental impacts on residential amenity, outlook and privacy due to proximity, height and noise nuisance.
 - Adverse impacts on the archaeological interests to the south of the site.
 - Remaining parts of the site would be under pressure for more development.
 - Community Council and Civic Society object.
 - PAC Report misleading in indicating general support for the development and local event was poorly publicised.
 - Detrimental impact on local wildlife.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016

- Policy PMD1 Sustainability
- Policy PMD2 Quality Standards
- Policy PMD4 Development Outwith Development Boundaries
- Policy HD2 Housing in the Countryside
- Policy HD3 Protection of Residential Amenity
- Policy EP3 Local Biodiversity
- Policy EP4 National Scenic Areas
- Policy EP5 Special Landscape Areas
- Policy EP7 Listed Buildings
- Policy EP8 Archaeology
- Policy EP10 Gardens and Designed Landscapes
- Policy EP13 Trees, Woodlands and Hedgerows
- Policy EP15 Development Affecting the Water Environment
- Policy IS2 Developer Contributions
- Policy IS6 Road Adoption Standards
- Policy IS7 Parking Provisions and Standards
- Policy IS8 Flooding
- Policy IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS

SESplan Strategic Development Plan 2013
SSG: Housing Land
Scottish Planning Policy
National Planning Framework

“Affordable Housing” SPG
“Biodiversity” SPG
“Trees and Development” SPG
“Privacy and Sunlight” SPG
“Placemaking and Design” SPG
“Development Contributions” SPG
“Landscape and Development” SPG
“Local Landscape Designations” SPG
“New Housing in the Borders Countryside” SPG

SBC/SNH “Development and Landscape Capacity Study”

KEY PLANNING ISSUES

The main determining issues with this application are compliance with Local Development Plan Policies and Supplementary Planning Guidance on development outwith settlement boundaries, impacts on landscape, residential amenity, road safety, archaeology and the water environment.

ASSESSMENT OF APPLICATION

Planning Policy

The application site lies wholly outwith the settlement boundary for Peebles as defined within the LDP. Policy PMD4 “Development Outwith development Boundaries” is, therefore, the most relevant Policy to be applied to the site which states that any development should be contained within that defined boundary and that any development outwith will normally be refused.

Before assessing the application against PMD4, it is important to consider the planning history and material factors that have contributed to repeated rejection of the site as either a suitable site for housing allocation or as a natural addition to the settlement boundary in this location. The agent considers that “...*the fact that this or indeed any other site, may not have been supported for development in the past, this does not in and of itself present a for all time impediment to the potential future development of such sites*”. They consider that the Council have failed to provide any detailed explanation for the exclusion of the site from the Finalised Housing SG and that they feel the only way for a full and thorough examination of the proposal is through consideration of a planning application.

Whilst it is understood that the assessment of the planning application is not an assessment of previous Council or Reporter decisions in rejecting the inclusion of the site within the Peebles settlement boundary, they are, nevertheless, significant material planning decisions to be taken into account and, in particular, the reasons for the non-inclusion of the site. It would obviously be correct to analyse those reasons for non-inclusion against this current planning application and in the light of any revised or new information submitted and against the context of consultation responses and representations received.

The Forward Planning consultation response sets out the history of the submission and consideration of the site through recent years of the Local Plan and LDP process. It was initially withdrawn as a planning application in 2008 and then rejected by the Reporter who held an Examination into the Local Plan Amendment, stating *"...irrespective of the strategic housing target,the site is not suitable for housing and the local plan amendment should not allocate the land for that purpose"*. Following further attempts to seek inclusion of the site within the "Call for Sites" procedures leading up to the LDP, the response from Forward Planning details why the site was not included within the settlement boundary at any of these stages – principally for landscape, access, archaeology and topographical reasons. They also state that the SBC/SNH Report "Development and Landscape Capacity Study" identified the site as constrained.

The Reporter who held the Examination into the LDP, considered that solutions to archaeological and access constraints may be possible but that there was no ability to overcome the issue of landscape fit within a newly designated Special Landscape Area. He concluded that *"...I agree with the council that the existing settlement is well contained at this point by rising topography to the east. I found that to be a very attractive feature of this important vehicular entrance to the town. Development of the site is likely to lead to the appearance of urban sprawl ascending the higher land to the east. I conclude overall that the potential benefits of increasing the land supply by allocation of this site are outweighed by the likely significant adverse impact on the character and visual amenity of this sensitive settlement edge location"*.

Following rejection of the site within the adopted LDP, it was submitted again as part of the "Housing" SG process whereby the Council were required to find sites for over 900 additional houses throughout the Scottish Borders. The agent is especially concerned at the site being rejected at Stage 1 of this process, believing that this was only a high level exercise by planning officials without any assessment by internal or external consultees as witnessed in Stage 2. The agent feels that the conclusions leading to the site's continued exclusion cannot, therefore, be justified. The site was confirmed as being excluded from the SG when the Council approved it at its meeting in August this year.

It is not for this report to assess the adequacy or veracity of the "Housing" SG methodology in terms of Stage 1 assessment processes. For further information, however, Forward Planning have provided additional information which demonstrates that an initial stage 1 RAG (red, amber & green) assessment was undertaken for all sites submitted as part of the "Call for Sites" Process and that the applicant's submission was taken fully into consideration. All sites were assessed against 14 criteria, the criteria being in line with the policies contained within the LDP and Policy 7: Maintaining a Five Year Housing Land Supply in SESplan. 111 sites were identified as Red (including the application site) and the assessment conclusions were recorded in the site assessment database.

The facts are that the site continues to be rejected at all stages in the LDP process and Members should be aware of this. What is important in assessing this planning application is to both be fully aware of the LDP position and history with regard to the site but also ensure that all material issues are assessed as they now stand, including the submission of any additional or enhanced information and whether there have been any Policy or other changes that would have a bearing on the determination of the application.

Policy PMD4 will normally reject applications outside the defined development boundary unless one or more qualifying criteria can be met. Only then, would

secondary criteria then also need to be met. The main qualifying criteria are discussed as follows:

A job generating development with economic justification

No information has been submitted in support of the application to demonstrate any compliance with this criterion nor is it particularly advanced by the applicant or agent. They state that there is a willing landowner to deliver housing on the site at an early opportunity without any external or public funding being sought to deliver it. Whilst a new housing development will deliver construction employment opportunities and, thereafter, will feed into the local economy through additional population, it is not, in itself, a job-generating development meant in the context of this criterion.

An affordable housing development

The agent has not stated that this will be an affordable housing development. Whilst, if approved, there would need to be a 25% unit provision on site, this criterion refers to a wholly affordable housing proposal which is not the case with this application.

A housing shortfall identified by the Council in the Housing Land Audit in provision of an effective five year land supply

This is the main criterion that the applicant and agent consider is met by their proposal, considering that their site could provide a useful contribution to the 916 unit shortfall that was identified following the LDP Examination. They do not consider that the inclusion of the site was sufficiently or adequately considered in the subsequent Housing SG process and that they have demonstrated that the four main areas of concern are addressed by their current application – landscape, archaeology, access and the site’s planning history. This report will analyse whether this is the case and will conclude, with the exception of archaeology, that the development still contravenes landscape and access policy and that the previous rejections of the site are material factors in the determination of the current application.

The Housing SG process has now reached the stage whereby the Council has approved it for notification to the Scottish Government. Sites have been identified across the Scottish Borders to meet the identified shortfall and the Venlaw site is neither included nor demonstrated as necessary. As previously mentioned, it is not for this report to examine the criticisms of the Housing SG assessment process or methodology. The fact is that the site has been excluded and reasons were given for that exclusion. With the exception of archaeology, those reasons are verified within the assessment of this planning application as still being applicable and not overcome by the proposals and supporting information.

This criterion of Policy PMD4 is, therefore, not met by the proposal.

Significant community benefits outweighing the need to protect the development boundary

There has been nothing advanced within the application to suggest that this criterion would be met. Whilst it is stated there is a willing landowner and that no public funding will be needed, the landscape and access impacts together with the need to contribute to meeting the impacts on local infrastructure and services, determine that there are no significant community benefits arising from the development which would outweigh the need to protect the development boundary.

Only one of the four qualifying criteria would need to be met under this Policy to then consider it as an exceptional approval outwith the settlement boundary, against

which secondary criteria would then need to be applied and met. As none of the qualifying criteria are met, the secondary criteria cannot be applied or considered regarding the proposal. Nevertheless, of those criteria which relate to logical settlement extensions, character of the built-up edge and adverse effects on the landscape setting of the settlement, it would be unlikely that the proposed site would meet one or more of these secondary criteria. Similarly, of the three matters that would be taken account of in deciding whether to grant an exceptional approval, the settlement profile for Peebles identifies the strong landscape framework of the town and singles out how it nestles into Venlaw Hill and on the flatter land towards the Eddleston Water. There is, therefore, further reason within one of the additional matters to be taken account of under Policy PMD4, not to grant an exceptional approval for development in this instance.

Landscape

The site is covered by two local landscape designations, namely Venlaw Castle Designed Landscape and the Tweed Valley Special Landscape Area, covered by respective LDP Policies EP10 and EP5. The Council Landscape Architect describes the landscape features and extent of the two designations and then refers to the SBC/SNH "Development and Landscape Capacity Study" which looked at 11 settlements, including Peebles, especially for landscape character around settlements and what housing development/expansion may be appropriate in landscape fit. The Study identified that the west facing slopes of the Eddleston Water (including the site) have a high sensitivity to new housing development and settlement boundary expansion. This was due to the steep slopes providing a robust settlement edge and a well-defined sense of containment for the town, these slopes being visible from a number of different locations. The Study concluded that there was no opportunity for settlement expansion in this part of Peebles, including the application site.

This background has also been repeated in the Forward Planning response and is probably the main factor in why the site has not been included in the Local Plan Amendment, Local Development Plan or Housing SG. The applicant and agent have addressed this landscape resistance by having a separate Landscape and Visual Capacity Assessment prepared and this is available to view in full on the Public Access web site. This undertakes the following:

- assesses the local landscape of the site and its setting in landscape terms;
- evaluates the available views to and from the site and the way in which the site is perceived in its landscape context; and
- assesses the effects of development in landscape terms, on the character and composition of the landscape.

The Assessment uses 16 separate viewpoints of the site, all within 2km of the site, the majority being within 1km of the site and contained within the western lower lying housing areas, west of the Eddleston Water. Some more elevated viewpoints to the west are also utilised including Peebles Golf Course, Rosetta Holiday Park and rights of way in the vicinity. Taking into account the sensitivity of receptors, it concludes that moderately adverse and significant effects would occur over half of the viewpoints, especially the viewpoints from outwith the built up boundary to the west, north and looking down on the site from the east.

However, the Capacity Assessment then considers that with judicious structural landscaping and design principles, the landscape and visual effects can be reduced to acceptable levels. It recommends:

- internal and enhanced boundary planting structure, where required, to filter views into the site from sensitive visual receptors
- avoid use of white renders on housing
- appropriate landscape structure to help integrate and strengthen the new urban character into the existing landscape
- retention and protection of any significant landscape features or elements which provide a positive contribution to the site and its setting
- enhance the existing retained vegetation around the Site while increasing the biodiversity and ecology of the landscape.

The Assessment concludes by stating:

“...development will have a minor visual effect on the wider landscape when seen in the context of the existing settlement. On views from the immediate local landscape within the short term (5-10y) there would be a residual Moderate effect on views from residential and recreational receptors directly adjacent to the site. As the landscape matures (10-15y) the mitigation measures proposed would successfully absorb development into the landscape and reduce these residual effects to a moderate to minor and, in many cases, minor residual effects.”

Members will note that the Council’s Landscape Architect has a different interpretation of the findings of the submitted Assessment, her response being available in full on the Public Access system. It is noted that the viewpoints do not include an important public viewpoint at Manor Sware to the south-west of the town just over the 2km range and on the edge of the Upper Tweeddale National Scenic Area. It is also noted that the submitted report does not include any visualisations of how a housing development on the upper slopes of the site would appear, nor how structural planting would achieve the level of screening and integration suggested in the submitted Assessment.

The Landscape Officer reiterates the background of the SNH/SBC Landscape Capacity Study that Peebles has developed on the valley floor and is contained by slopes rising to prominent summits, especially to the north-east where Policy parkland contributes greatly to the setting and amenity of the town. It is felt that the submissions do not address concerns over the town developing up steeper slopes, changing the character of what is basically a valley-based settlement.

It is felt that there are other locations around the town that could be developed and that development on such a prominent slope should be avoided. The submitted Assessment mitigation proposals are unlikely to reduce the impacts of the development and infrastructure, given the slope and presentation of view to the western parts of the town and its surrounds. The Landscape Officer believes that the access point will have a detrimental impact on the local landscape due to engineering works, widening and tree removals. She concludes, in line with the SNH/SBC Landscape Capacity Study, that the application should be opposed due to the steeply sloping and prominent nature of the site and the potentially significant landscape and visual effects.

There is no reason not to accept the SBC Landscape Architect’s findings following assessment of the application and the agent’s submitted Landscape Report. This is

entirely in line with previous findings following the SNH/SBC Landscape Capacity Study and, indeed, the Examination Reporter who saw sufficient concern in encouraging urban sprawl up the slope that this was the main reason why the site was excluded from allocation. All that has changed in the interim is that there has been a requirement for the Council to identify more housing land and that the applicant has submitted their own Landscape Report. There is no demonstrated justification to outweigh the landscape and settlement boundary concerns in this location in order to fulfil a housing demand which is being adequately met elsewhere.

As mentioned in the SNH/SBC Report and by the Examination Reporter, Peebles has a very strong and robust edge to the north-east, the Edinburgh Road linear pattern of the houses, their low-lying level and the steeply rising parkland to the rear all contributing to this strong definition. The submitted Landscape Assessment by the agent underestimates the significance of change to this strong edge, especially to houses within the Dalatho/Rosetta Road/Kingsland Square areas where visual significance is portrayed as less than it perhaps should be. Indeed, there are no viewpoints from the Dalatho Crescent area.

Living and moving around in that part of the town, the parkland slope up to the Venlaw Castle wooded driveway is a significant, dominant landscape feature to residents and road users in that part of Peebles and at much closer quarters than many of the other Viewpoints from further west where significant effects to recreational users were identified. It is not fully understood why the impacts from such viewpoints are considered as Minor yet Viewpoint 16 on the approach from the north is rightfully identified as Moderate. Furthermore, the necessary buffer space on the lower parts of the slope to protect the amenity of the Edinburgh Road houses will simply emphasise the undue elevation of the houses and their detachment as a natural settlement edge addition, when viewed from across the town.

The agent's Landscape Consultant has responded to the Council Landscape Architect response and this is also available to read in full on the Public Access portal. The main issues are the Consultant's belief that too much emphasis is placed on assessment only from the A703, disagreement with the town being valley-based and the fact that he considers development is now ascending the slopes, especially with regard to the recent decisions to approve housing development within the Rosetta Caravan Site. His response was also backed up by an indicative layout with landscaping showing 26 houses contained to the north-eastern part of the site.

These comments and layout proposals have not changed the opinion of the Landscape Architect on the original valley-based character of the town or the inappropriateness of development on the application site which occupies sloping parkland. The response is also available to view in full on the Public Access portal. She particularly reiterates the impact across the town from the Manor Sware area and although she does recognise that some encroachment up slopes may happen as flat land runs out of supply, the application and Rosetta sites cannot be equally compared. It is not just a matter of simple elevation above ground but also visibility, grade of slope, pattern of nearby town development and settlement edges etc. The housing elements were also wholly contained within the defined LDP settlement boundary. Insufficient justification has therefore been submitted to demonstrate how the Rosetta development could be compared to the Venlaw site and it is considered that such a comparison should not hold any significant weight in the final decision on the application's landscape and visual impacts.

The landscape impact has been expressed through the previous planning history iterations of proposed development on this site, backed up by the findings of the

SNH/SBC Landscape Capacity Study and by previous reporter decisions. These are also concerns expressed by many of the objectors and also strongly by the Community Council and Civic Society. Whilst the agent Landscape Capacity report and follow-up comments are noted and have been considered fully, there is no reason not to accept the advice of the Council Landscape Architect and reflect previous expressed concerns that the development of this site should be opposed on grounds of significant landscape and adverse visual impacts, within designated landscape on a sensitive edge of the town settlement boundary and against LDP Policies PMD2, PMD4, EP5 and EP10.

Residential Amenity

A number of residents, especially those along the eastern edge of the Edinburgh Road, have expressed objections over the impact to the enjoyment of their amenity, concerned about outlook and privacy in particular. Obviously, whilst their main outlooks will be onto the Edinburgh Road, the busy nature of that road will lead to a heightened expectation of privacy and amenity from their rear windows and gardens. Residential amenity is assessed within LDP Policy HD3 together with the associated "Privacy and Sunlight" SPG.

During the processing of the application, the location and extent of the potential development area has been reduced to react to concerns over archaeological and landscape impact, but also to residential amenity. Whilst the land constantly rises steeply from the rear of the Edinburgh Road houses to the Venlaw Castle access drive and beyond to Venlaw Hill, there is a slightly shallower area of contours to the north-east of the site where it is indicated that 26 houses could be developed within internal landscaping belts and external structure planting.

Although the height differences between the new and existing houses, windows and gardens would be significant, it is likely that Policy and buffer distances within the SPG would be contravened had any development been proposed immediately to the rear of the existing houses in the north-west part of the site. If that had been the case, acceptable daylight, sunlight and privacy distances may have been difficult to achieve in line with Council guidance. However, given the additional information submitted during the processing of the application which indicates that the applicant would accept a "no development" buffer to the rear of the Edinburgh Road houses, the residual effects are of change in outlook, some dominance of visual impact (for the first part of the development where the access road enters the field), loss of informal recreational use of the land and an increase in noise and light pollution, during construction and then in use of the houses. None of these residual effects suggest that a suitably low-density, low-rise, distanced and landscaped development would lead to such adverse impacts that refusal would be justified on residential amenity grounds, even allowing for the elevation of the ground. Had the development been supported for other reasons, then these matters could have been controlled by appropriate planning conditions.

Access

If the development site had been considered to be acceptable under LDP Policy PMD4 as a justified exception to that Policy, then Policies PMD2 and IS6 require safe access to and within developments, capable of being developed to the Council's adoptable standards and in accordance with the guidance in "Designing Streets". PMD4 also requires consideration of the service and infrastructure capacity of the settlement, in assessing whether to grant exceptional approvals or not. PMD2, in particular, has an "Accessibility" section of five criteria to be met, including integration

into existing street layouts and no adverse impacts on road safety, both at the site entrance and on approaches to it.

Although there has been local objection from residents relating to the overall roads capacity of Peebles and, in particular, the additional burden of new housing and trip generation on the Tweed Bridge to access schools and employment sites, there has been no objection from Roads Planning in that respect. Had the application been acceptable, then development contributions towards the bridge fund and traffic management in the town would have been sought at a rate of £1000 per residential unit to offset the perceived impacts to some extent.

The major issues with access are in relation to road safety at the intended access point and, to a lesser extent, the challenges of securing a “Designing Streets” layout on such a sloping site. During the processing of the application, the access point changed slightly from a potentially separate access immediately south of the Venlaw Castle access to an improved access point using the actual Venlaw Castle access road. This would be improved to a double width carriageway with widening on the southern side, wall repositioning and new radii. The access would run in at 90 degrees before curving into the site, retaining priority with the remainder of the existing properties served by the track joining at a give-way junction. On the A703, ghost island markings and a right hand turning reservation are suggested. Whilst the application remains a PPP, the details are provided to show how the access issues may be overcome.

Roads Planning do not accept the application for reasons of road safety due to the increased traffic generation on an area of “A” class road where various junctions proliferate, serving houses, a commercial garage and filling station, caravan site and working farm. They also point out the amount of on-street parking in the vicinity and the overlapping of visibility splays. There is conflict with stacking traffic and confusion over indications to turn into junctions, exacerbated with the application traffic generation. Many objections have been received from third parties on this matter, including operators of the garage, caravan site and farm.

Roads Planning have considered the aforementioned junction details which were subsequently submitted but do not believe that the ghost islands and right hand turning area solve the problems adequately and potentially would create further issues. The only way they would drop objections would be if there was co-operation between junction and business/housing owners to completely rationalise junction arrangements in this location. There is nothing submitted from the applicant or agent to suggest this is a realistic prospect and, indeed, there have been objections from some of the major users of the junctions. Whilst the agent rightfully comments that the Examination Reporter felt “...a technical solution could be arrived at which would facilitate some development on the site”, he also recognised that there were difficult conditions for drivers and pedestrians arising from the number of access points and that addition of significant development could give rise to further complications. The most he offered was that a technical solution may be possible to facilitate “some” development.

There is no evidence before us to believe that such a technical solution would be achievable, despite further meetings between the agent and Roads Planning. On the basis of the current position and information available, including land ownership restrictions, it is considered that the development could not be accessed without significant road safety issues, contrary to the relevant parts of LDP Policies PMD2 and IS6. Whilst there are also doubts over the gradient of the site making a layout possible that would be compliant with “Designing Streets”, this would need to be

demonstrated at the next planning stage and could not be used as justification to oppose a PPP application. An indicative layout was submitted with the landscaping response to the SBC landscaping comments and whilst this may have shown limitations in relation to connectivity and “Designing Streets”, there would be no reason why it could not be developed and improved upon had the development been acceptable in other respects. It is concluded that the application should be opposed for road safety reasons.

Cultural Heritage

Local Development Plan Policy EP8 refers to development that could adversely affect archaeological assets. It states that any development creating an adverse effect on assets or their setting will be weighed up against the benefits of the proposal and consideration of any mitigation strategies. In the case of this development, whilst the application site boundary contains two cultivation terraces to the southern half of the site, other drawings suggest that the “developable” area would be limited to the northern half of the site, away from the terraces. Para 4.21 of the agent’s Planning Statement confirms that the avoidance of any physical development within the areas of interest would allow their protection. The agent also believes that any unknown archaeology within the part of the site to be developed could be handled by appropriate conditions.

The Council Archaeologist identifies the terraces as being of prehistoric or medieval origin and believes that preservation or investigation is necessary as per LDP Policy EP8. He notes that the terraces are being kept away from the housing development but also that there may be landscaping carried out within the retained area. He considers that the retention of the terraces can be controlled by a condition, ensuring no landscaping or other intervention works are allowed that would disturb them. The same condition could cover interpretation of the terraces and exploration of any unknown archaeology in the northern developable area.

Although there are also objections expressed by residents on archaeological impacts, the Council Archaeologist considers the impacts can be addressed by a suitable condition, thus this would not be a material factor in the determination of the application.

Local Development Plan Policy EP7 requires new development to safeguard and respect the setting of statutorily listed buildings, two bordering the site to the south-east and north-west. Given the scale, orientation and roadside position of the C-listed Venlaw North Lodge to the north-west of the site, it is not considered that the suggested development would impact significantly on any setting, albeit there would be an increase in junction standard and road width and a slight urbanisation at the junction. The greater impact could have been on the setting of Castle Venlaw which is B-listed to the south-east of the site. However, the preservation of the cultivation terraces and a developable area being restricted to the north-east of the site allows appreciation and sufficient preservation of buffer space and setting of the building to remain. Impacts on the associated Designed Landscape are considered elsewhere in this report.

Drainage

LDP Policies IS8 and IS9 are the most relevant in consideration of the impacts of development of this site on the water environment. Whilst there have been third party concerns expressed over drainage capacity within Peebles, there has been no response from Scottish Water to suggest this would be an insurmountable issue.

There had been an issue a few years ago but Scottish Water was studying this matter and there has been no recent information to suggest capacity would be a determining factor on this application.

Of more relevance to the proposals is the potential impact of the sloping site on properties at the lower level along Edinburgh Road and the Venlaw Burn to the northern boundary of the site, in terms of surface water run-off and potential flood risk. Many local residents have raised these potential issues and, initially, SEPA had objected, being concerned not only about flood risk to existing and proposed properties, but also to the Venlaw Burn and its interaction with the Eddleston Water. They felt that a Flood Risk Assessment or other appropriate information should be submitted to address their objections.

A series of cross sections showing the Venlaw Burn were subsequently submitted together with a typical site access arrangement. SEPA considered that this information demonstrated there was sufficient level difference between the site and the burn to remove their objections over the site being at flood risk from the burn. However, they still felt the access had not been demonstrated to be safe and flood free and that they would still object unless a suitable condition was imposed to demonstrate and secure this. Similarly, they would want a condition to ensure any water crossings could convey sufficient storm water. Furthermore, they advise that careful attention to drainage within the development was needed to cater for the slope, run-off and impacts on existing and proposed properties. The Council's Flood Protection Team has also been consulted and any additional requirements or comments will be reported to Members at the Committee.

Whilst the drainage of the site would not be without issues, connected with the steep slopes, surrounding houses and Venlaw Burn, there is no evidence to suggest that they would be issues that could not be overcome with careful and appropriate design, controlled by conditions. It is not, therefore, considered that drainage and flood risk are material issues in the determination of the application and that LDP Policies IS8 and 9 could be addressed satisfactorily if the application was to be approved.

Other issues

Although all other issues have been considered, none are raised that would outweigh the consideration of the application as set out above. These include perceived impacts on the local economy, water supply and wildlife. The criticisms of the PAC report reflection on local expression of views is a matter of interpretation and should carry little weight, compared to the weight attached to the representations received on the planning application.

Developer Contributions

Local Development Plan Policy IS2 requires new residential developments to contribute towards certain infrastructure and affordable housing stock, as currently identified. This development, if approved, would require on-site affordable housing provision at a rate of 25% of the total number of units, given that the total housing numbers would be above the 17 house on-site threshold. There would also be financial contributions required towards Peebles High School, Kingsland Primary School and Peebles Bridge/Traffic Management in the town. Although local concerns are raised about other infrastructure capacity issues such as health provision, there is no identified requirement for other contributions. If Members are minded to approve the planning application, consent can only be issued upon conclusion and

registration of an appropriate Legal Agreement to secure the aforementioned contributions.

CONCLUSION

In conclusion, the application site lies outwith the defined settlement boundary of Peebles and insufficient reasons have been given as to why an exceptional approval would be justified. Development would also create significant adverse landscape and visual impacts on a designated, prominent and sensitive rural edge of the town settlement boundary. It has also not been demonstrated that the development could be accessed safely on the A703 and at the junction with the proposed access road.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is refused for the following reasons:

1. The application is contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the site lies outwith the defined settlement boundary of Peebles and insufficient reasons have been given as to why an exceptional approval would be justified in this case.
2. The application is contrary to Policies PMD2, PMD4, EP5 and EP10 of the Scottish Borders Local Development Plan 2016 in that the development would create significant adverse landscape and visual impacts, within a Designed Landscape and Special Landscape Area on a prominent and sensitive edge of the town settlement boundary
3. The application is contrary to Policies PMD2 and IS6 of the Scottish Borders Local Development Plan 2016 in that it has not been demonstrated that the development could be accessed without significant detriment to road safety on the A703 and at the junction with the proposed access road.

DRAWING NUMBERS

Amended Location Plan
Access Drawing 000000-PEV-XX-XX-DR-C-0006
Indicative Layout and Landscaping Plan

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	Principal Planning Officer



17/00015/PPP

Land East Of Edinburgh Road
Peebles

