

SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE

5 NOVEMBER 2018

APPLICATIONS FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 17/00063/PPP : 17/00064/CON
OFFICER:	Mr C Miller
WARD:	Tweeddale West
PROPOSAL:	17/00063/PPP – Erection of residential units, to form dwellinghouse from engine house, form office/employment use from dwellinghouse, relocation of allotment space, erection of workshop units with associated access and infrastructure works 17/00064/CON – Demolition of mill buildings
SITE:	March Street Mills, March Street, Peebles
APPLICANT:	Moorbrook Textiles Ltd
AGENT:	Turley

SITE DESCRIPTION

The site which is the subject of the applications is the site of the March Street Mill complex which lies 300m north-west of Peebles High Street. It consists of 2.26 hectares of mill buildings which form the core of the site, an area of allotments contained within the site to the west of the mill buildings and ponds and associated tanks to the east of the buildings towards Dovecot Road.

The range of buildings within the site contain the principal mill sheds within the centre of the site, the original buildings to the north of the site (containing the Engine House and Boiler House), the Gate House and later Administration Building fronting March Street, the extension to the rear of the Administration Building and other later buildings, extensions, timber additions and infrastructure. The original mill complex dates from the late 19th Century with additions in the early 20th Century. The original complex stretched further north but this area is now largely developed with the housing forming Ballantyne Place. The mill complex is no longer in operation.

The main mill buildings are whinstone and single storey with saw-tooth roof profile and arched headed door and window openings to the east façade. The Engine and Boiler Houses to the north consist of a smaller separate complex, the Engine House being a taller element with tall round headed windows, cast iron roof water tank and cornice detailing. The Administration Building to March Street is linear with continuous slate roof and a single storey floor above a raised basement. The adjoining Gate House is single storey with steep pitched roof and symmetrical frontage. To the north and east of the Engine House are chimneys, other timber buildings and infrastructure including a pond and filter beds.

The site is largely surrounded by existing housing development at March Street, Rosetta Road,

Ballantyne Place and Dovecote Lade/Road. An area of industrial uses also lies to the north of the site adjoining Ballantyne Place. A supermarket and car park lie across Dovecot Road to the east. There is a significant level difference between the mill buildings and the eastern area of the site, demarcated by an access road and a small stand of trees. There are no listed buildings on the site but it is wholly contained within Peebles Conservation Area, the boundary following Dovecot Road and George Street. Some Category B and C Listed Buildings adjoin the site in March Street and Rosetta Road.

The complex currently has its main access on March Street between the Administration Building and the Gate house but there are also accesses from Ballantyne Place, Dovecot Road and Rosetta Road to the allotments.

PROPOSED DEVELOPMENT

17/00064/CON proposes the demolition of all buildings within the site with the exception of the Gate House and Engine House. These will be retained and re-used. Although the buildings are not listed, location within the Conservation Area determines that Conservation Area Consent will be required for their removal. Such Consent is now the responsibility of the Local Authority and not Historic Environment Scotland.

17/00063/PPP initially proposed the following:

- A total of 69 housing units comprising of a central building of apartments 2-4 storeys in height (potentially for retirement use), semi-detached housing along the southern and western boundaries within the site, terracing on the March Street frontage and along the northern boundary with Ballantyne Place.
- Relocation of the existing allotments to the eastern part of the site with a new access road from Dovecote Road, associated building, security fencing and a minimum of 40 plots.
- Retention of Gate House and Engine House with conversion to residential use.
- Commercial buildings to replace former Boiler House with parking area.
- Main site access from March Street with footpath/cycle links to Ballantyne Place, Rosetta Road and Dovecote Road.
- Central area of parkland/open space with new planting.
- Re-use of salvaged stone along March Street and in garden boundaries within the development.

During the processing of the application, revised proposals were received which made no changes to the total number of residential units but made the following main adjustments:

- The Gate House retained and extended to incorporate employment rather than residential use.
- Further detail on the terraced building replacement for the Administration Building on March Street with buildings upon the return into the site.
- Removal of housing within the northern tip of the site and replacement with community/education allotment space.
- Additional information on the allotment relocation comparing new provision with existing, 0.47HA reducing to 0.427HA. Stating the phasing, timing, movement, facilities, access and ownership options.

The applications are supported by the following notable documents which are all available to

view on Public Access:

- Design and Access Statement
- Design and Access Statement – Design Addendum
- Design and Access Statement – Allotment Relocation Addendum
- Planning Statement with Update
- Archaeology Report
- Heritage Statement
- Tree Survey
- Report on Suitability for Conversion
- Structural Survey Report
- Flood Risk Assessment
- Drainage Strategy Plan
- Phase 1 Environmental Site Assessment
- Phase 2 Environmental Site Assessment
- Ecological Assessment
- Transport Statement
- PAC Report

In addition, several submissions have been made on a confidential basis in relation to Protected Species, development viability and development contributions – including a Residual Land Value Assessment, Residential Report, Allotments Costs Report, Market Viability Report and Commercial Report. A separate report on this matter will be presented to the Committee in private session after consideration of the planning applications.

PLANNING HISTORY

There is no significant planning history on the site. An oil storage tank was approved in 2004 (04/02211/FUL) and the Gate House received permission for replacement windows in 1997 (97/05716/FUL). Other than that, the only significant planning history associated with this site relates to the current proposals and the earlier submission of a request for Screening Opinion (16/00883/SCR) and Proposal of Application Notice (16/00714/PAN).

The housing development to the north of the site at Ballantyne Place occupies part of the former mill complex. This was approved under planning consent 02/01783/FUL.

CONSULTATION RESPONSES:

17/00063/PPP

Scottish Borders Council Consultees

Roads Planning: No objections to principle of development but layout must embrace “Designing Streets” guidance with good connectivity. If a second link to Ballantyne Place is not feasible, then the main access road must be of a high standard with good internal connectivity and external pedestrian/cycle links. The layout should use variety of geometry and surface treatments to foster traffic calming and parking provision should be 150-175% communal parking and 225% curtilage parking. The submitted Transport Assessment may need to be adjusted upon final design submission.

Plans and Research: Supports the principle of development. The site has been identified as a mixed use site in the Housing Supplementary Guidance, uses being housing, employment and potentially an element of commercial and community use. Inclusion in the SG is subject to a series of requirements including allotment protection under Policy EP11, retention of certain buildings within the Conservation Area and adequate access within the site and links to existing routes. Should also be noted the site is an infill opportunity for development subject to the criteria in Policy PMD5.

In terms of EP11 and to comply with the terms of the Policy, any allotment relocation should be comparable and consultation with user groups and relevant agencies has been undertaken. The site is within Peebles Conservation Area and subject to Policy EP9 which both seeks sympathetic development but also scrutinises any demolition proposals and requires detailed proposals before any demolition can take place. Advice of Heritage and Design should be sought.

Following updated submissions, clarifies that the site is a Mixed Use site within the Housing SG which has now been formally adopted. Reiterates the requirements within the SG and notes the amendments to the proposals including the conversion of the Gate Lodge to employment use (which is welcomed), retention of some community allotment space to the north-west corner of the site, refinement of a replacement design for the March Street office building and additional information on the allotment relocation. Amended proposals still need to be assessed against the provisions of Policies EP9 and EP11.

Landscape Architect: No objections but the existing trees within the site should be retained and protected and the allotment provision should be comparable to what is being replaced, including size, soil quality, shading and enhanced boundary treatment. Also the access road to the allotments should be a shared surface, opposes the housing to the north of the current allotments, advises that new flats should not dominate skyline and be sympathetic to the Conservation Area and that the existing walling be extended along the March Street frontage.

Following updated submissions relating to the Design and Access Statement and an Allotment Statement, notes the removals of the trees within the site to aid allotment operation but considers the justification lacking and still maintains the trees are an asset to the site contributing to amenity. Notes there will be a shortfall in allotment plots and that additional open space does not represent comparable replacement if there is evidence of allotment need. Detailed landscape plan will be needed at full application stage.

Archaeology Officer: Generally accepts the submitted archaeological assessment. Notes that there is some potential for unknown buried archaeology, especially in the allotments area where excavation has not been generally below sub soil. A condition will be required seeking trial trenching and a written scheme of investigation. The mill demolitions will remove an element of social history and an enhanced Historic Building Record will be required by condition. This should preferably be undertaken before machinery and internal fittings are removed.

Heritage and Design: No objections subject to conditions on the full details of the development, adoption of the principles of Designing Streets/Placemaking and re-use of salvaged whinstone and sandstone in the development. Acknowledges the difficulties of assessing building demolition within the Conservation Area with only "outline" replacement details provided and feels that the design of the March Street element is key to fitting into the wider context, although indicative designs are supported. There is scope for taller buildings within the core of the site. Welcomes the retention of the lodge and engine house and overall, is content with the indicative

replacement scheme.

Economic Development: Welcomes new commercial space but seeks clarity that it will be workshop space, albeit only going a small way to replacing lost business space. There is limited opportunity within Peebles for Incubator Space and office space should also be provided within the site, namely at the existing office building facing March Street with rear gardens amended to office parking provision. Although residential units could be lost, additional development on the return into the site could provide for a mix of business units with associated flats.

Following updated submissions, welcomes commercial development of the boiler house site provided it is workshop use but still feels it is only a small replacement of lost business use. Welcomes the office space to be provided in the Gate House but still feels more office space is needed and there would still be an opportunity within the existing or replacement building on March Street, even the end block. There is also still an opportunity for business/flat development.

Ecology Officer: No objections but conditions needed to cover bat licences, a Species Protection Plan for bats and breeding birds. Notes the submitted Ecological Assessment, Tree Survey and Bat Reports and identifies that the site does present opportunities for bats and breeding birds, especially some of the buildings intended for demolition. Notes that there is low likelihood of other statutory protected species and has considered impacts on the Eddleston Water leading to the River Tweed SAC and, whilst SEPA advice on pollution prevention be utilised, does not consider significant effects likely.

Flood Protection: Parts of the site are within the 1 in 200 year SEPA flood zone and a Flood Risk Assessment (FRA) and Drainage Strategy Plan have been submitted. The FRA shows that the eastern side of the site is at risk from the Eddleston Water but that finished floor levels on the lower part of the site can be set at a level acceptable to the Flood Risk Officer. The Drainage Strategy Plan confirms a piped connection between the on-site pond and the Eddleston Water, further information being needed on the interaction and what is intended with the pond. Given the vulnerability of the site to surface water flooding, surface water attenuation requires further assessment.

Following the submission of further information showing the infilling of the pond and capping of the connection pipe, satisfied this does not present flood risk. However, surface water attenuation still requires further assessment.

Education and Lifelong Learning: Contribution of £365,697 is required for Kingsland Primary School and £51,694 for Peebles High School, paid upon granting of detailed planning permission but able to be phased. Levels reviewed on 1 April each year. Upon re-consultation with revised scheme, contributions towards Education are now £134,334 and £18,918 towards Kingsland PS and Peebles HS respectively.

Environmental Health: Accepts the findings of the Phase 2 Report on contaminated land which highlights the need for further investigation at development stage and prior to development commencing. The remit would be to demonstrate the ground would be suitable for use but this would not extend to any detailed comparability with the existing site. Condition recommended seeking an investigation and contamination remediation scheme prior to development commencing.

Access Officer: No Response.

Housing Strategy: The site is identified in the Strategic Housing Investment Plan (SHIP) 2017-22 to provide on-site affordable housing, Eildon Housing Association having shown an interest in assisting to deliver the units. Following submission of further information, 17 units on site are identified in the 2018-2023 SHIP.

Neighbourhood Area Manager: Concerned that the replacement allotments need to be like for like in access, infrastructure, ground conditions, shade/sun etc. Council has responsibility under Community Empowerment Act to ensure that allotment provision is not negatively impacted by the proposals such as through reduced spaces increasing those on the waiting list. Price and management of replacement provision also needed.

Statutory Consultees

Scottish Water: No response.

Scottish Natural Heritage: SNH has no comment as the proposed development does not meet criteria for consultation.

SEPA: Initially objected to the application on the grounds of flood risk in that the information was lacking regarding the on-site pond, the connecting pipe to the Eddleston water and whether there would be any development on top of it. Also notes the site is partly within a surface water flood zone. Foul drainage should be to a public sewer and surface water handled with SUDs systems, subject to Council and Scottish water approval.

Subsequently withdraws objection after information submitted regarding the pond being infilled, capped, filled with concrete and CCTV surveyed to ensure no other connections. No new development will be placed over pipe within site boundary.

Peebles and District Community Council:

Objection on the following grounds:

- The site, whilst not allocated for economic and employment use, should have greater emphasis on such retention in the proposals, white land principally intended to remain unaltered in uses and there being a shortfall of employment land in Peebles.
- Given the Conservation Area status of the site, demolition should only be permitted once acceptable replacement proposals are in place. Backs the AHSS objections on the loss of the office building fronting March Street.
- Relocation of the allotments is contrary to Greenspace LDP Policy EP11 in that it is smaller and in a contaminated and overshadowed area.
- No waiver of affordable housing or developer contributions should be allowed, the developer knowing the remedial costs involved in transforming the site into housing.

Following submission of an amended Planning Statement, maintain the same objections. Consider the additional offer of employment use of the Gate House to be derisory. Also, the community council is concerned that the Planning Statement refers to the viability submissions which are in private papers but that if the project is not viable, then other plans for the site must be considered. In terms of the additional allotment justification, there is no economic or community need to move them and the new provision is not comparable. The site owners

should reassess their plans for the economic and employment needs of Peebles.

Other Consultees

Peebles Civic Society: Objection on the following grounds:

- There is no Planning Brief in accordance with PMD2.
- Development does not meet with the terms of the “Housing” SG in that there is insufficient employment provision, no communal facilities, affordable housing should be provided, education contributions are being avoided and the allotments are being reduced.
- Criticisms over the masterplan in that the entrance is weak and requires a terraced return, the office building replacement should be in sympathy with adjoining houses and the houses backing onto Rosetta Road should be terraced.
- The apartment design is inconsistent and disappointing.
- The commercial building adjoining the engine house should be enlarged in site area and salvaged features used to recreate the lost Mill Shed.
- A consistency of design is required throughout the site.

CONSULTATION RESPONSES:

17/00064/CON

Scottish Borders Council Consultees

Heritage and Design: No objections subject to conditions recording the buildings prior to demolition and re-use of salvaged whinstone and sandstone in the development. Accepts the case submitted by the applicant for demolition, noting the demolitions involve generally low buildings despite being a large footprint. Considers the retention of the engine shed essential. Also considered retention of the office building facing March Street but given the conversion challenges of a low basement and lack of rear wall, felt that the building could be replaced and still maintain the enclosure that contributed to the character of this part of the Conservation Area.

Ecology Officer: Comments as for 17/00064/CON.

Statutory Consultees

Historic Environment Scotland: HES identifies the contribution that the existing mill buildings make to Peebles Conservation Area, especially the original 1880/90 buildings. Welcome the retention of the Engine House and Gate Lodge and also note the viability and other supporting statements and reports justifying the demolitions. Acknowledge that retention and conversion of more buildings is challenging, albeit wishing that more of the northern range could have been kept. Similarly, more investigation of the retention of the office building facing March Street should be carried out and any viability reasoning considered site-wide and not on an individual basis. Although commenting that more of the buildings could be retained and incorporated into the development, HES offer no objection as matters of national significance are not raised.

Following an updated Planning Statement which provided more justification for demolition of the office building, maintain original views that efforts should be made to keep more buildings, viability being assessed site-wide.

Peebles and District Community Council: Objection as per 17/00063/PPP

Other Consultees

Peebles Civic Society: No objection but seek conditions to photographically record interior and exterior of all buildings, preparation of an illustrated historical report and retention of stone, window arches, timber sashes and slates for re-use within the development to replicate character.

Scottish Civic Trust: No Response.

Architectural Heritage Society of Scotland: Objects. The office building facing March Street should be retained, its loss being unjustified and being of severe impact to the character of the Conservation Area, conflicting with LDP Policy EP9. Along with Holland and Sherry, remains as a direct survivor of high quality mill buildings on public frontages in Peebles. The building is capable of conversion and re-use. Welcomes the retention of the Engine House and Gate Lodge but also feels more buildings could be converted within the site, both within the “20th Century Mill Extension” and “Principle Mill Sheds”.

17/00063/PPP

REPRESENTATION SUMMARY

Letters of objection have been received to the application from 42 local households and organisations. These are viewable in full on Public Access and include the following grounds of objection:

- The allotments are protected as key green space in the LDP and should be protected for a number of reasons, including:
 - conflict with national Government guidance
 - for cultural and historic community usage reasons, providing exercise and social interaction
 - bats use the site
 - developing will lose natural flood alleviation
 - there is no housing justification.
 - the new provision is much smaller and there are fewer plots.
 - the new site is contaminated and not suitable for food production with poor and incomparable soil quality.
 - the new site is overshadowed by trees and will also affect water retention.
 - boundaries will not be vermin-proof
 - impact on local primary school use
 - transfer of soil and plants will cause failures
 - Council should make good allotment shortfalls
 - new boundary treatments will impact on residential amenity.
- The current services in the town cannot cope with increased development and any new development should result in support to services including doctors, buses, schools, elderly care etc.
- There are more appropriate uses for the buildings, including the need for employment

provision, given the shortage of industrial sites in Peebles. The intended provision is small and against the Supplementary Planning Guidance.

- Significant increase in traffic volumes in March Street and Ballantyne Place and at new junction, to detriment of road safety.
- Inadequate parking capacity in March Street.
- Office building be retained to safeguard Conservation Area and parking provided for use.
- Development should not exceed existing roof heights, central buildings too high and too high a density.
- Detrimental impacts on residential amenity, outlook and overshadowing of houses adjoining
- Too many historic buildings are being demolished
- Lack of detail on new designs and detrimental impacts on listed buildings and Conservation Area.
- More affordable housing should be provided on the site, no exemptions should be given.
- The developer is maximising value at the expense of allotments and other uses.
- The plans are significantly different from those initially presented to the community.
- No detail on the high wall bordering Ballantyne Place.

The Peebles Community Trust requested a consultation through the application process but Members should be aware that they are not considered to be a formal consultee. The Community Trust lodged an objection on the following grounds:

- The allotments should be kept where they are with ownership transferred to the community. There is significant history of community use over 80 years and movement would not be like for like, with problems of smaller size, land contamination, impact of trees etc. The allotments are protected by LDP Greenspace Policy and there is a shortage in Peebles.
- The employment use of the site should be protected as it has contributed to the town's economy and was in use when the LDP was prepared. There has been no call for sites for employment land and the LDP must correct this oversight, 87 people having been employed at the time of the mill closure. The site is an industrial site and not "white land" and it should be re-designated under Policy ED1.
- If not re-designated, then the proportion of economic and employment use of the site should be clearly stated as there is a risk as much land as possible will be dedicated to housing. The Housing SG states 70 houses would be possible on the site but there is no recognition of this in the SG or the comments of the SBC Economic Development Service who recognise the shortage of business land in Peebles.
- In terms of developer contributions, the developer is trying to maximise value from the asset to the detriment of the town's economy and any remedial costs should not be passed on to the community to bear. The information is inaccessible to community evaluation. The residual land valuation assessment has not been applied to the existing employment use of the site. Opposes the commercial viability arguments which seek development contribution reductions.
- No evidence the development would benefit Peebles but rather place a burden on town infrastructure in the absence of a statutory strategic plan for the town that is attempted to be redressed through the Town Action Plan and Whole Town Master Plan.
- More of the built heritage on the site should be retained, especially the office building fronting March Street and some of the weaving sheds and associated features.

There has also been a petition received against the application with over 1300 signatures, viewable in full on Public Access, opposing the relocation of the allotments on the basis of it being a much smaller site and with problems such as pollution, shading and lack of security

compared to the existing site.

17/00064/CON

REPRESENTATION SUMMARY

Letters of objection specifically relating to the Conservation Area Consent application have been received from six respondents, viewable in full on Public Access and including the following grounds:

- The allotments are green space and should be protected for a number of reasons, including conflict with national Government guidance, for cultural and historic community usage reasons, bats use the site, developing will lose natural flood alleviation and there is no housing justification.
- The current services in the town cannot cope with increased development and any new development should result in support to services including doctors, buses, elderly care etc.
- Significant increase in traffic volumes in March Street and at new junction to detriment of road safety.
- Inadequate parking capacity in March Street.
- Office building be retained and parking provided for use.
- Development should not exceed existing roof heights.

The Peebles Community Trust lodged objections as per their response to 17/00063/PPP

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD1	Sustainability
Policy PMD2	Quality Standards
Policy PMD5	Infill Development
Policy ED2	Employment Uses Outwith Business and Industrial Land
Policy ED5	Regeneration
Policy HD1	Affordable and Special Needs Housing
Policy HD3	Protection of Residential Amenity
Policy HD4	Meeting the Housing Land Requirement/Further Housing Land Safeguarding
Policy EP2	National Nature Conservation Sites and Protected Species
Policy EP3	Local Biodiversity
Policy EP7	Listed Buildings
Policy EP8	Archaeology
Policy EP9	Conservation Areas
Policy EP11	Protection of Greenspace
Policy EP13	Trees, Woodlands and Hedgerows
Policy EP15	Development Affecting the Water Environment
Policy EP16	Air Quality
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

SESplan Strategic Development Plan 2013
Scottish Planning Policy
Planning Advice Note 65 - Planning and Open Space
National Planning Framework

Scottish Borders Council Supplementary Planning Guidance

Affordable Housing – January 2015
Biodiversity – December 2005
Development Contributions – January 2011 (updated January 2018)
Green Space – October 2009
Trees and Development – March 2008
Placemaking and Design – January 2010
Landscape and Development – March 2008
Privacy and Sunlight – July 2006

Scottish Borders Council Supplementary Guidance

Housing – November 2017

KEY PLANNING ISSUES

The main determining issues with these applications are compliance with Local Development Plan Policies and Supplementary Planning Guidance relating to infill development, greenspace protection, cultural heritage matters, access, contamination and development contributions.

ASSESSMENT OF APPLICATIONS

Planning Policy

The provisions of the Local Development Plan are of fundamental significance with regard to the assessment of the development proposals. Section 25 of The Town and Country Planning (Scotland) Act 1997 requires decisions to be made in accordance with the Development Plan unless other material factors outweigh the Plan. The assessment should be considered with regard to both the “brownfield” (i.e. previously developed land) development of existing buildings/infrastructure and the potential impacts/loss of greenspace by virtue of the intended relocation of existing allotments within the site.

The planning statement identifies that the site is a “brownfield” development opportunity within Peebles settlement boundary. Planning guidance is very much in favour of seeking such infill opportunities and the more sustainable contribution that such land can make to the housing shortfalls identified by the Scottish Government through the recent LDP process. Although the site was largely in use as a knitwear mill complex, the Local Development Plan does not allocate it as an industrial site where existing industrial uses should be retained or established. Such restrictive Policies within the LDP are limited to allocated industrial sites – in Peebles, these are South Park and Cavalry Park. Although there is much local comment and objection to

the loss of employment opportunities on the site as a result of its replacement largely with housing, there is no Local Development Plan stipulation that the existing employment uses should remain at the expense of other appropriate uses.

Although some local groups have argued that the infill “white land” policy should mean that the status quo should prevail, the terms of the principal infill Policy PMD5 do not provide for this preservation of existing uses as a leading principle. Similarly Policy ED5 fully supports the redevelopment of brownfield sites across the major towns in the Borders, whether they are allocated or not. Both policies set a series of tests aimed at ensuring a lack of conflict with established uses in the area, retention of character, sympathy with context etc. It could simply be argued that the development of housing almost around all perimeters of the former mill complex now determine that significant continuation of industry and employment use within the site would lead to conflict with established residential uses. Most respondents accept that the site is a “brownfield” opportunity for housing, the biggest disagreement being the level of employment offer being retained on the site compared to the level of housing development.

When the shortfall of over 900 housing units was identified in the LDP process leading to the production and adoption of the Housing Supplementary Guidance (SG), the site was identified as being able to make a contribution within Peebles. There remain many challenges and issues with other potential housing sites within and around Peebles, the site being identified by the Council as being one where Mixed Uses could deliver perhaps 70 of the required housing units. The Housing SG has now been adopted by the Council and the site is part of the SG. Whilst it is subject to a series of criteria, it does not set a ratio of employment to housing, stating simply that the development should be for housing, employment and potentially commercial/community use. Whilst some argue that the employment offer is “token”, the development proposal is still for some employment use within the site of the cleared Boiler House. It is, therefore, justified that the Council’s Plans and Research section accepts the development is a Mixed Use proposal.

The Council’s Economic Development team had commented, in common with the Community Council and Community Trust, that there was a shortage of industrial sites and office opportunities in Peebles and that the proposal should offer more than simply the site of the Boiler House. They have provided some evidence of a sustained healthy demand for small workshop units in Peebles. They also wished for clarification that workshop use was intended here, several references being made instead to “commercial” use. In response to the latter point, the application description on the form submitted by the agent stated “workshop” uses and, if permission is granted, that can be clarified by condition.

The proposals were amended to increase the amount of employment offer on the site through use of, and extension to, the Gate House. Although the suggestion to the agents was that the Administration Building (or its replacement) could offer some enhanced office/employment space, viability arguments were submitted to demonstrate that the Administration Building could not feasibly be kept and that sufficient employment uses were being offered across the site, as a result of the Gate House and Boiler House sites. Although Economic Development and many local respondents remain of the opinion that more could be offered, it must be accepted that no ratio of employment offer was set by the “Housing” SG allocation. In reality, an infill proposal that represented 100% housing and no employment uses may have been difficult to resist in terms of application of National and Local infill policies relating to “brownfield” development and the identified need for new housing land in the Borders.

There is no doubt that the identification of suitable land in and around Peebles for new

development, both industrial and housing, is required to meet demand and is challenging given the constraints. The Council has currently engaged Consultants to investigate opportunities and their investigations are close to conclusion. Nevertheless, it is not considered that there is any justification here to refuse the application on the grounds that not enough employment use has been retained on the site. There is provision being proposed at the northern and southern ends of the site and this can be secured by planning condition. This offer complies with the "Mixed Uses" allocation of the site within the "Housing" SG and is in compliance with Policies ED5 and PMD5 which seek minimisation of use conflicts and a pattern of land use in character with surrounding uses. Housing with some elements of employment use is consistent with these aims. There is also some employment land identified within the Local Development Plan in the longer term near Kittlegairy to the south east of the town, an area of one hectare having already been reserved within application 17/00606/PPP which has been submitted and is still being considered.

As identified by the Plans and Research team, the need for housing land has been quantified during the LDP process and it should be accepted that, as this has been demonstrated and required by the Scottish Government, this provides a compelling argument for housing on the site as the primary use. Provided the employment opportunities are controlled and secured by planning condition, it is considered that the mixed uses offered within the proposals are acceptable in overall Policy terms and in line with the current housing demands and targets in the area – at least in terms of the proportions of the mixed uses.

The principle of housing as the primary use on the site must be considered acceptable in Policy terms for the aforementioned reasons. The issues of layout, design, Conservation, numbers and developer contributions will be considered in the relevant sections of this Report, albeit it should be noted that the application for housing is submitted as a Planning Permission in Principle and only general areas for housing and overall design intentions should be given any weight or consideration at this stage. For example, whilst 69 units are mentioned in the Design and Access Statement and 70 are assumed in the "Housing" SG, no numbers feature in the application description nor would be specified upon any consent.

The submissions suggest that the development could be centred around higher flatted blocks in the middle of the site, potentially for retirement purposes, with semi-detached houses and terraces around the perimeter of the western half of the site. In infill and regeneration Policy terms, there is no reason to consider such intentions to be inconsistent with the aims of Policies ED5 and PMD5, subject to precise heights, positioning and designs. Whilst the issue of the allotments being relocated is pivotal to the proposal (and is discussed below), it is considered that appropriate and sympathetic housing development to replace the allotments and most of the existing buildings would generally comply with ED5 and PMD5.

Greenspace

The relocation and retention of the allotments is the main issue that has led to objections and concerns from local organisations including the Allotment Users Association and the Community Council, including a petition with over 1300 signatures. The belief is that the relocation of the allotments is neither needed nor provides any form of comparable greenspace for what is potentially being lost. The agent believes that the relocation of the allotments is crucial to the viability and achievement of the development, submitting a revised Design Statement Addendum setting out the intentions with regard to the allotments. At Para 2.4 of the Addendum, the reasons for the allotment relocation are listed, including the steep bank in the centre of the site splitting the east and west development platforms, the need for secure access, the need for

certain buildings to be retained and the unviability of retaining the allotments in their current position.

The current allotments are protected by LDP Policy EP11 "Protection of Greenspace" in relation to any greenspace that could be impacted by development requiring planning permission. What the LDP Policy cannot do is protect the allotments from any form of closure or cessation of use that has no basis in requirements for planning permission. Should the applicant, as land owner of the allotments, decide to terminate lease agreements and close the facility, then that would be their choice and LDP Policy EP11 could not be enforced. The facility would be lost and the Council would face impacts on waiting lists and demands for Council-owned allotment space in the town.

However, for any development that would result in any loss of greenspace, EP11 seeks to ensure that this either does not happen, or if it does, that it has been fully justified, has been subject to consultation with local user groups and can provide "adequate and acceptable" replacement greenspace. There has been much criticism of the application in terms of compliance with this Policy, many claiming the replacement allotments are half the size, would be fewer in plot numbers, would have major ground contamination, be shaded by existing trees and houses etc. The Council Neighbourhood Area Manager also expressed concerns that the allotments needed to be like for like in access, infrastructure, ground conditions, shade/sun etc. The overall local view was that the current allotments have been worked and cared for over a considerable period of time and that it would simply not be possible to provide a comparable facility within the site, in compliance with Policy EP11.

To address the concerns and provide further information and justification on the allotments proposals, the agent has produced a specific Addendum to the Design and Access Statement, dealing solely with the allotment relocation. This sets out the reasons why relocation is considered key to the overall scheme and what engagements there have been with allotment users to this stage – something specifically required by Policy EP11. The concerns expressed by allotment users have led to the applicant employing a specialist consultant who has influenced and shaped the responses in the Addendum.

This provides a more detailed layout of the relocated allotments with attention paid to layout, size, access, boundary treatments and facilities. It is contended that despite claims the new provision is half the existing provision, the difference is much slighter at 0.427HA compared to 0.47HA, albeit this includes the small community area now dedicated in place of housing at the northern tip of the site. The Addendum also argues, with some justification that LDP Policy EP11 should also be taking into account the additional open space/square and embankment in the central spine of the site, thereby adding 0.25HA more greenspace than currently exists on the site. In terms of the overall assessment of "loss" and comparable greenspace within Policy EP11, such additional greenspace should also be taken into account. This is an understandable and justified contention.

The Addendum then details the exact relocation methods in terms of timing, physical movement, configuration, access and ownership. It clarifies that the allotment relocation must be completed before any housing development can commence and that relocation would be restricted to outwith the growing season. The applicant states they would assist with relocation and would be happy for the Council to be arbiter in any dispute. It verifies there would be 37 plots (compared to 44 existing plots) in total and details the access road and paths. It compares the average current plot size of 90 square metres with the new range of plot sizes from 52 – 134 square metres. In terms of ownership, security of tenure is identified as vital to allotment holders

and the applicant recognises this. A range of options is recommended from transfer of ownership to a Trust through to Scottish Borders Council. The current allotment users continue to oppose the proposals for the reasons mentioned earlier in this report. They continue to oppose the reductions in size, the upheaval of established plots, the unknown and potentially contaminative ground conditions and the presence of trees that shade and draw water from the site.

It is recognised that there continues to be objection over the relocation of the allotments. Ultimately and as previously mentioned, the current allotments could simply be closed without any planning control being possible. However, with the relocation, which is considered essential to achieve a viable development of the site, it would be possible for the Council to ensure a future is secured for an allotment facility within the site – a requirement that is not insisted upon within the terms of Policy EP11. Whilst there will be inevitable disturbance and the overall land area is slightly smaller than that currently enjoyed, any “loss” as defined within EP11 remains partial and is outweighed by the other benefits identified, including intended open space. The retention of a greenspace facility within the site could, therefore, be controlled by condition and a future secured for the facility within an overall mixed development – to be provided before any other part of the development is implemented. Overall, this is considered to be a justifiable element of the development and in compliance with the terms of Policy EP11.

As the application remains for Planning Permission in Principle, the Allotment Relocation Addendum is helpful as an indication of what the applicant is prepared to do but does not represent any detailed relocation statement which would need to be set out in clearer terms and link in with the land contamination reports and remediation required by Environmental Health. It is recommended that a fully suspensive condition is attached seeking the submission of a detailed scheme which may require an initial application for Approval of Matters Specified as Conditions, certainly in relation to any roads, boundary structures, buildings and significant ground works such as pond infilling. Once a scheme is agreed, after consultation with Environmental Health and the Neighbourhood Area Manager, the development would proceed in accordance with that scheme and be completed to the Council’s specifications before any housing development could occur on the site. This would also need to be timed carefully with the demolition of buildings as it is appreciated that some demolition would be necessary, albeit this should not be carried out until a detailed scheme for replacement development has been submitted, approved and a contract in place for the new development.

Cultural Heritage

March Street Mills was established in 1885 and was the third textile mill to be constructed in Peebles in the late 19th Century, Tweedside and Damdale Mills having since been replaced by new development. The main mills were single storey in the centre of the site but extending north into the area now occupied by Ballantyne Place housing. The Engine, Boiler and Gate Houses existed and additional extensions to the mill complex occurred in the 20th Century, including the Administration Building fronting March Street.

The complex contains no statutorily listed buildings within the site although several Category B and C Listed Buildings exist nearby in March Street and Rosetta Road. The entire site is, however, contained within Peebles Conservation Area and development, including demolition of buildings, requires to be assessed principally against Policy EP9 but with reference to the setting of listed buildings under Policy EP7. There is also a requirement for assessment against Historic Environment Scotland advice on demolition of buildings within a Conservation Area.

The proposals have been submitted with supporting reports on heritage, planning, design and conversion suitability, backed with various confidential reports on viability. In line with Historic Environment Scotland Policy, the reports sequentially assessed the re-use of all or some of the buildings, detailing marketing attempts and the lack of demand and viability issues with retention of most of the mill buildings on the site, including the Administration Building fronting March Street. The conclusions are that the development, taking into account the other site constraints, would be unviable without removal of most of the buildings on the site – the exceptions being the Engine House to the north of the site and the Gate House fronting March Street.

Whilst the concerns of respondents, including Historic Environment Scotland (who do not object), have been relayed to the applicant over the potential to retain more of the buildings on the site, the responses have been based upon further retention being unviable. However, there is agreement that salvaged stone from the main mill complex could be re-used throughout the development, including within the replacement building fronting March Street. There have also been greater indications that a building of suitable form and stature could replace the Administration Building and new-build can also turn the corner into the site, improving enclosure and character at the site entrance.

The response from the Heritage Officer is supportive of the case put forward for demolition of the buildings identified, the retention of the Engine House and Gate House being central to his support. He has also looked in detail at the arguments for and against the retention of the Administration Building but has concluded that a well-designed replacement will maintain the character of the Conservation Area and that the whole scheme should not be rejected on this basis. Nevertheless, to comply with National and LDP Policy, full building recording should be required by condition and whinstone/sandstone from the demolished buildings re-used within the new replacement development.

Taking all reports into account and the comments that have been received, it is considered that the demolition of the identified buildings has been justified and is required in order to achieve an acceptable and viable replacement development on the site. Two of the more interesting and architecturally significant buildings will be retained and re-used within the site, the Engine House in particular allowing a focus and interesting historic core to the new courtyard and central part of the site. Subject to the conditions mentioned by the Heritage Officer, it is considered that the proposals comply with relevant Historic Environment and Local Development Plan Policies. This should also include a condition ensuring that no demolition should occur before detailed proposals for replacement development are approved by the Council and contracts are in place for the replacement development. This would need to be linked in with the schedule for allotment relocation and some flexibility allowed for to facilitate this.

Policy EP8 of the LDP relates to archaeology and the development has been subject to a desk-based assessment in addition to the heritage and design/access statements. The Council Archaeologist supports the Heritage Officer view that full building recording is carried out by condition, accepting that much of this has already been done. He would also recommend it be carried out before much of the machinery is removed from the interiors although there is local comment that this may have already occurred. Given none of the buildings are listed however, any machinery removal is not breaching any planning regulations. It is also noted that there is the potential for unknown buried archaeology, especially in the current allotments area due to lack of disturbance of sub-soils. A condition would also be required relating to a written scheme of investigation in this respect. Subject to these conditions, it is considered that the proposals comply with LDP Policy EP8.

Design/Layout

The application for new-build development has been submitted for Planning Permission in Principle only but is clearly influenced by a number of significant factors that shape the intended form and layout of the development. These have been outlined in the previous sections of this report relating to the relocation of the allotments, the level differences, the retention of certain buildings and the access routes to and through the site. Although only submitted as a PPP, it would be possible to consider the overall layout and zones of uses to ensure that it not only remains a mixed use development required by the "Housing" SG but also results in an acceptable form of development, in compliance with LDP Policies. There are a number of significant Policies to be considered including ED5 Regeneration, PMD5 Infill, HD3 Residential Amenity and EP9 Conservation Areas.

In terms of general principles, the mill complex occupies much of the site from March Street back to Ballantyne Place and there can be no objection to a built development taking its place in terms of the acceptability of "backland" development. However, given the change in level within the central spine of the site, it is logical that the built development would be reserved for the part of the site occupied by the complex and current allotment land, with the lower open land to the east of the spine being occupied by the relocated allotments and associated treatment.

With one main vehicular access into the site from March Street, the first principle is to ensure that the site frontage and entrance into the site present a strong and appropriate urban frontage, respecting both the retained Gate House and the replacement for the Administration Building. As with all applications submitted in Principle, the precise details will need to be addressed at the next application stage (Approval of Matters Specified in Conditions) but during the processing of the application, much concern has been expressed over this frontage and it would be appropriate to both ensure the details in the latest site layout are reflected by conditions and informative. The conditions could ensure the frontage and return would be housing, be limited to match or be close to existing roof heights, terraced design, slate roofs and utilisation of salvaged stone within the design. Other matters can be informed by Informative including overall design approaches, other materials, boundary treatments and entrance details.

Upon the entrance to the site, the area of open space and existing trees with hard shared surfacing is proposed both in front of the retained Engine House but also the central apartment block. This open space area will be important to the definition of different zones within the site and for the necessary outlook and buffer space to the apartment block in particular. Again, this can be required by condition, including full treatment details and a management regime thereafter.

The apartment block in the centre of the site will occupy the main cleared area of the mills and part of the current allotments. The impacts of a building up to four storeys in height will be more limited from the existing two and three storey surroundings by virtue of distance and being surrounded by proposed housing of lower height. There is no objection to a higher density central core which should add a sense of place and focus to the development although townscape analysis will need to be carried out to demonstrate the impacts of increased height on the houses surrounding the site, Conservation Area and listed buildings. The success and appropriateness will depend on the details of design at the next planning stage but there are no objections in principle to a denser focal point of residential development in the centre of the site.

To respect the two storey detached and semi-detached nature of the houses backing onto the site in March Street and Rosetta Road, it is accepted that rows of similar designs can be

interspersed between the central apartment block and the backs of the existing houses. There is adequate space to achieve such development whilst retaining buffer and daylight distances between windows. There may be issues with proximity to the rear of certain houses on Rosetta Road but this will need to be assessed in more detail at the next planning stage. The principle of housing development in these areas is acceptable and has been improved by the removal of the two units to the north-western corner of the site and replacement with a small allotment area for community use.

The intention to have a terraced row of three storey town houses between the central apartment block and the houses in Ballantyne Place also has existing context given the nature and design of the current houses in Ballantyne Place. Many of the new houses would not back onto existing windows and those that would, in the eastern half of the row, could be positioned to comply with the 18m window to window rule in the "Privacy and Sunlight" SPG. There is also the issue of the large intervening wall along the northern boundary of the site. There have been concerns raised over its removal and it is considered that there is no reason to do this given the screening and containment it currently offers. The submitted Structural Report does not conflict with this intention, concluding that the wall is in reasonable and stable condition. However, recent months have seen the Council involved in seeking repair to the cracking render on the wall in relation to public safety.

Whilst the wall can be sought to be retained by a planning condition, the Council's investigations have revealed that the majority of the wall is in the multiple ownerships of the residents of Ballantyne Place with only a relatively small section at the western end in part ownership of the applicant. Stipulations to maintain it as part of this planning application are, therefore, unnecessary and unreasonable, especially given that some of the owners of the wall have objected to the application and their consent may not be forthcoming for maintenance or works as part of any planning condition. For this reason, continued maintenance of the wall will need to remain a private civil matter, backed up by relevant legislation if need be.

The remaining main element of the suggested layout is the development of workshop or commercial buildings in place of the Boiler House and associated parking to the east with access from Ballantyne Place. Given the existing access at this point and the relationship with current workshops in former mill buildings outwith the site to the north-east, the location of non-residential uses in this area is justifiable. Care will need to be taken in how the building relates to the retained and converted Engine House adjoining and there is also added justification for retaining the perimeter wall in this location. These matters can be addressed by planning condition and at the next application stage.

Conditions should also address phasing of the units and the precise nature of uses that would be allowed. Given the mixed use zoning of the site and the comments over industrial and employment shortfall in Peebles, it would be difficult to justify full completion of the housing elements of the development and no provision of employment uses, either in place of the Boiler House or within the converted and extended Gate House. Economic Development have produced evidence of the healthy demand for small workshop space in Peebles, indicating that provision of units in place of the Boiler House should have a willing market. Some phasing and connection of housing with the linked provision of employment uses is justified for these reasons, albeit it must be recognised that there is also little justification for total prevention of housing development until employment uses are provided. A condition seeking a phasing scheme of details would be recommended. A further condition can also control the types of uses and this can be relatively flexible, albeit not including self-contained retail which would be contrary to LDP retailing and town centre Policies.

Subject to the above comments and the conditions and informative at the end of this report, it is considered that the proposals advanced in the PPP application are acceptable in design and layout terms. They comply with relevant LDP Policies and Supplementary Planning Guidance such as “Placemaking and Design”, whilst still being recognised that much will depend on applications submitted at the detailed application stage. The Heritage Officer also considers the proposals to be sympathetic to the Conservation Area and to represent an appropriate redevelopment. A condition should refer to the indicative design layout that was submitted with the Design and Access Statement, referring to the general areas and forms of development, whilst still providing for all details to be submitted and agreed at the next planning stage. An Informative can refer to the use of “Designing Streets” and “Placemaking and Design” Guidance Notes in production of the detailed scheme.

Access

The applications were accompanied by a Transport Assessment which concluded that there is capacity for the development with main access to the housing development limited to the entrance from March Street and only pedestrian and emergency vehicle access to Rosetta Road. Separate accesses would serve the relocated allotments and the workshops with link routes within the site and between the accesses for pedestrian and cycle use only. As the site is a brownfield site with industrial and allotment uses, the impacts of the development on traffic generation are not as significant in net terms as would have been the case on a new site. Local Development Plan Policies PMD5, IS6 and IS7 are particularly relevant to these proposals as are various Guidance Notes such as “Designing Streets” and “Placemaking and Design”.

The Roads Planning Service has no objections to the principle of what is proposed. They have expressed a preference for a through link to Ballantyne Place but this would likely experience strong opposition and, in any case, Roads Planning have suggested that if the link is not possible, the main access could be to a high standard to the point where internal connectivity then occurs. They have also suggested a layout with a variety of road surfaces, pedestrian and cycle links to the adjoining street network and a natural traffic-calmed environment. Parking ratios will differ between 150-175% for communal parking to 225% for curtilage parking. Full engineering details will be required at the detailed application stage.

Given the lack of objection from Roads Planning and the fact that the site is a “brownfield” opportunity replacing one form of traffic generation with another, the objections received from third parties are noted but cannot justify refusal of the scheme on traffic generation or road safety grounds. A Transport Assessment has been accepted by Roads Planning and demonstrates that the development can occur without unacceptable road safety risks, albeit the Assessment may need updating depending on the mix and scale of development submitted at the next planning stage. It is considered that the application, at this stage of Planning Permission in Principle, does not present any clear road safety reasons to oppose the development.

Landscape

The site contains eight trees, mainly Sycamore with some Lime and a single Hawthorn. They have been categorised to be in good condition, three being noted as Category A. The Council Landscape Architect feels they should be retained within the development as they contribute substantially to the greening of the space. In the submitted plans, most of the trees are located within the central spine of the site where the embankment and level differences have been used to define dedicated areas of open space, hard landscaping, pedestrian circulation etc. This area

is considered crucial to the acceptability and success of the development, complying with Policy EP11 Greenspace and EP13 Trees, Woodlands and Hedgerows.

The contribution of the existing trees to this open space area is obviously considerable but their potential for impacting on the relocated allotment space and effectiveness/quality of the new space also has been raised by many objectors and the allotment users. There is concern that overshadowing and water extraction on the nearest plots could well call into question the acceptability of the relocated allotments. At this stage, the layout provides for the trees to be retained and there is no reason to consider their removal. However, should the scheme for allotment relocation (that would be required to be submitted for Council approval) unequivocally demonstrate that the trees would prejudice effective and comparable use of certain allotment plots, then requests for tree removal and suitable replanting within the central area may need to be considered as justifiable in the delivery of the scheme and the overall planning balance.

Other landscape matters raised by the Landscape Architect have been considered or addressed elsewhere in this report and have, in the case of the overdevelopment issue at the north-western end of the site, been amended to be more acceptable. Similarly, the retention of the Gate House and Engine House provide a strong link with the site's history and create context for the open space areas and circulation routes proposed beside them. Full details of materials, boundary treatments, surfaces and use of salvaged stone will be addressed at the next planning stage and in appropriate conditions. Subject to these, it is considered that there are no landscape reasons to oppose the redevelopment of this "brownfield" development site.

Ecology

The applications have been supported by the submission of an Ecology Assessment, Bat Report and Tree Survey. The Ecology Officer has noted the findings of these studies which have concluded there is low biodiversity value across the site although the buildings do present bat and breeding bird opportunities. Some of the buildings intended for demolition have suitability for bats and activity surveys have revealed presence. The recommendation is that no demolitions occur until Species Protection Plans are produced for bats and either a Licence is obtained or evidence that no Licence is required from SNH. Similarly, a Protection Plan should be submitted relating to breeding birds. Conditions can be imposed on both consents covering these aspects and, subject to these, the proposal can be in compliance with relevant Local Development Plan Policies EP2 (Protected Species) and EP3 (Local Biodiversity).

The Ecology Officer also had consideration to the potential impacts of the development on the water environment and the Eddleston Water leading to the River Tweed SAC. Given the barriers between the site and the river and the intentions of the developer with regard to terminating the pond's connection with the Eddleston Water, there are no significant concerns over impacts on the SAC and this has similarly been reflected by the lack of objection from Scottish Natural Heritage. The termination of the connection can be controlled by condition.

Contamination

The applications were supported by a Site Investigation Report which involved intrusive ground investigation, gas and groundwater monitoring. This revealed contaminants above appropriate thresholds in four locations across the site. The Report recommended a human health risk assessment and more extensive sampling exercise once the buildings have been demolished and on the site of the existing allotments. Under LDP Policy IS13, such investigations are required and followed by appropriate remedial and mitigation measures to "...render the site

suitable for its proposed use". This includes for allotments as well as housing and employment uses.

Environmental Health recommends an appropriate condition for assessment and remediation before development is commenced, albeit this refers to construction work and not demolitions which will be necessary to enable more detailed ground sampling. In terms of the Environmental Health remit for assessment, the developer will need to demonstrate that the site would be suitable for use but it is not within their remit to assess "comparability" of allotment land. This would remain a matter for consideration, taking into account input from the applicant, Allotment User's Association, Environmental Health and the Neighbourhood Area Manager. The treatment of the site to remove contamination to an acceptable level may well, therefore, be a lower threshold than the comparability assessment required for the allotments in judging the acceptability of their relocation. There is clearly local concern that the ground could never be returned to an acceptable and comparable quality for the growing of food – but this cannot be pre-judged or precluded given that the entire scheme would be dependent on the demonstration of a sufficiently comparable allotment and open space provision.

Flooding and Infrastructure

LDP Policies IS8 and IS9 relate to flooding and satisfactory drainage within the site. On the issue of flood risk, parts of the site are within the 1 in 200 year SEPA flood zone and a Flood Risk Assessment (FRA) and Drainage Strategy Plan have been submitted. The FRA shows that the eastern side of the site is at risk from the Eddleston Water but finished floor levels on the lower part of the site can be set at a level acceptable to the Flood Risk Officer. The Drainage Strategy Plan confirms a piped connection between the on-site pond and the Eddleston Water but further information was then provided showing the infilling of the pond and capping of the connection pipe. This led to the removal of the SEPA objection and acceptance by the Council Flood Risk Officer. This can be controlled by condition.

Surface water attenuation still requires further assessment as will provision of foul drainage. It would be expected that SUDs systems would be designed for the treatment of surface water and a public connection for foul drainage. Scottish Water have not responded to consultation on the application but, given the identification of 70 residential units on the site in the "Housing" SG, there is no reason to consider there would not be capacity as they did not object to the development of the site in the preparation of the SG.

The provision of water is also reliant on sufficient capacity at the Water Treatment Works and whilst Scottish Water had made comment (during the preparation of the SG) about capacity at these Works, they also stated that growth bids were intended to address such issues and they did not object to the inclusion of the site in the SG. There is, therefore, no reason to oppose this development on grounds of water supply, or provision of water and drainage infrastructure in general. All relevant details can be controlled by conditions in respect of these matters.

Development Contributions

A separate report on development viability has been prepared and is included as a private item later on this agenda. It should be read in conjunction with this report.

The report summarises the position of the applicant that the development will not be viable unless development contributions are partially exempted in relation to affordable housing and education. It also provides the District Valuer assessment that there would be enough residual

value in the development to allow a partial contribution towards either affordable housing, education/traffic management/play – or a combination of all. The partial contribution is suggested to be just over one third of what could be expected in terms of full financial contributions. The District Valuer accepts, however, that a viable scheme will not be possible with full developer contributions.

Other issues

There are various other matters that have been addressed through the reports and surveys submitted or can be controlled through appropriate conditions and informatives. Although all other issues have been considered, none are raised that would outweigh the consideration of the application as set out above.

CONCLUSION

The proposals are considered to be acceptable regeneration and infill developments within a previously developed site within Peebles settlement boundary, providing housing for which there is a justified local need and also retaining elements of employment use at two locations within the site. The proposals would also secure the retention of allotment use within the site in line with Greenspace Policy and allow for the incorporation of the most important buildings, supported by appropriate new development, in sympathy with the character of the site and its surroundings within Peebles Conservation Area. Subject to compliance with the schedule of conditions and informatives, the development will accord with the relevant provisions of the Local Development Plan 2016.

RECOMMENDATIONS BY CHIEF PLANNING OFFICER:

17/00063/PPP - I recommend the application is approved subject to a legal agreement seeking development contributions toward education, affordable housing, transport and play space and the following conditions and informatives:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
(a) the expiration of three years from the date of this permission, or
(b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.
(c) Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. The development hereby permitted shall be begun before the expiration of two years from

the date of approval of the last of the matters specified in the conditions set out in this decision.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

4. Applications for approval of matters specified in the conditions to be submitted on the basis of the uses and in the locations shown on the Indicative Layout submitted in the Design and Access Statement Addendum December 2017. The uses proposed for Areas 2, 3 and 16 on that Layout to include workshop, office, community or commercial uses with associated car parking but not any form of retail under Class 1 of The Town and Country Planning (Use Classes) (Scotland) Order 1997. The residential development to be consistent with the Indicative Layout in the form of central apartments, suitable terraced designs to the north and south of the site and semi-detached/terraced housing within the remainder of the areas identified.

Reason: To ensure a mixed use development compatible with the character of the area and the aims of the Local Development Plan and Supplementary Guidance.

5. No development shall commence until full details of the provision of replacement allotments within the site and the relocation of existing allotments are submitted to, and approved in writing by, the Planning Authority. These details should include full ground and land quality assessment of existing and proposed allotments, proposed contamination mitigation if required, pond and connection pipe infilling, a detailed layout of replacement plots and associated roads, paths, buildings and boundary treatments, methodology for movement of allotments, soils and produce and full ownership and management details for the new allotments. Once the details are approved by the Planning Authority, which may include the need for approval of matters specified as conditions, the allotments are to be relocated and completed in accordance with the approved details before any other development commences on the site, and maintained and managed thereafter as per the approved details.

Reason: To safeguard allotment use within the site and comply with Local Development Plan Policy on Greenspace.

6. No development shall take place except in strict accordance with a 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):

- (a) existing and finished ground levels in relation to a fixed datum preferably ordnance
- (b) existing landscaping features, trees and vegetation to be retained and, in the case of damage, restored
- (c) location and design, including materials, of walls, fences and gates, including retention of the curtilage wall bordering Ballantyne Place to the north of the site.
- (d) soft and hard landscaping works, particularly in the Areas 6-8 shown on the Indicative Layout submitted with the Design and Access Statement Addendum December 2017.
- (e) existing and proposed services such as cables, pipelines, sub-stations
- (f) other artefacts and structures such as street furniture, play equipment
- (g) habitat enhancement proposals
- (h) proposals for incorporation of salvaged stone from the site within hard surfaces and boundary treatments.

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

7. The stone salvaged from the site demolitions to be re-used within the development as suitable features and facings for the proposed buildings, especially with regard to elevations facing public roads within the development and facing March Street. The extent and pattern of stone re-use to be determined within applications submitted for approval of matters specified in conditions.

Reason: To ensure that replacement development incorporates salvaged stone from the development and to safeguard the character of the Conservation Area.

8. The building intended to replace the Administration Building fronting March Street to be designed as a terrace with matching returning buildings on the western side of the entrance, of a ridge height not exceeding No. 20 March Street, natural slate used for roofing and a building line consistent with adjoining buildings.

Reason: To maintain sympathetic townscape and safeguard the character of the Conservation Area.

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

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

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

(b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.

(c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).

(d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.

(e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

(f) Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences.

Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment,

property, and, ecological systems arising from any identified land contamination have been adequately addressed.

10. No development shall take place on the site until either of the following has been provided to the Planning Authority:

- a European Protected Species (EPS-bats) or
- a copy of a statement from SNH stating that such a licence is not necessary for the specified development.

Reason: To safeguard European Protected Species on the site.

11. Prior to the commencement of development, the developer shall submit in writing to the Planning Authority a detailed Species Protection Plan for bats. Thereafter, no development shall take place except in strict accordance with the protection plan so approved.

Reason: To safeguard European Protected Species on the site.

12. Prior to commencement of development, a Species Protection Plan for breeding birds shall be submitted to and approved by the Planning Authority. Any development shall, thereafter, be carried out in accordance with the approved SPP. The SPP shall include provision for a pre-development supplementary survey and a mitigation plan, where any works are proposed within the bird breeding season (March to August). No development shall commence during the bird breeding season unless the development is implemented wholly in accordance with the approved SPP.

Reason: To safeguard breeding bird interests on the site.

13. No development shall take place until the applicant has secured and implemented an approved programme of archaeological work and reporting in accordance with a Written Scheme of Investigation (WSI) outlining an Archaeological Field Evaluation. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- Limited intervention of features, or expansion of trenches will only take place if approved by the Council's Archaeology Officer
- Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion.
- Further development work shall not take place until the Planning Authority has determined the potential for further archaeological impacts and, if required, a further requirement for mitigation.
- Development should seek to mitigate the loss of significant archaeology through avoidance by design in the first instance according to an approved plan.
- If avoidance is not possible, further developer funded mitigation for significant

archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).

- The results of additional excavations and an appropriately resourced post-excavation research design shall be submitted to the Council for approval within 1 year of the final archaeological works, and published in an appropriate publication within 3 years.

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.

14. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development proceeds in an orderly manner and secures a mixed use development in accordance with the Local Development Plan and Supplementary Guidance.

15. The development shall be served throughout by roads and pavements constructed to the Council's adoptable standards, with the exception of the accesses serving the allotments and the workshop/commercial units to the north of the site.

Reason: In the interests of road safety.

16. Further details of all vehicular access and parking, pedestrian and cyclist routes to be submitted for the approval of the Planning Authority before the development is commenced and, once approved, implemented in accordance with those details before the associated parts of the development are occupied.

Reason: In the interests of road safety.

17. Further details of the water supply and of both surface water and foul drainage to be submitted for the approval of the Planning Authority before any development is commenced and, once approved, to be implemented in accordance with an agreed programme. This should include full SUDs proposals which will be considered in consultation with SEPA. It should also include for the permanent termination of the piped connection between the pond to the eastern side of the site and suitable treatment of the redundant pipe.

Reason: To ensure satisfactory surface water drainage and safeguard the water environment.

18. No development to have a finished floor level below 163.60m AOD.

Reason: To safeguard against flood risk within the eastern part of the site.

Informatives

It should be noted that:

1. In relation to Condition 11, the SPP should accord with current best practice and legislation (Mitchell-Jones 2004) and include photographic images/maps of the exact locations of bat roosts, as well as provision for ecological supervision of all works by a suitably qualified, experienced and licensed bat ecologist. Any mitigation should at least provide a 'like for like' replacement of what will be lost. This should include provision of bat boxes additional to any licensing requirements, as enhancements. In addition, details of lighting schemes should be included, indicating how such schemes will be designed to minimise impacts on bats, including foraging and commuting habitat. Additional guidance on mitigation can be

found via the following link: <http://www.snh.gov.uk/about-scotlands-nature/wildlife-and-you/bats/mitigation/>.

2. In relation to Conditions 4, 7 and 8 all development, including new development and alterations/extensions to existing buildings, should respect the character of the surrounding buildings and the Conservation Area location, including form, layout, design, materials and boundary treatments. Applications for matters specified as conditions will be expected to demonstrate a sympathetic approach. This need not exclude contemporary design, with the exception of the March Street frontage and return. Designs should be informed by Guidance Notes such as “Designing Streets” and SBC SPGs such as “Placemaking and Design”.

3. The Council’s Roads Planning Service advises the following:

‘Designing Streets’ the Scottish Government policy document for street design, amongst other aims, promotes good street connectivity which integrates new development with its surroundings. Good connectivity relates not only to vehicular movements but also to that of pedestrians and cyclists. The proposed layout shows only one vehicular access point from March Street into the main housing part of the site. My preference would be for a second vehicular link through Ballantyne Place which would help disperse traffic movements and help integrate the development into its surroundings. If this secondary link is not feasible, then the initial length of access road must be designed to a high standard up to a point where the development caters for internal connectivity. The site does benefit from good pedestrian/cycle links to the surrounding street network and this should form a significant part of the detailed design.

At detailed design stage I will be looking for a layout which includes a variety of surface treatments to break up the road layout and the geometry of the road design must not be over-engineered. The end result should be a naturally traffic calming environment suitable for all users and not just vehicles. The parking for the units will ideally be provided via a variety of options and not just in front of the houses, which will help break up the car dominant appearance of the development. Parking provision will be between 150% and 175% for communal parking and 225% for curtilage parking. Engineering details for the junctions onto March Street and Dovecot Road will be agreed at full planning stage.

A Transport Assessment has been submitted as part of this proposal. Should consent be granted and the proposal proceeds to detailed design stage, the Transport Assessment may need to be adjusted to take account of the final design.

4. SEPA advise the following:

Foul Drainage

Foul drainage from the site should be discharged to the public sewerage network. The applicant should consult Scottish Water in this regard. We confirm that it is the responsibility of Scottish Water to ensure that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows.

Surface Water Drainage

The discharge of surface water to the water environment should be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (recently updated to

version C753) published by CIRIA. We would direct the applicant to Simple Index Approach (SIA) Tool (available on line). Where a potential high pollution hazard level is identified by the applicant (as defined in Table 4.3 of the SUDS Manual), direct contact should be made by the applicant with SEPA's Regulatory Services Team (contact details below). In such circumstances a detailed risk assessment is likely to be required (as per section 26.7.3 of the SUDS manual) and our Regulatory Services team will be able to provide advice on the proposals and associated risk assessment as part of the CAR licence process.

Comments from Scottish Water and, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.

Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.

Regulatory advice for the applicant

Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

Burnbrae, Mossilee Road, Galashiels, TD1 1NF, tel 01896 754797

5. The Flood Protection Officer advises the following:

As part of the site is vulnerable to surface water flooding, applications for matters specified as conditions should detail flow pathways, finished floor levels, channel and kerb levels to allow proper assessment of surface water flood risk to the proposed properties.

17/00064/CON - I recommend the application is approved subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The buildings and walls to be demolished are only those as shown on the approved indicative layout submitted within the Design and Access Statement Addendum, no other buildings shall be demolished without the prior approval of the Planning Authority. The buildings to be retained are the Gate House and Engine House together with the northern perimeter wall bordering Ballantyne Place houses.
Reason: To ensure satisfactory preservation of historic buildings and walls within the site and to safeguard the character of the Conservation Area..
3. No demolitions to take place until detailed applications are submitted to, and approved by, the Planning Authority for replacement development on the site and a contract then let for the replacement development. An exception may be granted for any demolition that would be required to facilitate the allotment relocation, subject to prior agreement with the

Planning Authority.

Reason: To ensure that demolitions do not occur without acceptable replacement development being programmed and to safeguard the character of the Conservation Area.

4. No demolitions to take place until a scheme for the salvaging and retention of stone from the demolitions has been agreed with the Planning Authority, the demolitions and retention of salvaged stone within the site then to proceed in accordance with the agreed scheme.
Reason: To ensure that replacement development incorporates salvaged stone from the development and to safeguard the character of the Conservation Area.
5. No development shall take place until the applicant has secured and implemented an approved programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Historic Building Survey. This will be formulated by a developer contracted archaeologist(s) and approved in writing by the Planning Authority. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- a) The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- b) Historic Building Survey will be in accordance with the ALGAO: Scotland guidance as requested by the Planning Authority.
- c) In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times.
- d) Initial results shall be submitted to the Planning Authority for approval in the form of a Historic Building Survey Report (HBSR) within one month following completion of all on-site archaeological works.
- e) Once approved the site archive and HBSR shall also be reported to the National Monuments Record of Scotland (NMRS) via the OASIS system within three months of on-site completion.
- f) Results will be summarised in *Discovery and Excavation in Scotland* (DES) within one year of on-site completion.

The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological investigations, reporting and dissemination of results as required. The developer will be expected to fund and implement all further archaeological work.

Reason: To preserve by record a building of historical interest.

6. No demolition shall take place on the site until either of the following has been provided to the Planning Authority:
 - a European Protected Species (EPS-bats) or
 - a copy of a statement from SNH stating that such a licence is not necessary for the specified development.

Reason: To safeguard European Protected Species on the site.

7. Prior to the commencement of development, the developer shall submit in writing to the Planning Authority a detailed Species Protection Plan for bats. Thereafter, no development shall take place except in strict accordance with the protection plan so approved.

Reason: To safeguard European Protected Species on the site.

8. Prior to commencement of development, a Species Protection Plan for breeding birds shall be submitted to and approved by the Planning Authority. Any development shall, thereafter, be carried out in accordance with the approved SPP. The SPP shall include provision for a pre-development supplementary survey and a mitigation plan, where any works are proposed within the bird breeding season (March to August). No development shall commence during the bird breeding season unless the development is implemented wholly in accordance with the approved SPP.

Reason: To safeguard breeding bird interests on the site.

Informative

It should be noted that:

1. In relation to Condition 7, the SPP should accord with current best practice and legislation (Mitchell-Jones 2004) and include photographic images/maps of the exact locations of bat roosts, as well as provision for ecological supervision of all works by a suitably qualified, experienced and licensed bat ecologist. Any mitigation should at least provide a 'like for like' replacement of what will be lost. This should include provision of bat boxes additional to any licensing requirements, as enhancements. In addition, details of lighting schemes should be included, indicating how such schemes will be designed to minimise impacts on bats, including foraging and commuting habitat. Additional guidance on mitigation can be found via the following link: <http://www.snh.gov.uk/about-scotlands-nature/wildlife-and-you/bats/mitigation/>.

DRAWING NUMBERS

17/00063/PPP

Location Plan

Design and Access Statement Illustrative Layout with Legend

17/00064/CON

Location Plan

Design and Access Statement Illustrative Layout with Legend

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

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

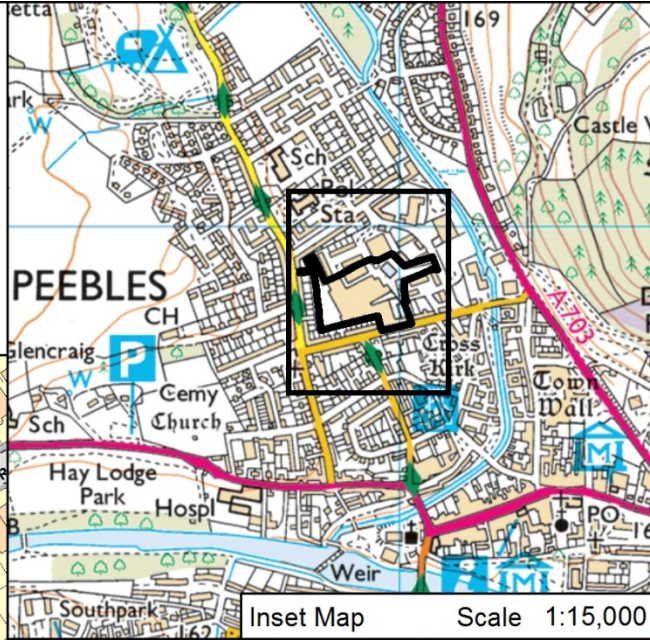
Author(s)

Name	Designation
Craig Miller	Principal Planning Officer



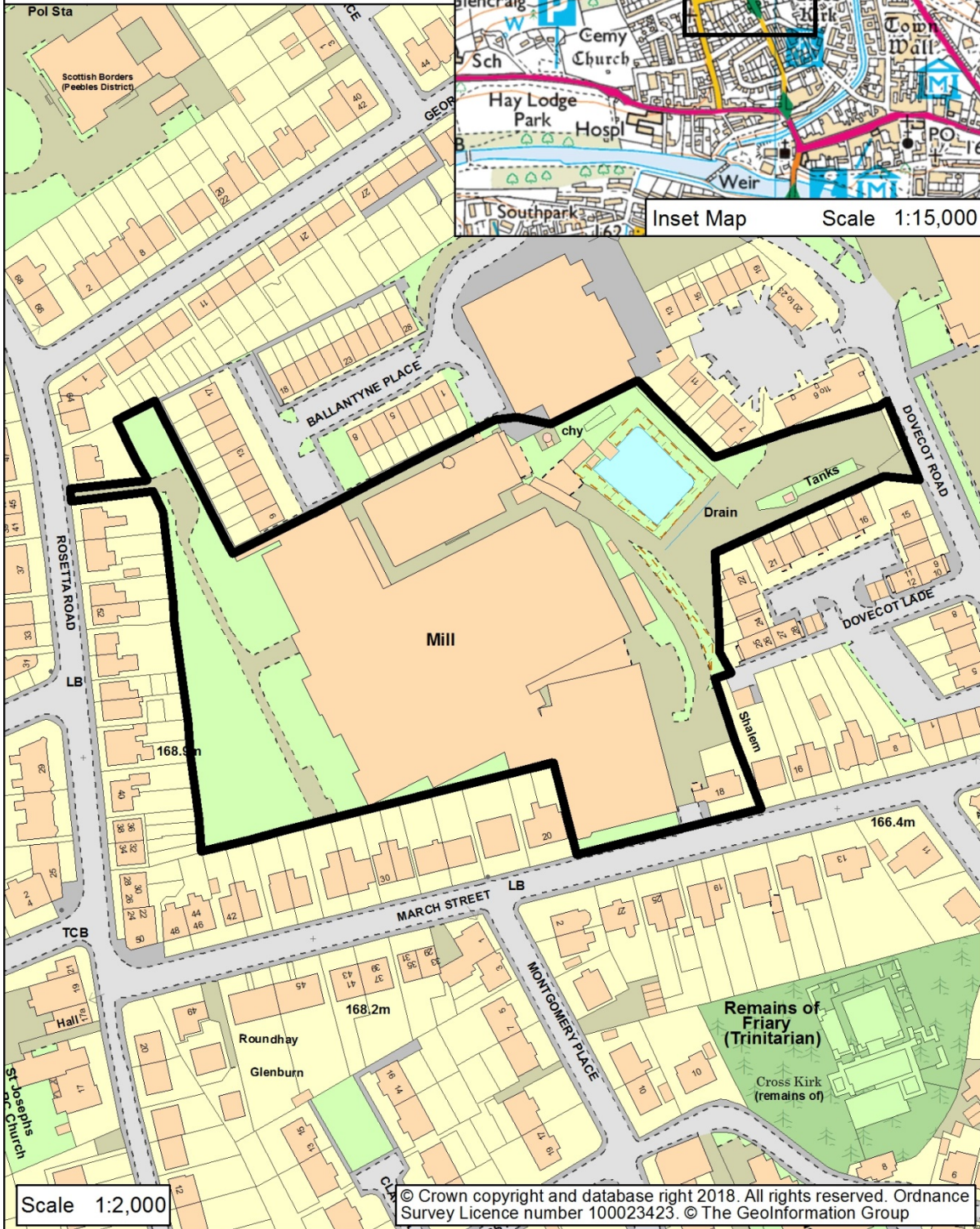
17/00063/PPP & 17/00064/CON

March Street Mills
 March Street
 Peebles



Inset Map

Scale 1:15,000



Scale 1:2,000