

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**4 MARCH 2019**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 18/01026/FUL
<b>OFFICER:</b>	Mr C Miller
<b>WARD:</b>	Tweeddale East
<b>PROPOSAL:</b>	Erection of 71 dwellinghouses, formation of access, SUDs and associated infrastructure
<b>SITE:</b>	Land south of Unit 1, South Parks Industrial Estate, South Parks, Peebles
<b>APPLICANT:</b>	Persimmon Homes East Scotland
<b>AGENT:</b>	David Jinks per Persimmon Homes

**PLANNING PROCESSING AGREEMENT**

A Planning Processing Agreement was agreed up until 4 December 2018 but there has been no agreement to an extension of the expiry date since.

**SITE DESCRIPTION**

The site is located to the western edge of Peebles south of the River Tweed, south of and adjoining South Parks. To the north-east of the site lies existing housing at South Parks and industrial units immediately to the north. An allocation of land for further business and industrial development lies to the north-west of the site (zEL204). The site borders an existing housing area, Edderston Ridge, to the east of the site, separated by some trees and a flood relief channel for the Edderston Burn. Open agricultural land lies to the west and south of the site.

The site consists of agricultural land and is rectangular in shape, 2.3 HA in size and sloping down from west to east with an overall fall of about 20m. Trees exist to the west of the site boundary and some remnant hedgerow and drystone walls partially along the northern boundary. A post and wire fence separates the site from the open agricultural land to the south.

The site is not within the Conservation Area but does immediately border the Tweed Valley Special Landscape Area to the south and west. The Upper Tweeddale National Scenic Area also lies 200m to the west of the site. The site is allocated for housing development in the Local Development Plan as APEEB021 with an indicative site capacity of 50 units.

**PROPOSED DEVELOPMENT**

The application is submitted in full for the development of 71 dwellinghouses and flats, comprising a mixture of 2-5 bedroom units in detached, semi-detached and terraced forms. The layout includes two vehicular access points from South Parks and two additional separate pedestrian accesses to the centre and west of the site. The road system provides a loop through the site and extends to the western end,

accessing 18 affordable units, comprising terraced two and three bedroom houses and flats. The layout provides for in-curtilage parking to the private market housing with visitor parking areas, shared surfaces and courtyards to the west of the site. A central footway also connects the main site road with South Parks.

The layout incorporates an area of open space with Sustainable Urban Drainage (SUDS) feature to the eastern edge of the site. A full landscaping scheme is also submitted with the layout, including not only planting within the site and around the SUDS area, but also buffer planting outwith the site along the southern edge and within the site at the western and eastern edges. There is also a 5m buffer zone between the edge of the flood relief channel at the east of the site and the site boundary. A natural stone wall will frame the site entrances adjoining a footpath that will run along the site frontage with South Parks.

All houses and flats will be two storey with gable end designs, finished in dry dash render and concrete roof tiles in dark grey. Base courses and features will be in reconstituted stone and windows will generally be in white uPVC. Some of the house styles incorporate roof and front elevation projections.

The application is classed as a 'Major' development under the Hierarchy of Developments (Scotland) Regulations 2009. The applicants publicised and held a public event prior to the application being submitted, as well as consultation with Ward Councillors, Peebles and District Community Council and Manor, Stobo and Lyne Community Council. The outcome of the public consultation exercise has been reported in a Pre-Application Consultation Report submitted with the application. The requirements of the Development Management Procedure (Scotland) Regulations 2013 have been satisfied.

In addition to the submitted plans and drawings, there are also statements and reports in support of the application, as follows:

- Pre-Application Consultation Report – plus Addendum
- Design and Access Statement
- Transport Assessment
- Road Safety Review
- Transportation Fact Sheet
- Landscape and Visual Appraisal
- SUDS and Drainage Statement
- Flood Risk Assessment
- Extended Phase One Habitat Survey
- Bat Survey
- Socio-Economic Statement
- Market Analysis Report

## **PLANNING HISTORY**

The Council submitted an application to form employment land with roads and services on the site in 2010 (10/00169/FUL) but the application was subsequently withdrawn due to objections to the application and consideration of the matter within the Local Plan Amendment Examination in Public. The Reporter removed the site allocation for employment principally for reasons of traffic impacts on Caledonian Road and Peebles Bridge.

The current allocation for housing on the site has been through full public consultation during the Local Development Plan process, leading to designation as allocation APEEB021 with an indicative site capacity of 50 units. The Reporter acknowledged the previous rejection of the employment proposals on traffic grounds but accepted that the housing allocation, supported by a Transport Assessment and various improvements along Caledonian Road, would not result in such adverse traffic impacts as to justify deletion of the allocation from the Plan.

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Roads Planning:** No objections in principle but further information required relating to the initial plans submitted. Notes the site is in the LDP allocated for 50 units establishing the principle of development but that the increased number of houses proposed does not mean a proportional increase in traffic. Using TRICS system of trip generation and comparing the development with 50 large detached houses, suggests 47 compared with 50 vehicular movements, an insignificant difference.

In terms of impacts on Tweed Bridge, this development of an allocated site and its trip generation is not considered to exceed the capacity of the Bridge. The submitted TA shows no assessed junctions with capacity issues. Acknowledges objections over increased traffic movements along Caledonian Road but also refers to the SBC independent study in 2010 of traffic flow and parking as well as the applicant's submitted Road Safety Review which recommends implementation of the measures in the SBC study. Considers that, with the implementation of those measures, the development can be accommodated.

Sufficient breaks in on-street parking allow safe flow of traffic and parked vehicles also contribute to slowing and calming traffic speeds. Improvements will also occur from new parking at the west end of Caledonian Road and other measures including private off-street parking. Notes the detailed objections from a local resident on footway narrowness and accepts that the road could be reduced in width to enlarge the footway width, by 200mm, plus additional crossing points. The road would still remain no narrower than 6m. Notes only two slight injury accidents in past six years. Also that developer proposes a "Travel Plan" for all new house occupants. Believes that, whilst there will be additional vehicles, effects can be mitigated by improvement measures. Four measures identified – widen footway, pedestrian crossing points, parking at western end and new footpath crossing for 27 Caledonian Road. These are all within public road but should be conditioned.

In terms of construction traffic impacts, there should be a Traffic Management Plan as a condition of any consent, including a before and after survey of the route from Tweed Bridge and remedial works and programme identified.

The site layout is generally acceptable and in line with the principles of Designing Streets advice, with connectivity within and surrounding the site and a mixture of shared surfaces/footways to balance place and movement. Some of the curtilage and communal parking spaces require adjustment and there is insufficient parking for the affordable units at the western end. Visitor and on-street parking also needs to be more equitably distributed and increased in number.

No road drainage is shown on the initial submissions although connection to the SUDS system is assumed. Confirmation of adoption is required from Scottish Water

as there is concern over the Council having responsibility for surface water and SUDS.

Following receipt of additional information and further comments from objectors, still confirms no objections to the application subject to conditions and informatives. Re-states the four off-site mitigation measures requiring completion before the development commences. Confirms that it is normal practice for a Transport Assessment to be provided by a developer's consultant but that this has then been scrutinised independently by experienced Roads Planning Officers who have taken into account all local objections, relevant guidance/Policy and site visits/professional experience. Lists the main points raised by objectors on roads matters and responds to overdevelopment, road capacity, congestion on Caledonian Road, pedestrian safety and construction traffic.

Confirms they do not believe the site is overdeveloped in terms of parking and infrastructure. Assesses worst case traffic peak hourly flows at the east end of Caledonian Road as two way flows of 297 and 332 (AM/PM) compared to the existing 249 and 286. Even adding Tweedbridge Court flows and natural growth, determines that Caledonian Road is well below the 1500 capacity for a road of this nature, despite the on-street parking impacts which the Council could control. Maintains that the presence of parked cars together with the improvements identified would slow traffic speeds and mitigate impacts. Pedestrian safety concerns are addressed by footway enlargement and additional crossing points.

In terms of site layout, parking is still light at the western end but could be resolved by another two spaces adjoining Plot 28. Still requires assurance over the dimensions of curtilage parking bays. Notes that developer intends agreement with Scottish Water over the road drainage.

**Education Officer:** The development is within the catchment areas of Peebles High School and Kingsland Primary School, requiring contributions of £57,876 and £410,962 respectively, based upon management of capacity issues. Would allow the phasing of contributions but also states that contributions can change per year based upon the BCIS index.

**Landscape Architect:** No objections although amendments to the scheme are required. These should include enlargement of the southern buffer to 20m as required in the LDP, split between hedgerow and woodland planting. The western buffer should also be enlarged with hedgerow mix given that the land is already being disturbed here. Alternative tree species are required along the site frontage and queries blank gabled properties at plots 1, 12, 35 and 53, questioning the reference to dual aspect corner properties in the Design and Access Statement. Seeks additional tree and shrub planting at these locations as well as to the rear of Plots 51-53. Seeks a mirroring of Plot 32 to frame the entrance, natural rather than reconstituted stone frontage walls and additional planting in the SUDS basin area. Tree survey is needed for the trees to the North-West and South-West of the site.

**Housing Strategy:** Supportive of the proposal as there is significant demand for affordable housing for rent in Peebles and this development will require on-site provision. Eildon Housing Association have submitted this site for SHIP 2019/24.

**Flood Protection:** Site is not at risk of significant flooding from the Edderston Burn following the 2018 Peebles Flood Study. SUDS systems should be used on the site and, given the site is above 50 houses, another form of treatment is required apart from the detention basin e.g. swales, permeable paving and filter strips. The basin

flows into a ditch and raises questions over the ditch treatment. Basin should be designed to 1 in 200 year plus climate change standard. Requires source control added to the basin and, if only one form of treatment is proposed, then clarify with SEPA and Scottish Water.

**Ecology Officer:** No significant adverse ecology effects provided mitigation is implemented. Satisfied with the extended Phase One Habitat Survey and additional bat surveys. Seeks conditions covering a Construction Method Statement to protect the watercourses and a Species Protection Plan for bats and breeding birds. As a bat roost was found near to the site, a condition is required seeking either a European Protected Species licence or confirmation from SNH that a licence is not required.

**Access Officer:** There is a protected Core Path along the site frontage and down the western side. Other tracks are accessible under the Land Reform (Scotland) Act 2003 and the Countryside (Scotland) Act 1967. The development contains no links to the path network but opportunities exist to link paths through the landscaped buffers. A Core Path link should be included as a planning condition – compares with Violet Bank links.

**Forward Planning:** Notes that the indicative capacity for the site in the Local Development Plan is 50. Lists the requirements in the LDP allocation including a Planning Brief, Flood Risk Assessment, watercourse buffer, culvert/flood plain protection, upstream channel kept clear, structure planting, impacts on archaeology and River Tweed assessed and connection to the public sewer.

**Neighbourhood Services:** Response awaited.

### **Statutory Consultees**

**Scottish Water:** Response awaited

**SEPA:** No objections to the development. Accepts the flood risks and notes that the adjoining channel was formed as a diversion channel for the Edderston Burn as part of the Peebles Flood Study. The Flood Risk Assessment suggests any overtopping would be limited and would head north, any grille blockage still not affecting the site. Satisfied that the recommended 3-5m buffer is being provided and that finished floor levels are at least 2m above the watercourse banks, this providing suitable freeboard and flows away from the site. Also notes that the site is connected to higher ground to escape any flooding of South Parks itself. Surface water flood risk is low but floor levels are still recommended to be kept raised allowing water through and not round the site. On SUDS, notices only one form of treatment and no other details, requiring the views of Scottish Water. Also states CAR requirements.

Notes changes in levels on amended plan but still no objections on flood risk as still one metre height difference from watercourse to top of banks. Maintains previous advice including CAR requirements.

**Peebles and District Community Council:** Objection on the following grounds:

- The capacity of 50 in the LDP allocation is exceeded and the applicant has failed to demonstrate justification for going above this capacity, thus the application is contrary to Policy PMD3. Roads Officer should not comment on the capacity of the site to accommodate the higher number.
- The development exceeds the extent to which Peebles could expand as defined in Policy PMD4, thus contrary.

- Contrary to Policy PMD2 in that it is overdevelopment not compatible with surrounding landscape or density.
- Contrary to PMD2 in terms of access, concerned that the submitted Traffic Assessment and Road Safety Audit are biased and flawed – no reference to Dukehaugh or limited visibility at that junction; limited visibility at Frankscroft junction; pinch points along Caledonian Road; narrow footpaths; no consideration of traffic impacts from Tweedbridge Court or other developments such as the Memorial Gardens or the employment allocated site; poor condition of Caledonian Road; TA based on older figures from another development and should have required an updated survey.
- There should be an independent traffic assessment and road safety audit and backs concerns expressed by an objector over the assessment of road safety by both the applicant and SBC Officers.
- The CC opposed the allocation in the LDP process.
- Significant impacts on infrastructure in Peebles, including education and health capacity and contrary to Key Outcome 7 in the LDP.
- Contrary to Policy HD3 in that the scale, form, traffic and noise will be detrimental to residential amenity.
- Site lies on edge of the SLA and concerned over landscaping buffers to south and east being outwith site, leading to overdevelopment within the site, and implementation/maintenance.
- Concerned that the Roads Officer has not taken into account problems identified by objectors in Caledonian Road such as additional traffic from Tweedbridge Court or the Dukehaugh junction

### **Other Consultees**

**Peebles Civic Society:** Objection on the following grounds: 40% increase above the LDP allocation; Caledonian Road does not have the capacity to safely cater for the additional traffic taking into account that generated by Tweedbridge Court; on-street parking along one side speeds up vehicles along clear stretches; Road Safety Report highlights pedestrian deficiencies; a further windfall addition; 40% increase above allocation will impact on schools and surgeries.

### **REPRESENTATION SUMMARY**

Objections have been received to the application from 112 properties and households. Several objectors have responded more than once and one includes their own traffic survey. There are critiques of the applicant's submitted reports and of the Roads Planning Service responses. These can be viewed in full on the Public Access website and the main grounds of objection include the following:

#### Policy

- Contrary to Policy PMD3 being over the indicative capacity of 50 without adequate justification
- Contrary to NPF and Policy PMD1 as not careful planned sustainable growth
- More suitable development sites north of the river.
- Allocation has not been justified by Council

#### Traffic/Transport

- Development will increase traffic to an extent (over 100 vehicles given that the development is providing for 171) that will seriously threaten road safety

and increase accident likelihood and vehicular damage contrary to Policy PMD2

- Impacts particularly severe on Caledonian Road which is already over capacity, constrained by narrow unsafe pavements, on-street parking, lack of off-street parking and slow backed-up flows, effectively being single lane. Also conflicts with the emergency service access usage, junctions with the mini-roundabout, badly designed junctions with Frankscroft and Dukehaugh with poor visibility and off-street parking accesses.
- Caledonian Road has pinch points, cannot be widened, is in deteriorating condition, connects with the mini roundabout with a blind bend beyond to South Parks, inappropriate signage, alignment and speeds approaching roundabout, requires better crossings and should have a speed limitation as traffic speeds between parked sections.
- Existing routes to the site fail to comply with all Government traffic guidelines and good practice guides
- Significant detrimental impacts on connecting roads at South Parks and Tweed Bridge with capacity at the latter having been reached and dangers to cyclists and pedestrians.
- Development should require a second bridge crossing as with Kittlegairy and identified in the Local Development Plan, significant issues should the existing bridge be blocked.
- Peebles Transport Study (2005) identified capacity issues which are now occurring due to continued development
- Poor connectivity with other routes should Caledonian Road be blocked.
- Too distant from public transport and amenities, especially the affordable housing.
- Increased parking and congestion in town centre.
- Walking routes to the countryside affected unless replacements provided

Significant issues and criticisms of submitted Transport Assessment/Road Safety Review/Transport Fact Sheet, including;

- There should be an independent Traffic Assessment instructed by the Council
- Underestimates of existing traffic volumes as surveys at school holiday time or last day of school and inadequate duration. Compared with separate survey from objector which reveals higher numbers and submitted as a TA/Risk Assessment and with other surveys at Tweed Bridge
- Incorrect classification of Tweed Bridge – should be UAP4 with capacity of 1250 per hour
- Survey from objector suggests 1560 cars per hour at Tweed Bridge, exceeding both UAP3 and 4
- Underestimates of projected traffic volumes and need for projection to 2027, given increases in local traffic
- Lack of submitted Risk Assessment
- Must include impacts from other developments, especially Tweedbridge Court
- Survey information from an earlier development re-used
- Assessment contains errors and is inconsistent with Government and Local Authority Policies and guidelines, including no mention of road condition and poor maintenance, accident records, cycleways, footways, speeding between parked cars, illegal parking and lack of parking control, mini roundabout approach and omission of junctions to Frankscroft and Dukehaugh.
- Assessment also lacks construction traffic impacts on roads and property, sustainable and public transport access, inadequate assessment and low projection of growth in traffic volumes

- Initially no Road Safety Audit and when submitted, was a Road Safety Review
- Other Audits omitted including Accessibility, Cycle, Design Accessibility and Equality Impact
- Ineffective Travel Plan

Criticisms of the responses from Roads Planning Service including:

- Not objective or addressing objections
- Step by step rebuttal from SBC needed.
- No evidence of agreement on scope of TA with developer
- Duty of care of Council on road safety or open to legal challenge
- Use of TRICS
- Compliance with Government guidelines
- Substantiation that the site is not overdeveloped
- Lack of adequate assessment of additional developments, speeding between parked cars, speeding history, impact on South Parks, mini roundabout, construction traffic and factors that influence capacity which is more correctly a single track capacity
- Failed to meet Government requirements re safety and accidents in there being no Road Safety Audit
- Not reflecting SBC previously expressed concerns over Caledonian Road and Tweed Bridge in LDP history
- Only injury accidents mentioned
- No updated traffic study information
- Design Manual wrongly applied
- Mitigation inadequate

#### Density/Layout/Amenity/Design

- Overdevelopment and high density suburban scale, out of character with surrounding development and contrary to Policy PMD2 and Placemaking SPG
- Ground levels being elevated
- No play space provision
- Clear precedent concerns over further expansion as highlighted in the MIR and contrary to Policy HD3
- Increased noise and air pollution, especially on access routes contrary to Policy HD3
- Contrary to Policy PMD 2 with inappropriate design, lack of character and white colouring.

#### Landscape/visual impact

- Contrary to Policy EP13 as impact on trees and hedges
- Contrary to Policy EP4 and EP5 with inadequate landscape containment or proposals, outwith development site and control
- Detrimental to scenic views and outlook over town
- Greenspace should be preserved
- Detrimental to tourism
- Impact of SUDS embankments

#### Infrastructure



- Increased surface water flooding risk on houses, roads and businesses and current ditch in the vicinity of the site and on Caledonian Road.
- Inaccuracy of Flood Risk Assessment
- Secondary flood risk to Dukehaugh and Tweed Green
- Inadequate water and drainage assessment
- Impact on electricity supply

#### Local services/developer contributions

- Significant detrimental impacts on local services such as doctors and dentists which already have long waiting lists
- Significant detrimental impacts on local schools in terms of capacity, parking, teacher and pupil levels, investment etc.
- The need for contributions and investment to support such local services, this development not contributing and adding significant strain
- Impacts on sports facilities

#### Other matters

- Criticisms of submitted Socio-economic Statement including lack of substantiation of benefits, lack of net assessment of infrastructure impacts, non-compliance with Government Guidance, lack of verification of job creation figures, discussion with NHS Trust etc.
- Criticisms of Property Supply Statement including lack of true affordability, existing supply and demand, demonstration of affordability information, lack of substantiation of running costs etc.
- No archaeology consideration
- Poor quality and reputation of developer
- Wildlife and bird impacts
- Obstruction to riding of marches.

#### Support

28 support letters have also been received on the basis that the development will bring a positive contribution to the local economy.

### **DEVELOPMENT PLAN POLICIES:**

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

PMD1 Sustainability  
 PMD2 Quality Standards  
 PMD3 Land Use Allocations  
 IS2 Developer Contributions  
 IS4 Transport Development and Infrastructure  
 IS6 Road Adoption Standards  
 IS7 Parking Provision and Standards  
 IS8 Flooding  
 IS9 Waste Water Treatment Standards and Sustainable Urban Drainage  
 IS13 Contaminated Land  
 EP2 National Nature Conservation Sites and Protected Species  
 EP3 Local Biodiversity  
 EP5 Special Landscape Areas

EP13 Trees, Woodlands and Hedgerows  
EP16 Air Quality  
HD1 Affordable and Special Needs Housing  
HD3 Protection of Residential Amenity

## **OTHER PLANNING CONSIDERATIONS**

SESPlan Strategic Development Plan 2013  
Scottish Planning Policy 2014  
PAN 44 Fitting New Housing into the Landscape 2005  
PAN 61 Planning and Sustainable Urban Drainage Systems 2001  
PAN 65 Planning and Open Space 2008  
PAN 67 Housing Quality 2003  
PAN 75 Planning for Transport 2005  
Designing Streets 2010  
Circular 6/2013 Development Planning  
Design Manual for Roads and Bridges  
Transport Assessment Guidance – Transport Scotland 2012

SPG Affordable Housing 2015  
SPG Developer Contributions 2016  
SPG Trees and Development 2008  
SPG Landscape and Development 2008  
SPG Green Space 2009  
SPG Placemaking and Design 2010  
SPG Guidance on Householder Development 2006  
SPG Waste Management 2015  
SPG Biodiversity 2005  
SPG Local Landscape Designations 2012

## **KEY PLANNING ISSUES**

The main determining issues with this application are compliance with Local Development Plan Policies and Supplementary Planning Guidance on development on allocated sites, traffic and transport impacts, density, design, landscaping, flood risk, local infrastructure and development contributions

## **ASSESSMENT OF APPLICATION**

### Planning Policy

The site is allocated in the Local Development Plan 2016 for housing, with an indicative site capacity of 50 units. This reflects the SESPlan housing land requirements for periods to 2019 and a further five years beyond. The density of the site, and detailed LDP criteria are assessed further in this report. The allocation lists a number of site requirements including the need for a Planning Brief, Flood Risk Assessment, safeguards over the adjoining watercourse and flood channel, structure planting and connection to the public drainage system. The allocation on the Proposals Maps shows landscaping requirements to the western and eastern edges within the site and a belt of planting outwith the site to the southern boundary.

In terms of traffic and transport, there are no specific site requirements listed under the allocation and the preamble to the allocations for Peebles states that the sites identified in the previous Finalised Local Plan could be accommodated by the existing Tweed Bridge, albeit with the risks of congestion increasing north of the river

and the Bridge nearing its capacity. Seven allocations for housing in the Local Development Plan reflect this acceptance of capacity without the need for a new bridge (including the current application at South Parks) but three major housing allocations south of the river at the eastern end of Peebles require the second bridge link to be provided. There is a current undetermined application for one of these areas east of Kittlegairy.

Although there is no site specific requirement relating to transport listed in the Local Development Plan, Appendix A clearly states that a Transport Assessment will always be sought for any development above 50 units and that the developer would be expected to pay for any off-site roadworks required as a result of their development, including cumulative effects with other development. This would not necessarily be included within the £1000 per market unit development contribution sought for traffic management and the bridge study within the town. The Reporter, in accepting the allocation, also noted that a Transport Assessment would be necessary.

Although the Local Development Plan also lists a requirement for a Planning Brief, this has not been prepared by the Council. As the planning application has been submitted in full for the whole development and supported by full plans, drawings, a Design and Access Statement and Landscape and Visual Appraisal, it is not considered that the additional requirement of a Planning Brief is necessary. Had the development been proposed on a plot by plot basis with a range of developers, then there would have been justification to have sought a Planning Brief with the first application.

In terms of the principle of a housing development on this site, the Policy background is one of full support. The site is not constrained by the need for the second bridge and provides a contribution towards the housing land targets identified in SESPlan and in line with "Key Outcomes 1 and 2" in the Local Development Plan i.e. effective housing land supply and opportunities for affordable housing. Although some objectors question the allocation and the need for a second bridge, the principle of the development should be assessed primarily against the provisions of the Development Plan in the first instance, as required by Section 25 of The Town and Country Planning (Scotland) Act 1997. It is only if there are material factors of sufficient significance that outweigh the provisions of the Development Plan, then determination could be against the provisions of the Plan. Much assessment from respondents and in this report will correctly focus on those material factors and, in particular, the impacts and consequences of the increased number of housing units above the indicative capacity. This report will contend that those material factors are not demonstrating sufficient adverse effects to the extent that refusal of development on an allocated housing site would be justified.

The Community Council, Civic Society and a number of objectors are concerned that the development of 71 houses is well above the Local Development Plan indicative capacity of 50. Indicative capacity figures should not be seen as absolute maximum figures or caps. They are designed to ensure that the Council meet their five year housing land supply obligations set by the Government and are included within SESPlan and the Local Development Plan to ensure sufficient effective housing land for the period of the Plan and beyond. The figures are not derived from an exhaustive analysis of the potential layout of every site but on general size and density parameters. Although consequential impacts may be, the fact that a proposed development exceeds the indicative capacity is not, in itself, justification *per se* for rejection of an application.

It is possible that, once detailed assessment has been carried out and layouts have been designed, development could prove to be acceptable in excess of the indicative capacity. This has happened on a number of sites throughout the Borders where developments in excess of the stated capacity have still been considered to be acceptable: It is very often the case that a higher density leads to a better form and layout of development. The issue is whether the additional number of units causes significant and demonstrable harm that cannot be addressed or mitigated satisfactorily. Whilst many objectors consider this to be the case at South Parks, it is not agreed that the impacts are sufficiently adverse from the increased number of units that refusal of the application would be justified. Impacts can be satisfactorily accommodated and mitigated where necessary.

### Layout

There have been significant objections and criticisms of the layout and density of the development from objectors, the Community Council and the Civic Society, based upon the indicative capacity of 50 within the Local Development Plan allocation, being exceeded by 21 units. This is an issue that was raised in the pre-application consultation procedures and the applicant has responded to the objections in the supporting submissions, including the Design and Access Statement, Socio-Economic Statement and Market Analysis Report. Members will also note that the contents of these supporting documents are disputed by some objectors who claim that the benefits are unsubstantiated, do not account for net detrimental impacts and are unfounded in terms of affordability of units and local existing supply.

In terms of the density of the development, the applicant claims that the development “...proposes a density in keeping with the local area”. They state that their development involves more compact units offering a wider housing range from 2-5 bedroom units and including a range of terraced units. There are a total of 30 units that offer 4-5 bedrooms and 28 units that are terraced. There are also six semi-detached units. The applicant makes the point that the development could have consisted of 50 larger detached family homes across the site and by mixing in smaller house types and using terraces and semi-detached units, footprint occupation on the ground and overall space and layout are still acceptable and in line with Council Policies and guidance.

It is fact that 28 of the 71 units are contained within terraced blocks. Had the application been submitted for the indicative capacity of 50 units on a purely detached house basis, there would have been likely to have been more repetition of narrow gaps between gable walls and an impression of congestion and overdevelopment possible as a result. The use of a significant number of terraced units and some semi-detached makes more effective use of ground and minimises the detrimental visual effects of increased unit numbers. It also reduces pressure on finding more housing land within, or on the edge, of Peebles.

Although the density is criticised by objectors, it is not considered that the layout and density are inappropriate for the area nor would cause any demonstrable harm to the surrounding residential areas or landscape. At 71 units across 2.3 HA, this equates to 30.87 units per hectare which has parallels in recent approvals for housing developments by the same developer and other schemes in the Borders. At Lauder for example, a density of 34.5 was consented for the same applicant. Fully affordable developments can result in even higher densities per hectare, as consented recently at Chirnside for example. It is inevitable, therefore, that the Council Policy requiring 25% on-site affordable housing has an impact on the overall density, those units generally being on a more compact and denser basis within layouts.

To comply with Policies PMD2, HD3 and the “Placemaking” SPG, any layout and density have to be appropriate to their surroundings and be compatible with, and respect the character of the surrounding area and neighbouring built form. The SPG repeatedly uses reference to the built context. However, the Policies and Guidance do not intend to seek identical or replica layouts and densities throughout a settlement, the importance of interest and variety being stressed. It is accepted that overall, the density of the development is greater than a comparable area immediately adjoining the site at South Parks or Edderston Ridge. However, there are existing housing areas within the vicinity that do also have varied denser parts and smaller house sizes. This development also varies its density within the site with the higher density at the western end reflecting the terraced affordable units and a lower density at the eastern end with open space/SUDs area allowing a better transition to Edderston Ridge. There is also a certain visual detachment from the adjoining housing areas as a result both of the location of the site west of the Edderston Burn relief channel but also its relationship with the South Parks Industrial Estate running along the northern boundary of the site.

The visual impacts of the variations in density are also assisted by the intended structure planting around the boundaries of the site, especially the 15m belt to the south which is not required to be within the site in terms of the Local Development Plan allocation. Further street planting, squares and areas of communal parking assist in alleviating any impression of congestion or overdevelopment and all houses comply with the buffer privacy standards set down in the “Householder” SPG. Whilst some of the private gardens are small, these generally back onto the intended landscaped buffers which further assist in visual impacts.

In terms of the overall layout, this is partly dictated by the rectangular shape of the site and the requirements of both street layout and drainage. It is not a site with particularly outstanding natural features within it although it does occupy an open attractive position in the landscape and on the edge of a Special Landscape Area. Generally, the layout has been informed by Guidance such as Designing Streets and the “Placemaking” SPG and attention has been paid to creating a street frontage along South Parks with focal entrance points, framed by natural stone walling and more interesting house gables. The landscaped SUDS feature provides a set-back open space entrance to the site from the east and the shared road surfaces and meandering building lines create punctuation and interest to counter against the rectangular shape of the site. The use of building line break-outs, communal parking areas and a square all add interest in terms of townscape, housing being grouped closer together around various nodes within the layout to increase enclosure and sense of place. Various amendments have been carried out to the layout since initial submission of the application to enhance and improve these features.

There is no indication of how the development will be phased from the developer, although the timing of the 18 affordable units will be set within the Section 75 Agreement and it is not anticipated that these should be left to the end of the development programme, despite their westerly position. A phasing condition will, therefore, be necessary to ensure an appropriate programme of development and delivery of all supporting works e.g. paths, roads, open space, water and drainage. This should also be reflected in the Construction Method Statement and Traffic Management Plan.

For the aforementioned reasons, it is not considered that the density and layout of the development are inappropriate for the area nor incompatible with character. The Policies and Guidance do not intend to seek identical layouts and density throughout

a town or village but they do aim to seek compatibility and respect. Because of the variations in density within the general area which are also reflected within the application site, together with the use of terraced/semi-detached units, varied layout/building lines and full landscape treatment, it is considered that the development is compliant with Local Development Plan Policies and Guidance.

There is no particular requirement in the Local Development Plan for an applicant to justify an application for development on an allocated site if that development is for the use allocated. Clearly, however, the applicant has considered it necessary to support the application with a Market Analysis Report and Socio-Economic Statement, stressing the need for smaller, more affordable units in Peebles and the economic benefits arising from their development. This is intended to support their justification for proposing higher numbers than the indicative capacity in the Local Development Plan. The claims in these documents are refuted by several objectors who are concerned that the claims are unsubstantiated and the net impacts are not reflected. There are also support letters from those who feel the development will benefit the local economy. The applicant has also produced the results of a survey which indicates support from the respondents for housing and affordable housing in Peebles

It is known that there is a significant local demand for affordable housing within Peebles and this development will certainly meet part of that need, due to the 25% on-site provision to be controlled by Section 75 Agreement. It is also the case that the allocation for 50 units in the Local Development Plan has arisen as a result of Government requirements for effective land supply for housing and that this development will both comply with that and also assist towards the shortfall, which led towards the "Housing" Supplementary Guidance being necessary. Beyond that, it is difficult to draw any firm conclusions over the other claims within the aforementioned supporting documents nor to give any particular weight to the conclusions. The development will make a housing contribution, both in affordable and private markets, and whilst there can be no direct control over the pricing of the private market units, there will be a correlation between size and price, the applicant targeting more smaller units and fewer larger units.

### Design

The design of the development must comply with Local Development Plan Policy PMD2 and the "Placemaking and Design" SPG in particular. PMD2 requires developments to be of a scale, massing and height appropriate to its surroundings. As referred to in the Design and Access Statement, there is a clear context for two storey housing development, set by Edderston Ridge in particular. Although the site continues to rise away from that boundary, the development does utilise cut at the western end and there have been a number of reductions in finished floor levels to improve the townscape relationship of houses, both to each other and with existing development outwith the site. It is considered that the scale and massing of the development is appropriate to its surroundings, as required by Policy PMD2.

The same Policy requires designs to be compatible with, and respect the character of, neighbouring built form. As mentioned under the Section in this report on density, this does not mean that the development must be identical nor would that be desirable in terms of developing interesting and varied placemaking. However, certain design principles have been used in this application which provide a connection with local architectural styles, including the use of gable end designs and dark grey tiled roofs, with no roof pitches shallower than 35 degrees. Similarly, attention has been paid to fenestration and changes have been made by the

developer to produce house types with vertical emphasis to windows and, where double windows are required, separated by solid mullions to retain the vertical emphases. Similarly, porch projections and canopies have also been used to add interest to the front elevations of most of the house types. The applicant has mentioned that a number of the house types have also recently been approved by the Council at their site in Lauder.

One particular concern related to the end gables of houses which would be encountered along the main site frontage or travelling through the development at the head of streets and rows of houses. Whilst there are already gable ends elsewhere facing South Parks, it was felt that improvement was needed at the gable end of some of the “signature” house types to reduce visual bulk and improve interest. Although the Landscape Architect sought additional planting in these areas, more interesting design was still sought on the gable elevations. After several amendments, the changes to the houses such as the “Whithorn” and “Thurso” type represent some improvement but still present large bulky gables, punctuated only by four narrow vertical windows and a small feature panel in reconstituted stone. These gables still need improvement with a better ratio of window to wall and larger areas of feature panelling. This matter can be reserved for further agreement by condition.

The applicant has also made it clear that they are prepared to consider a varied palette of colours for the render and reconstituted stone features on the properties, whilst confirming that there would also be no facing brick used, which would not be appropriate for the area. The precise details can be controlled by an appropriate condition to ensure sensitive edges are integrated with their surroundings and visual impact is reduced.

In summary and subject to conditions, the design of the units and the materials will allow connection and integration with the surrounding urban fabric whilst providing a sense of place and variety of townscape and design, in keeping with Local Development Plan Policies and Supplementary Planning Guidance.

### Access

Policies PMD2 and IS6 require safe access to and within developments, capable of being developed to the Council’s adoptable standards and in accordance with the guidance in “Designing Streets” and various other relevant Government publications and Guidance Notes. More than any other material factor with this application, significant and numerous objections over adequacy and safety of the access routes to the site have been lodged, relating especially to Caledonian Road and Tweed Bridge. The various reasons for these objections have been summarised earlier in this report and Members will have had full access to all of the submissions on Public Access. In terms of compliance with relevant Policies and Guidance, it is necessary to consider the potential impacts of the development on the traffic network leading to the site, then at the actual road, footpath and parking layout of the development itself.

As previously mentioned, the site is an allocated site for housing development with an indicative capacity of 50 houses. Although there has been much criticism of that position within the objections submitted, it is clear from the planning history that there is Government acceptance of the potential traffic impacts of a development of 50 houses, subject to the submission of a Transport Assessment and mitigation measures as previously identified by the Council. This should reflect tacit acceptance of the use, and capacity of, Tweed Bridge, Caledonian Road and South Parks to serve a development of 50 houses on the allocated site. Although a number of objectors request a second bridge crossing before the site is allowed to be

developed, that is not the Local Development Plan position and it must be accepted that, under Section 25 of The Act, the principle of any development of the site up to the indicative capacity of 50 could not be successfully challenged – subject to a satisfactory Transport Assessment and appropriate mitigation measures.

Apart from the provisions of the Local Development Plan, other material factors can be considered. In this case, the principal material factor is what impact the additional 21 residential units will have on the local road network and whether it can safely and adequately accommodate extra traffic, if any, taking into account all other relevant features of the road system, the findings of the Transport Assessment and any mitigation proposed. The Transport Assessment, submitted by the applicant, has been seriously questioned by objectors and there have been a number of objectors call for an independent Transport Assessment to be carried out, or on behalf of, the Council. The objectors believe that the applicant's Assessment is fundamentally flawed and biased towards proving the development is acceptable.

This criticism could be levelled at any information submitted by an applicant to support their application, even those submissions that have been prepared by professionally qualified consultants on their behalf. The Council, through their Officers, undertake professional and neutral assessment of such Assessments and support information and there is, therefore, no justification nor precedent for the Council to commission their own Assessments to assist in consideration of planning applications. If Officers do not accept the terms or conclusions of such Assessments, then they will say so – there is no obligation to accept them whether they are submitted by an applicant or, as in some cases, objectors to a scheme.

The principal areas of disagreement relate to the capacity of Caledonian Road and Tweed Bridge, including its footpaths and junctions with Dukehaugh, Frankscroft and South Parks, to safely cater for the increased traffic from the development. Indeed, there is much criticism of both the submitted Transport Assessment survey and analysis of the potential impacts but also the Roads Planning Service general acceptance of its findings. Amongst other objections summarised earlier in this report, Members will note the following:

- Increased traffic of over 100 vehicles that will seriously threaten road safety and increase accident likelihood
- Impacts particularly severe on Caledonian Road which is already over capacity, in deteriorating condition, constrained by narrow unsafe pavements, on-street parking and effectively being single lane with substandard junctions with the mini-roundabout, Frankscroft and Dukehaugh.
- Significant detrimental impacts on connecting roads at South Parks and Tweed Bridge with capacity at the latter having been reached and dangers to cyclists and pedestrians.

Furthermore, objectors have particularly criticised the Transport Assessment and Road Safety Review submissions by the applicant for reasons including:

- Underestimates existing (and projected) traffic volumes as surveys at school holiday time and inadequate duration.
- Incorrect classification of Tweed Bridge – should be UAP4 with capacity of 1250 per hour
- Survey from objector suggests 1560 cars per hour at Tweed Bridge, exceeding both UAP3 and 4
- No identified impacts from other developments, especially Tweedbridge Court



- Inconsistent with Government and Local Authority Policies and guidelines, including no mention of road condition, accidents, cycleways, footways, speeding between parked cars, illegal parking, mini roundabout approach and omission of junctions to Frankscroft and Dukehaugh.
- Lacks construction traffic impacts
- No Road Safety Audit

The Roads Planning Service have carefully considered all submissions made both by the applicant and by objectors. They have identified that there is capacity within the local road network to safely accommodate the traffic associated with the proposed development of 71 units. They compare Caledonian Road with a classification of UAP3 from the Design Manual for Roads and Bridges with a two way flow capacity in the peak hour of 1500 vehicles. They do not criticise the baseline figures in the Transport Assessment of flows of 249 and 286 vehicles (AM and PM) at the junction with Tweed Bridge which, when increased to accommodate the proposed development, Tweedbridge Court (which has subsequently been refused) and a growth factor, result in projected flows of 327 and 361 vehicles at peak times. The Roads Planning Service consider this to demonstrate that the potential traffic impacts from the development are still well within the safe capacity of Caledonian Road and also within the capacity of Tweed Bridge. They also accept the applicant's statement that the difference in traffic generation between the allocation of 50 houses and 71 smaller units would be negligible.

They acknowledge that on-street parking in Caledonian Road will reduce the operative capacity but they believe that the parking also has a positive influence in slowing down traffic speeds. They do acknowledge that some improvements have previously been identified in Caledonian Road to mitigate against adverse traffic impacts and they make recommendations for four measures to be undertaken by the developer before any site development is commenced, as follows:

- Widen the existing footway by 200mm on the north side of Caledonian Road from Dukehaugh to the radius point east of the Ambulance Station access.
- Two pedestrian crossing points to be installed at agreed locations. One on Caledonian Road to the west of the Frankscroft junction and one on South Parks adjacent to No.3.
- Additional parking to be provided within the grassed area at the west end of Caledonian Road. The overall parking area to be lined to ensure effective use of this area.
- Vehicular access crossing to be installed for No.27 Caledonian Road, which will involve the relocation of the street lighting column, to the satisfaction of the Council's Street Lighting section.

Subject to these measures, they are satisfied that the traffic impacts of the proposed development are acceptable and that the local roads network can accommodate the increased traffic safely.

Some objectors strongly oppose this summary and directly criticise the assessment carried out by the Roads Planning Service. The reasons for the criticism are summarised earlier in this report and include lack of objectivity, incorrect classification of Caledonian Road, non-compliance with Government guidelines and inadequate assessment and implications of parked cars, speeding, mini roundabout junction, construction traffic etc. However, the Roads Planning Service's position remains as advised in the second consultation response dated 15 January. They

maintain that there is still spare capacity to safely accommodate the anticipated traffic from the development, even taking into account traffic growth, other developments and the limitations on capacity, such as on-street parking. Their advice is that, subject to the four mitigation measures outlined above, the development can be safely accommodated and on-street parking can also be regulated by the Council where necessary. This also includes the use of Tweed Bridge, whilst recognising that existing and projected traffic volumes are closer to the assumed capacity threshold than in Caledonian Road. The latest Bridge traffic count simply confirms that capacity exists.

It should also be noted that the development is allocated in the Local Development Plan for 50 houses which will generate a certain level of traffic that was considered, by a Government Reporter, to be able to be adequately mitigated via a Transport Assessment and improvement measures, such as those outlined. The Roads Planning Service has also accepted that the actual traffic volume increase between 50 houses and 71 houses (containing a number of smaller units, including terraced houses and flats) would be insignificant. Given the careful analysis and reassessment by the Roads Planning Service after taking into account all relevant submissions, including those from opponents, it is not considered that there is sufficient justification to oppose the development on the grounds of capacity of the existing road network leading to the site.

The layout of the site does not generally cause any issues with the Roads Planning Service – the roads, paths and drainage requiring Roads Construction and Section 7 Consent. Good connectivity is achieved via two vehicular access points from South Parks and there remain full footpath links throughout. The Access Officer requests that the development makes provision for linkage from the development to the core path network that runs along the site frontage, down the western side then due west. Pedestrian links through the landscaped buffer are recommended. A further link to Ederston Ridge has been ruled out by the developer and this is no longer insisted on by Roads Planning.

The layout also provides potential reservation of vehicular and pedestrian linkage to land to the south of the site. This has been criticised by some objectors as setting a precedent but there would still be connectivity and recreational reasons why residents within the development should be able to directly access the adjoining land and core path. A condition securing footpath linkage would, therefore, be recommended.

Adjustment to the overall road and parking layout has occurred during consideration of the application with better spread of visitor parking and an increase in on-street spaces being required. There remains some further questions over additional parking around Plot 28 and further verification of the dimensions of curtilage spaces – but such amendments can be made and controlled by condition without impacting significantly on the design or layout of the scheme.

Subject to the aforementioned conditions, it is considered that the proposals are in compliance with the provisions of the Local Development Plan in relation to safe and acceptable access to, and within, the site. It is not considered that there are other material factors of such significance in relation to road safety and access that would outweigh the terms of the Local Development Plan in this instance.

#### Landscape

The application was submitted with a supporting Landscape and Visual Appraisal to accompany the Design and Access Statement. This utilised methodology of significance of effects and concluded that the site, with intended structure planting, would retain strong visual containment and provide a logical visual extension of the urban edge of Peebles without significant impact on the Special Landscape Area. The Appraisal considers the development to be a “...measured expansion into the designated area” without “...impact upon the integrity or quality of this landscape”.

In terms of compliance with Local Development Plan Policies PMD2, EP4 and EP5 and the relevant SPG on “Landscape and Development”, the Design and Access Statement and Landscape and Visual Appraisal are noted and generally accepted, in terms of their analysis of the landscape impacts of the scheme. However, although there was no objection from the Landscape Architect, a series of issues were raised which have been explored further with the developer. These related mainly to the following:

- An increase in the southern buffer planting from 10-20m with half woodland/half hedgerow mix
- Increased buffer planting and less ground disturbance to the western edge
- Increased buffer planting to the eastern edge
- Altered frontage specimen tree species
- Enhanced landscaping at blank gables
- Natural stone walls at the site frontage and entrances
- Additional planting in the SUDs area
- Tree Survey required for impacts at the south-west and north-west of the site

These issues were considered by the applicant and revised plans were submitted which generally make the requested amendments. The southern landscaping strip will be 15m instead of 20m and the western strip has been thickened, but is constrained by the core path and the need to retain agricultural access. The eastern strip has been thickened and new natural stone walling proposed to the site frontage and main entrance points. Overall, the amendments made to the landscaping are acceptable and will result in the satisfactory framing of the development and better landscape fit into the area. Several conditions will be required including full planting details, maintenance, tree protection and boundary treatment.

There is objection from the Community Council and others in relation to the fact that the landscaping strip to the south has been placed outwith the site, thereby potentially causing difficulties of implementation and also maximising the development site for housing without adequate landscape within it. Whilst these points are understood, the Local Development Plan clearly notes the southern planting strip outwith the allocated site and this is a practice common amongst other allocated sites on the edge of settlements. The developer is purchasing the allocated site off the same company who own the field upon which the landscaping will be intended and there has never been any suggestion that there would be any difficulty in implementing the planting. Provided the buffer strip is 15m wide and of appropriate woodland/hedgerow mix, the fact that it lies outwith the allocated boundary does not mean it is unacceptable as the visual containment effect will be the same. There should also be the opportunity to seek the southern planting belt to be carried out at the onset of the development or during the next available planting season. The implementation of a full landscaping scheme will be controlled by condition as will all boundary treatments, internal planting and existing tree retention.

#### Residential Amenity

Policies PMD2 and HD3 contain safeguards regarding residential amenity, both in terms of general use compatibility but also direct impacts such as privacy and light. In terms of PMD2, the development of the site for housing is compatible with and respects the uses that predominantly adjoin the site i.e. the housing areas at South Parks and Edderston Ridge. This is certainly more the case than the use of the site for employment purposes which was intended initially in the Local Development Plan process. The issue is whether the precise layout and design of the development, including the increased unit numbers above the indicative capacity, cause any adverse issues of residential amenity to existing properties or, indeed, between proposed properties within the layout.

In terms of existing properties, the site is detached locationally and visually, separated by distance, roadways, ditches and screening from existing housing areas. There is no question that the development will be seen from these areas but there is also no demonstrable harm or impact in terms of privacy or daylight. A number of objectors have questioned impacts on view but this is not an element of residential amenity that is measurable or able to justify an adverse impact. The fact that the development has a low-density eastern edge with open space SUDs area, buffer, screen planting and fewer properties, eases the transition between existing and new housing areas and reduces the direct impacts on residential amenity to acceptable levels.

The visual impacts are also not to be judged upon the difference between an open field and 71 houses but more properly on the actual visual impact difference between the allocated capacity of houses and the number proposed, in that the Local Development Plan allocates the site for 50 houses and there would be expected to be a certain level of visual impact from that. As has been explained in this report, it is not considered that the layout, density or designs of houses would lead to an unacceptable development and this is further ameliorated by the intended landscape framework. Further controls on colours and materials will be imposed by condition to ensure that there is an acceptable transition between urban and rural areas. The applicant has indicated agreement to colours that are more muted and varied than white and off-white. Subject to this, the levels of impact are considered acceptable in terms of visual amenity.

There are also objections expressed over residential amenity in terms of traffic impacts and noise, this being mentioned in Policy HD3. In terms of the construction period and taking into account the comments of the Roads Planning service and Ecology Officer, there will be the requirement to submit a Construction Method Statement and Traffic Management Plan. These will include before and after road condition surveys, HGV movements, hours of operation etc. In this way, construction impacts on residential amenity should be minimised. In terms of operational impacts above and beyond the impacts expected from the allocated development, the Roads Planning service agree with the submitted Traffic Assessment in that such additional traffic would be minimal. Although this is not accepted by many objectors, it is not considered that the operational increase in projected traffic volumes beyond that expected from the allocation, provides sufficient justification to oppose the application in terms of impacts on residential amenity under Policy HD3.

The development must also be respectful of residential amenity within the development. The layout has been assessed and it is considered that all properties have sufficient garden space and distance between windows. The closest back to back window distances still comply with the 18m minimum in the "Householder" SPG and adjustments have been made in the areas around Plots 7-11 to improve potential

side gable overlooking. Other gables will be largely blank looking onto gardens and, although there are one or two front elevation pinch points between facades, these are deliberately designed to provide street variety and enclosure e.g. Plot 43 and 48. Whilst some of the rear gardens within the affordable housing element of the scheme will undoubtedly be relatively small, they will be compensated by landscaped buffer zones and communal landscaped parking areas outwith the garden boundaries. Overall, it is considered that the development provides acceptable residential amenity in terms of Policies PMD2 and HD3.

### Drainage and Flood Risk

Local Development Plan Policies IS8 and IS9 are the most relevant in consideration of the impacts of development of this site on the water environment. Policy IS8 relates to flood risk and IS9 to Waste Water Treatment Standards and Sustainable Urban Drainage. There are strong objections from local residents on these matters, especially in relation to surface water flood risk to property in the vicinity and to the adjoining flood ditch.

Policy IS8 requires development to not be at risk of flooding but also not to materially increase the risk of flooding elsewhere. Both SEPA and the Council's Flood Risk Officer have been consulted on the application and, subject to conditions and Informatives, neither have objected to the application on the grounds of flood risk. They accept the findings of the Flood Risk Assessment that has been submitted with the application. It is stated that the site lies outwith the 1 in 200 year flood area that was calculated following the Peebles Flood Study of 2018. The development is also leaving a 5m buffer to the flood ditch that provides relief for the Edderston Burn, to the eastern edge of the site. Although some finished floor levels have now been lowered, SEPA feels there is still sufficient height to the banks of the flood ditch to avoid a flood risk over the development site. They also feel that, although there may be 0.25m inundation possible on South Parks, escape to higher ground surrounding the development site is still available.

Policies IS8 and IS9 also require to be complied with in relation to drainage of the site and avoidance of creating a material flood risk elsewhere. Both SEPA and the Flood Risk Team generally accept the drainage proposals but there is comment about the SUDS basin and the need for two forms of treatment to be utilised. The current intention is for the SUDs basin to cope with a 1 in 200 year flood event with climate change, then discharging to the ditch to the east of the site with flow rate controlled.

Advice is given by SEPA and the Flood Risk Officer on these forms of treatment but the final agreement would lie with Scottish Water and the Council's Roads and Flood Risk Teams. There has been no response from Scottish Water to the application but, given the allocation of the site in the Local Development Plan, there is no expectation that the development could not be connected to the public sewerage system, even though the unit numbers are above the indicative capacity. The developer has submitted Drainage Assessments and it would appear that it is the final and precise detail of the drainage system that requires to be agreed, relating to forms of treatment, levels etc. The developer indicates that Scottish Water are accepting of one level of treatment. There is acceptance of the SUDS approach and detention basin generally. These issues can be addressed by fully suspensive conditions on drainage and levels, backed by Informatives, to ensure agreement is reached before development can be commenced. In this way, local concerns over flooding impacts can be addressed.

## Ecology

The application requires assessment principally against Local Development Plan Policies EP1-EP3 covering international, national and local nature conservation and protected species. The application was supported by an Extended Phase One Habitat Survey and bat surveys. The Council Ecology Officer accepts the findings of the Habitat Survey and, in terms of potential impacts on the River Tweed SAC/SSSI, is satisfied that, provided there are silt and other controls on pollution prevention, the development would meet the terms of the Policies and the site requirements listed in the allocation. This would include agreement of a Construction Method Statement prior to development commencing.

In terms of protected species, bat roosts were found in a tree adjoining the site but the Ecology Officer is satisfied that, as the number of bats are low and they are of a common species, the matter can be handled via a licence from SNH, although an increased landscape buffer (as recommended by the Landscape Architect) would be welcomed. It is also recommended that a condition be imposed seeking a Species Protection Plan for bats and breeding birds. Despite several objections in relation to potential impacts on wildlife, the advice from the Ecology Officer is that the development, subject to conditions, would be acceptable in terms of impacts on ecology and the natural environment.

## Other issues

The Local Development Plan, under site requirements, makes reference to archaeological evaluation and this point has also been raised in objections. The Council Archaeology Officer has confirmed that this matter can be addressed through an appropriate condition covering a scheme of investigation.

Play Space is generally advised within the Council "Greenspace" SPG. The Council Policy, in recent years, has been to seek enhancement of existing play space facilities rather than individual small play areas where adoption and maintenance pose additional problems. In recent housing developments in Peebles, commuted sums have been sought from developers towards enhancing existing play facilities elsewhere, including the facilities at Hay Lodge Park to the north of the river. This included a development at Jubilee Park that did not, ultimately, receive consent for other reasons.

Pedestrian access to Hay Lodge Park is possible to the north of the site over the Fotheringham Bridge and, given a number of factors including adequate private garden provision, location on the edge of the countryside and the fact that users of the play space would be likely to be accompanied by adults, it is considered that off-site enhancement of facilities would be appropriate in this instance. Although there has been no response from the Neighbourhood Services Officer, it is known that this is the general approach towards play space requirements in such cases. The Section 75 Agreement would secure £500 for each dwelling unit towards the provision which would then be applied to the appropriate local facility.

## Developer Contributions and local services

Local Development Plan Policy IS2 requires all housing developments to contribute to infrastructure and service provision where such contributions are considered necessary and justified, advised by the Development Contributions SPG. This includes a requirement for all private housing developments of 17 units and upwards to provide on-site affordable housing units at a ratio of 25%. The development meets

this particular requirement through the provision of 18 two and three bedroomed houses and flats at the western end of the development. Although actual affordability is questioned by objectors as well as local supply, the Council Policy will be met by the provision of the units, subject to agreement of tenure, via a Section 75 Agreement. Members will note that a local Housing Association have already indicated an interest in the 2019-24 SHIP.

In terms of other financial contributions that would be demonstrated to be required by the development, impacts on schools, health and sports facilities are mentioned by objectors. In terms of education and, whilst acknowledging the concerns that have been expressed over capacity and strain on facilities, the Council Policy is to seek a standard contribution per market unit where school capacity and rolls are of concern to Education and Lifelong Learning. As Members will note from the consultation response, contributions of £57,876 and £410,962 towards Peebles High and Kingsland Primary Schools are advised and the developer has agreed to meet these contributions – levied upon the private houses and not the 18 affordable units. There is no request to seek any enhanced amounts and it is accepted that this element of development contribution Policy would be met through the Section 75 Agreement.

Similarly, the standard £1000 per market unit for traffic management/Peebles Bridge Study and £500 per market and affordable units for off-site play provision enhancement (as previously referred to) are also agreed to be met by the developer within the Section 75 Agreement.

Many objectors refer to the current health care provision and waiting times in Peebles and several also refer to dental care capacity. Such concerns frequently arise in Peebles and many other towns across the Borders when faced with housing development and population growth. The concerns suggest that the application should either be refused for reasons of impact on health care services or that contributions be sought to support the services. The issue is regularly reviewed during the Development Planning process and, as identified by some objectors, the NHS are consulted when land is allocated and growth planned.

Whilst the Development Contributions SPG states that “...*Any services, infrastructure or facilities may require contributions...*” health care is not listed in the examples of the predominant types of facilities that could be supported with contributions. There has hitherto been no identified need to oppose developments or seek financial contributions on the basis of health care capacity, perhaps reflecting the variety of reasons why there currently may be capacity issues. These may not only relate to population and development growth but also to funding and resource matters which lie outwith the control of the Local Authority or developers. There is also the difficulty of not only assessing how much contribution should be sought, but also how to ensure it is diverted to local facilities that may require it when such services are centrally funded. Ultimately, it would be difficult to establish a clear causal link (and justification to seek contributions) between a proposal to add 21 units above the indicative capacity in the Local Development Plan and the potential impact on health care in the town.

## **CONCLUSION**

The proposals are considered to be an acceptable development of an allocated housing site within the Local Development Plan, providing additional private and affordable houses to meet demand and local need. The density, design and layout of the development comply with Policies and Guidance and the impacts on visual

amenity, road safety and infrastructure are considered acceptable, mitigated by conditions and contributions where required.

In conclusion and subject to compliance with the proposed schedule of conditions, Informatives and Section 75 Agreement securing affordable housing and other development contributions, the development is considered acceptable when assessed against the Local Development Plan and other material factors.

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

I recommend the application is approved subject to the following conditions, Informatives and Section 75 Agreement:

#### **Conditions**

1. No development shall commence until a scheme of external materials (including specifications and samples of materials and colours) for all buildings within the development, has first been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved scheme.  
Reason: To ensure external materials are visually appropriate to the development and sympathetic to the surrounding area.
2. No development shall commence on Plots 1, 6, 9, 12, 35, 42, 43, 48, 49 and 53 notwithstanding plans and drawings approved under this consent, until revised elevation drawings and supporting floor plans of the “Thurso”, “Whithorn” and “Torrison” house types have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in strict accordance with the approved plans and drawings.  
Reason: To achieve design improvements to these aspects of the development
3. No development shall commence, (notwithstanding the details provided in the approved drawings), until a detailed scheme of landscaping and boundary planting (incorporating layout, location, species, schedule, implementation date(s) and future maintenance of all new planting and communal open space within and outwith the site) has first been submitted to and approved in writing by the Planning Authority. The development shall only be carried out in accordance with implementation and maintenance of the approved scheme.  
Reason: Further information is required to achieve an acceptable landscape scheme for the site.
4. The development shall remain outwith the Root Protection Areas of the trees identified outwith and to the western side of the site on Drawing SD 0217(12), the trees to be protected in accordance with BS5837 during construction work.  
Reason: To safeguard existing trees adjoining the site.
5. No development shall commence, (notwithstanding the details provided in the approved drawings), until a detailed scheme of boundary treatments (walls and fencing) has first been submitted to and approved in writing by the Planning Authority. The scheme shall include the layout/route of all existing and proposed walls and fencing, and their detailed design, height and materials. This shall include the use of natural stone at selected stretches of



the northern site frontage. All boundary treatments within the application site shall accord with the approved scheme.

Reason: Further information is required to achieve an acceptable boundary treatment scheme for the site.

6. Prior to the commencement of development, the developer shall provide to the Planning Authority:
  - i. a copy of the relevant European Protected Species licence, or,
  - ii. a copy of a statement in writing from Scottish Natural Heritage (licensing authority) stating that such a licence is not necessary for the specified development.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1.

7. No development shall commence until a comprehensive Species Protection Plan for bats and breeding birds has first been submitted to and approved in writing by the Planning Authority. Thereafter, no development shall take place except in strict accordance with the approved plan.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

8. No development shall commence until a Construction Method Statement to protect residential amenity and the natural environment, including watercourses, has first been submitted to and approved in writing by the Planning Authority including appropriate measures as advised in "GPP 5 Works and maintenance in or near water" and BS5228. Any works shall thereafter be carried out strictly in accordance with the approved scheme.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3

9. No development shall commence until a phasing programme for the development has been submitted to and approved in writing by the Planning Authority. This shall include all buildings, roads, paths, landscaping, parking areas, cycle storage, water, foul and surface water drainage services. Development shall only be carried out in accordance with the approved phasing programme.

Reason: To ensure the development is carried out in a manner which ensures that occupied residential units are provided with necessary infrastructure and services.

10. No development shall commence until further details of proposed levels within the site have first been submitted to, and approved in writing by, the Planning Authority. These details shall include existing and proposed ground, road and other hardstanding levels; proposed house and finished floor levels and any retaining wall height and specifications. The levels shall relate to a fixed, off-site datum point. The development shall be carried out in accordance with the approved details

Reason: To ensure levels and retaining walls within the site achieve a sympathetic visual appearance and make satisfactory provision for surface water drainage.

11. Details of the surfacing materials for the proposed roads, footpaths and parking spaces to be submitted to, and approved in writing by, the Planning Authority before the development commences. The development is then to be completed in accordance with the approved details.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and in a manner which enhances the character and visual appearance of the development.

12. The proposed roads, footpaths and parking spaces/areas indicated on the approved drawings, incorporating any additional details as required by conditions 11, 14, 15 and 19, shall be constructed to ensure that each dwellinghouse, before it is occupied, shall be served by a properly consolidated and surfaced carriageway, parking area and footpath/shared surface.

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

13. No development to be commenced until a scheme of details is submitted to, and approved in writing by, the Planning Authority for the off-site works required to help mitigate the impact of this development on the local public road network. The approved scheme of works to be fully implemented to the satisfaction of the Planning Authority prior to works commencing on the proposed development. The scheme of details to include the following;

- i. Widen the existing footway by 200mm on the north side of Caledonian Road from the Dukehaugh junction to the radius point east of the Ambulance Station access.
- ii. Two pedestrian crossing points to be installed at agreed locations. One on Caledonian Road to the west of the Frankscroft junction and one on South Parks adjacent to No.3.
- iii. Additional parking to be provided within the grassed area at the west end of Caledonian Road. The overall parking area to be lined to ensure effective use of this area.
- iv. Vehicular access crossing to be installed for No.27 Caledonian Road, which will involve the relocation of the street lighting column, to the satisfaction of the Council's Street Lighting section.

Reason: To ensure the impact of the proposed development on the local road network is adequately mitigated.

14. No development shall commence until a detailed parking layout is submitted to, and approved in writing by the Planning Authority. Parking bays to be a minimum of 2.5 by 5.0 metres, excluding any paths adjacent to parking bays. Where enclosed by any physical feature such as walling or fencing the bays must be widened to 3.0 metres to ensure adequate access/egress from parked vehicles. The length of the bays will need to be increased to 5.5 metres when situated hard up against the building. Nose to tail parking arrangements should be a minimum of 12 metres in length to ensure vehicles do not overhang the carriageway/footway. The development then to be implemented in accordance with the approved parking details.

Reason: To ensure the provision of adequate parking facilities within the development.

15. Two additional parallel parking bays to be provided adjacent to Plot 28. Details of the amended parking layout to be submitted in writing to the Planning Authority for approval, thereafter implemented fully as per the drawings within an agreed timescale.

Reason: To ensure the provision of adequate parking facilities within the development.

16. No development shall commence until a Traffic Management Plan (TMP) is submitted to, and approved in writing by, the Planning Authority. The development then to proceed fully in accordance with the approved TMP during the construction phase of the development.

Reason: To ensure the impact of construction vehicles on the public road network is mitigated so far as reasonably practical.
17. No development shall commence until a pre-construction condition survey of Caledonian Road and South Parks is undertaken and submitted to the Planning Authority for record purposes. Thereafter, monthly inspections to be undertaken and recorded. Upon completion of the construction period for the development a post-construction condition survey to be undertaken of the aforementioned roads and submitted to the Planning Authority. Any remedial works identified as a result of the condition surveys must be rectified to the satisfaction of the Planning Authority within three months from an agreed date.

Reason: To ensure there is no detrimental impact on public road network during and after the construction period.
18. Any emergency remedial works identified on the public road network as a result of the construction period for the development, must be rectified to the satisfaction of the Planning Authority within one week of being identified, unless otherwise agreed.

Reason: To ensure there is no detrimental impact on public road network during the construction period.
19. No development shall commence until details are submitted to, and approved by the Planning Authority, relating to footpath links from the development to the land and core path network outwith the site to the south and west. Once approved, the footpath links shall be completed to the specification of the Planning Authority in accordance with the phasing and programmes agreed by conditions 9 and 12 of this consent.

Reason: To ensure adequate provision is made for public access between the site and surrounding land and the public path network.
20. No development shall commence until a) written evidence on behalf of Scottish Water that the development will be serviced by mains foul drainage and water supply and b) until a final surface water drainage scheme, based on the approved site layout (SPP-02-01 Rev N as amended by conditions 10, 11, 14, 15 and 19) have been submitted to and approved in writing by the Planning Authority. The approved services shall be installed in accordance with the approved phasing scheme (Condition 9)

Reason: To ensure the development can be adequately serviced and minimise risk of off-site surface water run-off
21. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved in writing by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological

resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.

Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

22. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:

- i. Development at (Note 1)
- ii. Notice is hereby given that planning permission has been granted, subject to conditions (Note 2) to (Note 3) on (Note 4) by Scottish Borders Council.
- iii. The development comprises (Note 5)
- iv. Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose. Telephone 0300 100 1800, or by visiting <http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).

Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

### Informatives

1. All prospectively adoptable roads, pavements and associated infrastructure will require Road Construction Consent. The applicant should discuss this separately with the Council's Roads Planning Service to establish the scope and requirements of Council adoption.

All works within the public road boundary must be undertaken by a contractor first approved by the Council.

2. Development should be carried out in a manner consistent with British Standard guidance on construction works, to maintain neighbouring amenity, in particular BS5228
3. Any unauthorised disturbance to protective species habitats is an offence under European and UK habitat legislation. The applicants/developers should ensure precautions are taken before commencing work on site (including vegetation clearance) and the advice of an ecologist is recommended.
4. In relation to drainage and Condition 20, the Council's Flood Risk Officer advises the following:

I would recommend that two forms of treatments are implemented given the size of the site (above 50 houses). I would specifically recommend that there is a method of source control added to the existing proposed detention basin.

I would recommend that SEPA are notified of the intention of using one form of treatment (detention basin) and that their approval is given to ensure that this complies with the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR) before any works take place. Engagement with Scottish Water would also be encouraged.

5. SEPA advise as follows:

Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- is more than 4 hectares,
- is in excess of 5km, or
- includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°

See SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

Below these thresholds you will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

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 services team in your local SEPA office at: Burnbrae Mossilee Road Galashiels TD1 1NF Tel: 01896 754797

6. The Notes required of Condition 22 should be completed as follows:

- Note 1: Insert address or describe the location of the development
- Note 2: Delete "subject to conditions" if the planning permission is not subject to any conditions
- Note 3: Insert the name and address of the developer
- Note 4: Insert the date on which planning permission was granted (normally the date of this Notice)

- Note 5: Insert the description of the development.
- Note 6: Insert the application reference number.

**DRAWING NUMBERS**

Location Plan	SP 01-01
Site Layout	SPP 02-01 Rev N
Sections	SPB 04-01
Landscape Plan	143.119.01 Rev D
Landscape Plan	143.119.02 Rev D
Landscape Plan	143.119.03 Rev D
Tree Survey	SD 0217 (12) - Canopy
Tree Survey	SD 0217 (12) – Root Protection
Drainage Layout	E11016/2001 F
Engineering Layout	E11016/1001 G
Swept Path	E11016/1501
Elevations	SB1 Balerno Rev A
Elevations	SB2 Braemar
Elevations	SB2 Glamis
Elevations	SB1 Kearn
Elevations	SB1 Leith
Elevations	SB2 Newmore
Elevations	SB1 Newton
Elevations	SB1 Portree
Elevations	SB1 Thornwood
Elevations	SB2 Threave
Elevations	SB1 Thurso
Elevations	SB1 Thurso Enhanced
Elevations	SB1 Torridon
Elevations	SB2 Whithorn
Elevations	SB2 Whithorn Enhanced
Elevations	SB1 Whithorn Enhanced Sales
Elevation	1800mm Screen Fence
Elevation	1800mm Brick Wall
Elevation	750mm Reconstituted Stone Wall
Elevation	Single Rail Boundary Fence

**Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

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

**Author(s)**

Name	Designation
Craig Miller	Principal Planning Officer





18/01026/FUL

Land South Of Unit 1 South Park  
Industrial Estate  
South Parks  
Peebles

