

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**3 FEBRUARY 2020**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** REFERENCE NUMBER: 17/00606/PPP

**OFFICER:** Mr C Miller

**WARD:** Tweeddale East

**PROPOSAL:** Residential development with associated roads, access, infrastructure, open space and landscaping including land for drainage/flood mitigation purposes

**SITE:** Land East of 10 Kittlegairy Avenue, Peebles

**APPLICANT:** AWG Property Ltd and Taylor Wimpey

**AGENT:** Barton Willmore

**PLANNING PROCESSING AGREEMENT**

A Planning Processing Agreement exists for extension to decision up until today's Committee.

**SITE DESCRIPTION**

The site is located on the eastern edge of Peebles to the south of the River Tweed and adjoining the Kittlegairy View housing development. It consists of four fields of relatively flat topography with a slight slope from south to north, measuring 20.6 HA. The Haystoun Burn borders the site to the south before cutting through the site towards the River Tweed. The B7062 forms the northern boundary to the site, to the north lying open haughland towards the Tweed, an existing builders' merchant store and the Cavalry Park Business Park to the north-west.

The site wraps around an existing dwellinghouse "Whitebridge" to the eastern part of the site. Woodland is contained largely to the northern and north-western boundaries with some additional trees of varying ages throughout the site and riparian woodland bordering the Haystoun Burn. Farm buildings lie beyond the site to the south-west.

The site lies immediately outwith the defined settlement boundary of Peebles in the Local Development Plan. However, the site is identified for longer term mixed use as SPEEB005, including fields for Greenspace towards the Tweed not currently within the application site. The Site Requirements state clearly that the site is dependent on a new Tweed bridge crossing for Peebles and, amongst other requirements, no built development on the functional flood plain informed by a Flood Risk Assessment and an area for employment/school use. The site lies outwith the towns Conservation Area but within the Tweed Valley Special Landscape Area.

**PROPOSED DEVELOPMENT**

The application is submitted for planning permission in principle only, seeking permission for approximately 200 dwellinghouses of a range of types, 2-4 bedroomed and including 25% on-site affordable provision. An Indicative Masterplan provides

schematic zoning of development and landscaping within the site. A 1HA area of the site has been excluded from the application towards the centre of the site and near to the B7062, intended to be reserved for employment/commercial/community use and to be submitted as a separate planning application at a future point.

Three vehicular connections are proposed, two from the B7062 along the north-eastern boundary and the third access from Kittlegairy View from the west. These access points will also provide pedestrian provision together with additional path connections to the northern and southern boundaries linking in with existing paths.

The proposals also intend landscaping and public open space areas surrounding the developable part of the site and various flood prevention works including land raising towards the south of the site, a flood relief channel along the southern and eastern boundaries and a compensatory storage area in the field east of the Haystoun Burn.

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 Peebles and District Community Council and Peebles Civic Society

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:

- Planning Statement
- Design and Access Statement
- Landscape and Visual Appraisal
- Pre-Application Consultation Report
- Transport Assessment (including Traffic Survey) and update
- Additional Transport Statement
- Flood Risk Assessment plus Addendum and Flood Mitigation Strategy
- Ecological Assessment and update
- Further responses from applicant to consultee comments including Forward Planning, Roads Planning, Flood Risk, Ecology, SEPA etc
- Housing Land Supply Update
- Planning Position Statement (Aug 2019)

## **PLANNING HISTORY**

The site was subject to a planning consent in 2006 for overall ground lowering by approximately 750mm in order to provide fill material for the adjoining Kittlegairy View housing development.

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Roads Planning:** Opposes the application due to strong concerns over the capacity of the current bridge crossing, the lack of connectivity under Designing Streets and the traffic impacts on the High Street which takes most traffic whether heading north or

south. Taking into account traffic figures of 1083 per peak AM hour and applying the ratio of 0.683 cars per house, development would add a further 137 cars which results in 1220 vehicles using the bridge at peak AM time. Whilst this is just inside the 1250 capacity appropriate to the bridge, other committed development results in exceeding that figure. More recent traffic survey data suggest 1179 per peak AM hour which, when added to the 137 cars generated by the development, then exceeds the 1250 capacity even before considering committed development.

Upon submission of further information, maintains objection and verifies that there is a difference of opinion between the road type capacity taken at the bridge, between SBC position of 1250 and applicant position of 1500. Reality is somewhere between the two and the new figures of peak flow of 1381 are still beyond safe capacity and likely to be an issue. Designing Streets also applies to existing street and road networks and the reliance on one river crossing and use of the High Street is not in accordance with these principles and will add to congestion and road safety risk.

In response to an updated Transport Assessment, maintains objection to development until a second bridge crossing is completed. Notes November 2018 traffic count maximum peak to be 1155 which, compared to the capacity of 1250, only provides sufficient capacity for the allocated sites in the Local Development Plan and not the longer term ones. Also seems to be no allowance for Tweedbridge Court traffic which, despite being refused on appeal, remains an allocated redevelopment site. Repeats concerns over connectivity, Designing Streets and impacts on High Street congestion, including capacity of the mini roundabout.

Sustains objection following Transport Assessment from second transport consultant, maintaining that the capacity of the Tweed Bridge is 1250 vehicles per hour.

**Education Officer:** Response awaited.

**Landscape Architect:** Concerned at landscape impacts upon approach from the east, on the SLA and on the Kailzie Designed Landscape. The employment use should be further south within the site to protect the SLA and field 3 should not be developed to retain openness. Development boundary enhancement, open spaces, tree retention, careful material choice etc.

**Housing Strategy:** Identified in the SHIP as providing an opportunity for affordable housing, Eildon HA being identified as the likely RSL.

**Flood Protection:** Objects to application. Site is at risk of 1 in 200 year flooding from Haystoun Burn and area for flood storage is within functional flood plain with bunding that could fail. SPP only supports land raising in exceptional circumstances. Not demonstrated site is free from flooding from Haystoun Burn and concerned mitigation might increase flood risk at Whitebridge.

Upon submission of supplementary information, comments that the site flooded in 2015, that the flood plains of the Tweed and Haystoun Burn cannot be viewed in isolation and that the bund remains informal, not part of a Flood Protection Scheme and concerns over failure and overtopping remain. Also information shows flood increased risk at Whitebridge and on the B Road of 50mm. The mitigation does not meet the principles of the SPP.

Upon submission of a revised scheme removing the flood storage and bunding and following further information from an SBC study of the Tweed and Haystoun Burn, withdraws objection. It was noted that very little difference in flood levels in the Tweed

resulted. Land raising on the site and an overland flow route from the Haystoun Burn to the Tweed are still proposed and represent a technical solution to the flood risk issues, provided floor levels are set at least 150mm above surrounding ground levels and the development platform is protected. Whilst land raising is not normally supported, it is still in compliance with SPP in this circumstance.

**Ecology Officer:** Following the response from SEPA, cannot accept effectiveness of mitigation and considers insufficient information to demonstrate the development would not have significant effects on the Tweed SAC nor to prove no habitat deterioration. Once SNH have replied and Appropriate Assessment carried out, surveys and species protection plans needed by condition. Bats impacts need tree felling information.

Upon submission of further information, maintains that the Habitat Regulations Appraisal and Appropriate Assessment cannot be concluded until SNH/SEPA agree flood mitigation and SUDs drainage. Satisfied with tree and bat information, subject to further surveys. Conditions required for Species Protection Plans in relation to bats, otter, red squirrel, breeding birds and badger. No development in breeding bird season and Habitat Management and Enhancement and Construction Management Plans needed.

Following creation of a 10m buffer and withdrawal of the objection from SNH, proceeded to carry out the AA/HRA and concluded that the proposal would not adversely affect the integrity of the Tweed SAC.

**Forward Planning:** Objects as the site is outwith the LDP settlement boundary and contravenes PMD4, none of the four exceptions being met. Site cannot come forward until the flood risk and road bridge capacity issues are resolved and site should not be developed in isolation from the open space land to the north of the B7062. Site not within the Housing SG. Applicant submission incorrectly reflects LDP site requirements. Education and Economic Development should comment on the mixed use land provision.

Maintains objections after revised submissions. Comments that good placemaking determines that the whole site should be considered, including the site north of the road.

Responds to Housing Land Update from applicant which claims there is not a five year effective housing land supply, based upon rejection of SESPlan 2 and HNDA (Housing Needs and Demand Assessment) assumptions.

In light of rejection, housing land position statement now prepared on how SESPlan Local Authorities should respond to planning applications for housing on sites contrary to the Development Plan. The position statement outlines that Authorities may have regard to; policies 7-9 of SDP1, level of housing provision allocation and/or safeguarded in adopted LDP's, updated information from the latest Housing Land Audit (where based on HNDA2), HNDA2, SDP2 Examination Report and SDP2 Proposed Plan Housing Background Paper (October 2016). Appendix 2 of the LDP outlines the Council's methodology for monitoring the 5 year effective housing land supply. Notes that Appendix 2 was subject to Examination as part of the LDP and the Reporter agreed with the contents and did not make any modifications to the methodology. Disagrees with applicant on PMD4 interpretation and maintains there is an effective 5 year housing land supply. Furthermore, notes that Policy PMD4 was subject to Examination as part of the LDP and the Reporter agreed with the contents and did not

make any modifications to the policy. In summary, the principle of the development cannot be supported, as it remains contrary to Policy PMD4.

**Archaeology Officer:** There were no features or finds after evaluation in 2007 but still potential in the areas not evaluated i.e. the employment site and flood storage area. A condition can secure this.

### **Statutory Consultees**

**Scottish Natural Heritage:** Initially commented that flooding, compensatory storage and surface water were still to be resolved. After submission of revised information, welcomes the Habitat Regulations Appraisal (HRA) and mitigation approach. However, an Appropriate Assessment (AA) cannot be considered until a flood mitigation scheme is agreed with SEPA and only then can adverse effects on the Tweed SAC be assessed.

Then objected in support of SEPA, commenting that the flood mitigation measures did not conform to sustainable flood management and that an HRA would be necessary, their main concern being the potential impact on the Tweed SAC. However, they stated that if the Haystoun Burn could be provided with a 10m buffer from the flood relief channel, then their objections would be met and they would assume the HRA would conclude no impacts on the integrity of the SAC.

Withdrew objection following submission of amended drawings demonstrating the requested 10m buffer, on the basis that an appropriate planning condition is imposed. Their advice should be used to inform the HRA.

**Scottish Water:** Response awaited.

**SEPA:** Objection for a number of reasons relating to flood risk. Requested further information and FRA to demonstrate development areas are free from flood risk but also objected on grounds of inadequate drainage information for surface water treatment. Development is on sparsely populated functional flood plain against SPP. Whilst larger site is not intended for development, remainder is still at risk from the Haystoun Burn. Cannot accept storage of water behind bunds as they could fail and queries over ownership of this land and already land at risk of flooding.

Maintains objection for the above reasons following supplementary information. Considers their objection misrepresented by applicant. Notes bund is 1.8m high and previous questions unanswered over maintenance and use of land. Lack of demonstration that development would not worsen flooding elsewhere. Opposed to the development in principle and seems to be no sustainable solution, therefore would not wish to comment further.

After additional submissions, still maintains objection in principle as development on a sparsely populated flood plain and no sustainable solution to development. Concerns over the modelling methods used and impacts of the omission of the flood storage area. Also concerned at bund removal and land raising increasing the flood risk to existing properties. Confused as to the purpose of the flood relief channel to the east of the land raising. Opposed to the development in principle and seems to be no sustainable solution, therefore would not wish to comment further.

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

- Outwith the LDP settlement boundary and not in compliance with PMD4 exceptions.

- No development until the second bridge is provided, the TA identifying that the bridge has insufficient capacity and queueing in High Street.
- Mini roundabout on High Street over capacity when accounting for committed development
- Flood risk (with SEPA objection) and visual impacts of land raising
- Impacts on landscape and National Scenic Area contrary to EP4
- Impacts on residential amenity through increases in noise and traffic contrary to HD3

### **Other Consultees**

**Peebles Civic Society:** Objection on the following grounds:

- Outwith the settlement boundary and contrary to PMD4, no exceptions applying.
- Housing land not needed, there is 8 years supply especially with windfall sites.
- Insufficient capacity with the bridge and High Street, but also must take into account other developments at South Parks, Kingsmeadows etc.
- Concerned over flood risk, land raising and traffic impacts of bringing material to the site.
- Employment site must be protected.

### **REPRESENTATION SUMMARY**

Objections have been received to the application from 29 properties and households. These can be viewed in full on the Public Access website and the main grounds of objection include the following:

#### Policy

- Site is outwith the LDP settlement boundary and there is ample land within Peebles
- Disproportionate amount of housing land in Peebles in the SG, should be nearer the railway.
- Site is both for longer term and mixed use, not only housing

#### Traffic/Transport

- A second bridge is needed for this development, the existing bridge is at capacity
- Increase in traffic volumes on the High Street, mini roundabout and existing estate with associated parking problems
- Capacity issues on B7062, too narrow, poor condition and no pavement on both sides
- Issues on other roads such as the A72 and A703
- Poor location and day for traffic count

#### Density/Layout/Amenity/Design

- Poor materials on adjoining scheme does not bode well as same applicant
- Unlikely to be sympathetic design

### Landscape/visual impact

- Erosion of countryside and using up rural land
- Inadequate landscape screening, hedges and trees need to be retained
- Bund will have major visual impact
- Given the existing estate, new development will have high visual impact

### Infrastructure

- Site at risk of flooding against SPP, putting Whitebridge at risk and relying too much on the relief channel
- Inadequate sewerage capacity

### Local services/developer contributions

- Increased burden on local schools and health care which are already at capacity
- New high school is required

### Other matters

- Light pollution
- Wildlife impacts including otter, bats and squirrels
- Limited economic benefit, most will commute
- Too remote for affordable housing

## **DEVELOPMENT PLAN POLICIES:**

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

- PMD1 Sustainability
- PMD2 Quality Standards
- PMD3 Land Use Allocations
- PMD4 Development Outwith Development Boundaries
- ED2 Employment Uses Outwith Business and Industrial Land
- 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
- EP1 International Nature Conservation Sites and Protected Species
- EP2 National Nature Conservation Sites and Protected Species
- EP3 Local Biodiversity
- EP5 Special Landscape Areas
- EP8 Archaeology
- EP10 Gardens and Designed Landscapes
- EP12 Green Networks
- EP13 Trees, Woodlands and Hedgerows
- EP15 Development Affecting the Water Environment
- EP16 Air Quality
- HD1 Affordable and Special Needs Housing
- HD2 Housing in the Countryside
- HD3 Protection of Residential Amenity

HD4 Meeting the Housing Land Requirement/Further Housing Land Safeguarding

SPEEB005 – Potential Longer Term Mixed Use Allocation

## **OTHER PLANNING CONSIDERATIONS**

SESplan Strategic Development Plan 2013  
SESPlan Housing Land Position Statement  
Scottish Planning Policy 2014  
National Planning Framework 3 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  
Designing Streets 2010  
PAN 2/2010 Affordable Housing and Housing Land Audits

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 Local Landscape Designations 2012  
SPG Biodiversity 2005  
SPG Guidance on Householder Development 2006  
SPG New Housing in the Borders Countryside 2008  
SPG Waste Management 2015  
SG Housing 2018

## **KEY PLANNING ISSUES**

The main determining issues with this application are compliance with Local Development Plan Policies and Supplementary Planning Guidance on development outwith settlement boundaries, meeting the housing land requirement, traffic, flood risk, ecology and landscape impacts.

## **ASSESSMENT OF APPLICATION**

### Planning Policy

The site is identified in the Local Development Plan 2016 for mixed use development under reference SPEEB005. Although the applicant, in their Planning Position Statement, contend that the site is “allocated”, the wording in the LDP states “Potential Longer Term Mixed Use (Subject to Review)”. The Settlement Profile states that *“Once the allocated sites are fully developed, the preferred area for future expansion beyond the period of this Local Development Plan will be to the south east of Peebles. The sites identified for longer term development will be subject to further assessment and review as part of the next Local Development Plan Review, and will require a Masterplan to ensure a coherent and holistic approach”*.

The application site consists of the whole area of SPEEB005 south of the B7062 but does not include the areas north of the road within the identified area – these areas are accepted as being within floodplain and only being suitable for open space and

landscaping. Although being identified for longer term development, the applicant has advanced arguments that the site should be brought forward now in advance of the next LDP, principally on the basis of LDP Policies PMD4 and HD4. Certainly, the site lies outwith the defined settlement boundary of Peebles and the most relevant Policy to assess the principle of the proposal against is PMD4 "Development Outwith Development Boundaries".

This states that any development outwith but related to a settlement boundary in the Local Development Plan will normally be refused. Exceptions may be granted if one of four qualifying criteria are met, followed by four secondary criteria and three final overall considerations. The applicant does not feel this Policy should apply as the site is "allocated" in the LDP but has, nevertheless, contended that the application meets three of the four qualifying exceptions:

- It allows for a job-generating element of development in the countryside.
- There is a housing land supply shortfall with regard to an effective five year housing land supply.
- The development would offer significant community benefits that would outweigh the need to preserve the settlement boundary.

Of these exceptions, the applicant addresses the housing land supply issue as being the main reason that PMD4 should be relaxed in this instance. Furthermore, they consider that under Policy HD4, development on this longer term site should not be viewed as premature as they have identified a shortfall in effective housing land supply. Their reasoning is understood and assessed below in relation to housing land supply but is not accepted in relation to the other two qualifying exceptions claimed to be met. Although the development is leaving a one hectare site for future potential employment use, it is not a job-generating development that is justified to be required in the countryside. Nor would the provision of 200 houses, albeit with 25% affordable and a mixed use area, represent the significance of community benefits that would outweigh the need to preserve the settlement boundary, given the scale of built development on an open undeveloped field, the modest ratio of mixed use to housing land and impacts on town infrastructure.

The applicant submitted a 'Housing Land Supply Update – June 2019', which argues that the Council does not have a five year effective housing land supply. It states that the evidence base should be SDP1 (June 2013), Housing Land SG (May 2014), adopted LDP (2016) and Housing SG (November 2017), given the rejection of SDP2. They also dispute the Council's methodology for calculating the five year effective housing land supply. Furthermore, the update argues that as SDP2 was rejected, it does not form part of the Development Plan. Therefore, the evidence base and HNDA assumptions should not be taken into account for the determination of current planning applications.

The applicant contends that the overall housing supply target/housing land requirement of a LDP should be met during the life of the LDP and under delivery should be taken into account, in effect rolled over and added into the calculation year upon year. They quote the Stirling LDP2 Examination in Public where the Reporter concluded that the housing completion shortfall should be added to the overall housing supply target for the remaining Plan period. The applicant suggests that if that is done, there is then a significant shortfall in housing land supply in the Scottish Borders of 4,902 housing units, representing an effective land supply of only 2.18 years. For this reason, combined with their view that there are constraints affecting the deliverability of other allocated housing sites (such as March Street Mills), they argue that the

development complies with the relevant qualifying criteria of Policy PMD4 and is not premature and, thus, in compliance with Policy HD4.

Forward Planning have assessed the applicant's "Housing Land Supply Update" and disagree with the applicants methodology. They maintain that there is a five year effective housing land supply within the Scottish Borders, as set out within the 2018 Housing Land Audit (HLA). Appendix 2 (Monitoring the Effective Supply), contained within Volume 1 of the adopted LDP 2016, outlines the Council's methodology for monitoring the five year effective housing land supply. The rate of completions over the past five years is used as a measure of demand, as to the presence of a 5 year effective housing land supply. It should be noted that Appendix 2 was subject to Examination as part of the LDP and the Reporter agreed with the contents and did not make any modifications to the methodology. Therefore, the methodology used within the HLA is consistent with Appendix 2.

Forward Planning provided a response in respect of the comments regarding the recent SDP2 rejection. In light of the recent decision, SESPlan has prepared a housing position statement, on how SESPlan Member Authorities will respond to planning applications for residential development, which are contrary to the Development Plan. The following should be taken into consideration, when assessing development proposals for sites not allocated for development in the development plan;

- Policies 7-9 of SDP1 (housing land supply, transport and infrastructure)
- Housing allocated and/or safeguarded in adopted LDP;
- Policies of SDP2 Proposed Plan (with exception of those relating to transport infrastructure)
- SDP2 Examination Report
- Latest Housing Land Audit
- Housing Need & Demand Assessment (2015) (HNDA2)
- SDP2 Proposed Plan Housing Background Paper (October 2016)

HNDA2 was considered to be 'robust and credible' by the Scottish Government in March 2015 and will be used to inform the production of the LDP2. It has significantly lower housing demand estimates compared to HNDA1, which was used to inform SDP1.

Ultimately, it is not accepted that the Council have failed to provide an effective five year housing land supply and it is not agreed that the methodology should roll forward any undelivered targets. The applicant also casts doubt over the deliverability of certain allocated sites such as March Street Mills and Rosetta, which is not justified in that discussions on such sites between the Council and the applicants continue with regard to their ultimate approval and development. It is not considered that the applicant has justified a housing shortfall in the effective five year supply and, therefore, fails to comply with the relevant qualifying exception in Policy PMD4. Furthermore, the application for the same reasons, fails to comply with Policy HD4.

Had the application complied with one of the qualifying exceptions of Policy PMD4, then it is likely that it would have been able to comply with the four secondary criteria which relate to the relationship of the site and development with its surroundings, being a logical extension and not having significant adverse impacts on the landscape or environment. The Council have identified the land as potentially suitable for development in the longer term and, thus, such criteria have already been taken into account and considered to be generally acceptable subject to precise development and landscaping details.

Of the other considerations under Policy PMD4, however, the lack of bridge and road junction capacity (outlined below in this report) certainly would determine that there were significant problems in granting an exception when considering “the infrastructure and service capacity of the settlement”. It is considered that this is a further reason why an exception cannot be granted and the application is contrary to Policy PMD4.

Had the application been considered acceptable under Policies PMD4 and HD4 at this stage, then all Site Requirements applied to SPEEB005 would also need to be met. The applicant rehearses these at paragraph 3.7 of their Planning Position Statement. Many of the Requirements have either been met by the current application or there are indications that they could be met at the next planning stage. This is apart from the requirement for a second bridge crossing of the River Tweed which is discussed in the next section of this Report.

### Access

Policies PMD2, IS4 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”. The Local Development Plan identifies the site for longer term mixed use but does not state an indicative capacity for the site. However, the Site Requirements state the following:

- Provision of a new bridge linking north and south of the River Tweed
- A vehicular link and pedestrian links will be required to the adjacent allocated site TP7B.
- The upgrading of B7062 Kingsmeadows Road will be required.

The LDP also contains requirements for any housing development beyond 50 units to be accompanied by a Transport Assessment. The application was supported by an Assessment, including a traffic survey and several subsequent updates. The proposals contain the required vehicular and pedestrian access links to the adjoining site and would appear to provide satisfactory connectivity within and surrounding the site. Although no specific improvements are identified as necessary on the B7062, a footpath along the site frontage will be extended to connect with the adjoining site to the west.

The main issues relate to the capacity of the current road system serving the site to accommodate the additional traffic from this development, most notably Tweed Bridge, the High Street and the mini roundabout at the western end of the High Street. The applicant’s main position is to dispute the need for their development to await the provision of a second bridge across the Tweed. They consider the classification of the bridge (in the Design Manual for Roads and Bridges) combined with the width (at over 8m) should provide for a maximum capacity of 1900 two way vehicle movements per hour. Even if the lower classification is taken, the capacity based upon a 6.1m carriageway width should be 1500 vehicles.

The applicant takes this lower figure and uses results from independent traffic surveys in recent years. Applying the highest survey figures, the development would increase traffic to a two-way peak of 1255 vehicles. When added to traffic forecast from the housing developments at South Parks, March Street Mills and Rosetta Caravan Site, the highest peak would rise to 1327 vehicles. The applicant considers that this is still well within an appropriate and conservative capacity of 1500 for the bridge – even though this is based upon a carriageway width narrower than the bridge. The applicant also argues that the doubts cast over the March Street Mills site, following the

Reporter's refusal of the appeal, result in greater spare capacity. The applicant also notes that the Council Roads Planning Service (RPS) would accept that the capacity lies between 1250 – 1500 vehicle movements per hour.

The applicant, in the Transport Assessment and updates, also addresses the issues over capacity of the road system in Peebles High Street and at the mini roundabout before the Tweed Bridge. The surveys do suggest there can be fluctuating queues in the High Street and at the mini roundabout, exacerbated by parked vehicles and the controlled pedestrian crossing. 2016 surveys demonstrated operation within practical capacity but by 2022, with the proposed and other developments, the practical capacity will just be exceeded (85%). However, taking into account other factors including journey time delays and the impacts of the pedestrian crossing, the applicant argues that the mini roundabout junction will operate within capacity "...in real terms" and that High Street congestion will not be significantly increased.

The response from Roads Planning has to be viewed within the background of identified concerns over the capacity of Tweed Bridge. The Local Development Plan states the following:

*"The possible requirement for a second vehicular bridge over the River Tweed was subject to investigation by external transport consultants in the period leading up to the publication of the Finalised Local Plan 2005. The results of the study inform that the housing developments to the south side of the River Tweed proposed in the Finalised Local Plan can be accommodated by the existing Tweed Bridge within the expected lifespan of the Plan, but that this would be at the cost of increased congestion on the North Side of the River at peak commuter times, and that these developments would take the existing bridge close to capacity. Therefore it is now considered that the time has been reached when development sites in Peebles need to contribute towards the tackling of congestion and the potential provision of a second crossing."*

This has been interpreted in the reservation of development opportunities SPEEB03, 04 and 05 to the longer term, outwith the settlement boundary and all subject to provision of a second Tweed bridge. In effect, a prohibition of further development, apart from infill and allocated sites, to the south of the river. Whilst studies have been carried out regarding the second bridge crossing and the Council have allocated money for continued feasibility and design studies, this will not be within the current period of the Local Development Plan. The Local Development Plan position is, therefore, that the current bridge cannot safely accommodate the traffic generated by the proposed development.

RPS have explained the position in more detail in their consultation responses which Members will have noted on Public Access. In particular, much of the disagreement between the Council and the applicant over the capacity of the bridge relates to what category is assumed from the "Design Manual for Roads and Bridges". This is explored in more detail in the Roads Planning response of 18 October 2017, which states:

*"There has been much debate on the capacity of Tweed Bridge in terms of traffic flow. The transport consultants acting for the Council in 2005/2006, Colin Buchanan & Partners (CBP), determined the capacity to be 1250 vehicles per hour while ECS, acting on behalf of the applicant, have determined the figure to be 1500 vehicles per hour although they have suggested the figure could be higher. Both consultants rightly refer to TA 79/99 in Volume 5 in the Design Manual for Roads and Bridges. The two figures simply arise from different interpretations by the consultants of the parameters in the TA. CBP have assumed the road to be type UAP4 which relates to a "busy high street carrying predominately local traffic with frontage activity including loading and*

*unloading” while ECS suggest the road type is UAP3 relating to a “variable standard road carrying mixed traffic with frontage access, side roads, bus stops and at-grade pedestrian crossings”. In reality the road type is probably somewhere between the two. The “High Street” feel continues up to the bridge with shops, restaurants etc. in existence and Kingsmeadows Car Park on the south side of the river serves as a car park for the town centre via Tweed Bridge. From that it can be seen why CBP interpreted the road as Type UAP4. To ascertain a 1250 capacity figure, CBP have taken the carriageway width to be 6.1m while a 6.75m width would have related to a capacity of 1500 and 7.3m would relate to a 1900 capacity. Although the carriageway width appears to be around 7.3m, CBP have used the 6.1m width to account for the curved nature of the road approaching the bridge from both sides combined with the pedestrian island on the bridge and reduced effective width of carriageway as marked out on the approaches to the island.*

*ECS have determined that by taking the up-to-date traffic figures for the bridge of 1179 peak hour two-way flow, then allowing for traffic growth, then adding committed development traffic and finally adding the traffic associated with the application, the two-way peak hour flow on the bridge could be 1381. Clearly this figure exceeds the 1250 capacity figure suggested by CBP and is 119 short of the 1500 capacity figure suggested by ECS. It should be noted that the capacity figures are maximum figures and so the 1381 figure is likely to be an issue irrespective of which capacity figure is considered most relevant.”*

It is clear that the advice of the RPS is that the bridge would be over capacity, whether they take the 1250 figure or half way between the 1250 and 1500 capacity figure. Following further traffic survey information and consideration of committed developments in the town, the highest peak figure drops from 1381 mentioned above to 1327, although it does not factor in any traffic from the allocated Tweedbridge Court site. When the Council considered the recent South Parks and Tweedbridge Court sites, the peak figure was 1231 vehicles, to which the development traffic (137 vehicles) would then need to be added. Although the Tweedbridge Court application was refused on appeal, a revised application was subsequently approved with a reduced number of units and slightly lower traffic generation.

The applicant also submitted a second transport consultant’s assessment and classification of Tweed Bridge which backed up their initial Transport Assessment, classifying the Tweed Bridge as UAP3 with a capacity of 2166 vehicles per hour, the latest flow being only 55% of that capacity at its busiest. It claims that the Council assumed capacity of 1250 vehicles per hour is an underestimate. RPS have responded to this second assessment by reaffirming that the Council have consistently accepted the 1250 capacity recommended by transport consultant’s acting on their behalf.

The applicant’s Transport Assessment also does not seem to take into account certain other committed developments around Peebles, including consents at Kingsmeadows House, Kingsmeadows Stables and several plots in Bonnington Road. Along with other individual plots around the town, these may not add up to much more than 20 units but, nevertheless, add to the problems and issues of a bridge over capacity. The RPS position, as advised by original transport consultants, was to assume the capacity of the bridge was 1250 vehicles at peak hour. This capacity figure has previously been agreed and accepted by the Council. When the traffic associated with the development is added to committed development and current traffic figures, it is considered that the bridge is over capacity and cannot safely accommodate the development. As the applicant is not proposing any contribution to enable the second bridge to be

constructed, it is considered that the application contravenes the Local Development Plan, especially Policies PMD2, PMD4 and IS4.

RPS also advise against the development in relation to traffic flow and amenity impacts on the High Street, lack of connectivity under “Designing Streets” and the performance and capacity of the mini roundabout at the western end of the High Street. Their advice is that for a medium sized town split relatively equally on both sides of the river, the town cannot continue to grow and rely on a single river crossing. They feel that for development on the south side of the river in particular, this is unacceptable given that the main roads out of the town are all on the north side. Single street connectivity is not conducive to the aims of “Designing Streets”. They also note that, with committed development, the development would result in a significant increase in traffic at the mini roundabout of 97% of practical capacity (from 88%). This is not considered acceptable by RPS and would lead to increased congestion and detriment to High Street amenity.

The applicant disagrees with these points in their Planning Position Statement and updated Transport Assessment. They feel that the mini roundabout will still operate without issue, that journey times will not be significantly affected and that there will be no unreasonable environmental impacts caused by the additional traffic. On “Designing Streets”, the applicant believes that this applies to new developments and street patterns and should not be applied to historic or existing street patterns.

There is no doubt that the principal issue is bridge capacity but that impacts on connectivity, the High Street and the roundabout will also occur with the addition of 137 vehicles in the peak morning hour. The impacts will raise the strain on the mini roundabout to within only 3% of its absolute operational and safe capacity by 2022, from 88%. This has to be of some concern, especially with regard to the future growth of the town and, indeed, additional natural growth in vehicle ownership. Whilst the other impacts on the High Street and conflict with “Designing Streets” could continue to be contested, the strain on the mini- roundabout capacity has to be of significant concern, when added to concerns over the bridge capacity. For these reasons, the advice of RPS is accepted that the development would exceed the safe and practical capacity of the existing bridge and roundabout junction leading to the site, contrary to Local Development Plan Policies PMD2, PMD4 and IS4.

#### Density and layout

The density and layout of the development should be assessed against Local Development Plan Policy PMD2, the “Placemaking and Design” SPG and “Designing Streets” in particular. The identification of longer term developments in the LDP are not normally accompanied by indicative site capacity figures, nor is it justifiable to assess this development on density when it remains an application for planning permission in principle and specific numbers of houses were not sought in the application – nor reflected in the application description.

The supporting documents do suggest a development of around 200 houses on a developable area of 7.4HA (the overall site being 20.6HA), equating to a density of around 27 houses per hectare. Whilst much will obviously depend on the form and scale of those houses, including numbers of semi-detached or terraced blocks, the density suggested would be appropriate to the development context and in keeping with adjoining character, thus in compliance with Policy PMD2 and placemaking guidance. The adjoining housing development has around 215 houses across a slightly larger, but similar, area. The density ratio also compares favourably to other density ratios recently consented for private housing developments in Peebles and

elsewhere in the Borders. The final housing numbers would be a matter for the next planning stage, should PPP be granted.

The layout is shown schematically on the Indicative Masterplan and further explanation is provided in the Design and Access Statement. It is clearly influenced by the three access points, the position of the mixed-use element, the flood relief channel and the analysis in the Landscape and Visual Appraisal. Connectivity with the existing housing development is provided as well as loop road systems within the development, connecting at two points with the B7062. The suggestion is blocks of development with open space surrounding the developable area and an area of open space directly adjoining the link road through to the existing estate. There is nothing in the response from Roads Planning that would indicate any issues with the density and layout approach, apart from their in principle objections to the capacity of the existing roads and bridge.

The Landscape Architect makes her comments after assessing the Landscape and Visual Appraisal and is mostly concerned with the erosion of the Special Landscape Area and setting of the Kailzie Designed Garden at this location. It is suggested that housing heights be limited to 1/1.5 storeys. Whilst this is noted, it is difficult to justify throughout the development rather than perhaps on the very eastern edge of the development area. However, comments about the development being restricted to the two fields west of the existing remnant hedgerow are, in fact, achieved by this application. The incursion into the open triangular field is actually only made by the reserved one hectare site for employment/community use and that, in effect, is not part of this application. That triangular site is, indeed, very much part of the identified longer term development site SPEEB005 and there is no mention in the site requirements of it needing to be reserved for open space – as opposed to the fields north of the B7062 in the functional flood plain which are denoted for open space retention. The additional 10m buffer space alongside the Haystoun Burn, recommended by SNH, also reduces the built-up area and visual impacts further.

Overall, the site has been identified for longer term housing and mixed use development and it has been accepted in the LDP that Peebles can expand in this direction, subject to a second bridge link in particular. The application is only submitted as a planning permission in principle but, subject to acceptable details at the next planning stage, it is not considered that the development density and layout would present any insurmountable issues.

### Design and materials

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. Whilst this is a site within and on the edge of open countryside, its relationship with the existing Kittlegairy View housing development is undeniable and strong. With an application for planning permission in principle, designs and materials are not yet known and what is provided is general principles in the Design and Access Statement. It states that *“The proposed development will reflect the character, scale and density of properties within the local townscape”*. It also states that houses will be limited to 9 metres high and a maximum of two storeys.

As a result of the element of land-raising and the relatively open nature of this site on the flat outskirts of Peebles, a restriction to two storey height would be considered justifiable in this instance, matching with the general heights within the adjoining Kittlegairy View. Had the development been considered acceptable, then there would also be justification to ensure that colours of materials were natural and subdued,

respecting the semi-rural edge of the site. Whilst there have also been objections from third parties over the potential visual impact of the development on raised land, the landscape is expansive and flat in this part of Peebles and is able to accommodate a 750mm addition to overall height of development without appearing dominant or excessive. The 10m buffer setback from the Haystoun Burn, recommended by SNH, would also reduce visual impacts. It should also be noted that the existing housing development immediately to the west of the site involved land raising with imported material.

### Mixed Use

The identification of the site in the Local Development Plan under SPEEB005 is for "Longer Term Mixed Use". In the site requirements, it is stated that *"There is currently a shortfall of good quality business and industrial land in Peebles.....employment land could come forward early to meet this shortfall"*. The requirements also state that the site would be for *"...housing, employment, potential new school site and recreation ground. The site should also allow for the potential for tourism facilities"*.

Members should note that this application does not propose any use other than housing but, instead, leaves a one hectare area of land towards the eastern edge and near to the B7062 for appropriate mixed use other than housing. In effect, the applicant contends that they are safeguarding land for such employment uses and that, through the Landscape Evaluation and Masterplan/Design Statement, have ensured that such uses on this excluded area of the site would be sympathetic to surrounding uses and the rural/urban fringe setting. The applicant not only excludes the site from the current application but also refers to it as the last phase in their development.

The advice from Forward Planning was to ensure that Economic Development and Education and Lifelong Learning were content that reserving a one hectare area of land would meet their perceived requirements to meet employment and new school land supply within the overall mixed use site. No responses have been received to these requests for comment. The recent fire at the High School also has to be taken into account, in terms of future options.

Had the application been recommended for approval, further investigations would have been carried out with regard to the sufficiency of land to accommodate the site requirements. At this stage, however, there is no evidence to suggest that the provision of a one hectare parcel of land outwith the housing site would be insufficient to meet the mixed use requirements of the Local Development Plan in the longer term. There is neither a proportion/ratio nor timing detailed in the site requirements for the land identified for mixed use in the longer term in the Local Development Plan. It is, therefore, concluded that there is insufficient justification to refuse the application for this reason. The application has still provided for the possibility of an overall mixed use development.

### Landscape

Impacts on the landscape need to be considered against Local Development Plan Policies PMD2, EP5 and EP13 primarily, with further regard to Supplementary Planning Guidance on landscape designations, trees and development. The site lies within the Tweed Valley Special Landscape Area and contains a number of mature trees. This has been considered in detail by the applicant in their Landscape and Visual Appraisal. This concludes that the site is not visually prominent in the wider landscape, mitigated by intervening trees and vegetation. Where longer views are possible from the east, this is against the backdrop of the existing housing development to the west

of the site. New planting proposals around the site are intended to link with the existing woodland framework, integrating the site into the development, assisted by avenue planting along the B7062.

Landscape impacts can only be assessed against the likely impacts of the development, given that the application is only for planning permission in principle and precise layout, numbers and design of houses are yet to be determined. The Local Development Plan has identified this site for development in the longer term so there is tacit agreement that landscape impacts would not be insurmountable. There are relevant specific site requirements, as follows;

- Enhancement of existing woodland and provision of additional landscaping. The long term maintenance of landscaped and open space areas must be addressed.
- Consideration should be given to the design of the overall site to take account of the Special Landscape Area.

The Landscape Architect raises no objection to the application but is concerned at the potential impacts and encroachment on both the Special Landscape Area and the Kailzie Designed Landscape. The Landscape Architect lists a series of requirements in relation to the landscaping scheme accompanying any Reserved Matters submission, including tree retention, boundary augmentation and integration of open space elements. Also considers that building heights be limited to 1/1.5 storeys and that no development occurs in the triangular field proposed for employment/community future use. These restrictions cannot be imposed for reasons explained above.

All other comments and recommendations could be accommodated within conditions attached to any consent, for proper assessment at the next planning stage. There are, therefore, no justifiable reasons to oppose the application on the basis of landscape impacts.

### 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 Kittlegairy to the west. This compatibility of adjoining uses was considered appropriate in the identification of the area for longer term housing in the Local Development Plan. Although Cavalry Park contains business and industry uses to the north, this is already an existing relationship with the previous Kittlegairy housing phases and there would be no justification to oppose in this case, especially given that the development is more detached from Cavalry Park to the east. It is also clear from the Indicative Masterplan that sufficient buffer open space and planting will be provided to separate the housing from Cavalry Park.

The Masterplan also gives thought to the surroundings of the one hectare of land that is left outwith the site boundary for mixed employment, business or community use. Although the application is for planning permission in principle, this area is outwith the main body of the housing development to the east and intended to be separated further by the Haystoun Burn overflow channel, open space and planting. It will also be accessed directly off the main access road into the development, enabling associated traffic not to impact directly on residential amenity within the development.

In terms of direct impacts on residential amenity, the houses at Kittlegairy View would lose their current outlook to the east but this is not a valid reason for opposing the scheme, especially as the site is identified for housing in the longer term in the Local Development Plan. The Planning and Design Statements have addressed this by stating that there would be 20m rear gardens to the nearest new houses. Had the development been considered acceptable, then the precise distances and screening would have been controlled at the next planning stage. Overall, however, there would be no reason to consider that the development would contravene LDP or SPG residential amenity requirements in terms of privacy and light.

### 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.

Policy IS8 requires development to not be at risk of flooding but also not to materially increase the risk of flooding elsewhere. It also suggests development in “*undeveloped and sparsely developed areas*” will generally not be allowed. The Local Development Plan identifies that the overall site is at high risk of flooding, that a Flood Risk Assessment is required and that no development should take place on the functional flood plain, identified to be north of the B7062 (outwith the current site). The application was supported by a full Flood Risk Assessment which has been subject to several updates during the processing of the application. Both SEPA and the Council’s Flood Risk Officer have been consulted on the application at all stages on the Assessment and updates.

The application had initially been supported by flood compensatory storage and a bunded field to the east of the development site (not within the area identified for mixed use development in the Local Development Plan). However, this has now been omitted and the remaining flood mitigation proposals consist of 750mm land raising and an overland flow channel to the south and east of the development area. The hydraulic modelling carried out has revealed protection to the proposed development and little change to the flood risk potential on surrounding properties or downstream. The applicant argues this complies with the test of “*neutral or better effect*” in Policy IS8.

The position of the SBC Flood Risk Officer (FRO) has changed during the processing of the application and as a result of updates to the Flood Risk Assessment. FRO initially objected to the application on the basis that the site is at risk of 1 in 200 year flooding from the Haystoun Burn and that the area initially intended for flood storage was within the functional flood plain with bunding that could fail. The FRO also felt it had not been demonstrated that the site was free from flooding from the Haystoun Burn and was concerned mitigation might increase flood risk at Whitebridge.

Upon submission of a revised scheme removing the flood storage and bunding and following further information from an SBC study of the Tweed and Haystoun Burn, the Flood Risk Officer noted that very little difference in flood levels in the Tweed resulted nor were there any identified or unmanageable flood risks to surrounding properties. The FRO accepted that land raising and an overland flow route from the Haystoun Burn to the Tweed are still proposed and represented a technical solution to the flood risk issues, provided floor levels are set at least 150mm above surrounding ground levels, flow paths direct surface water away from properties and the development platform is protected.

SEPA have objected to all stages of the application process, for a number of reasons relating to flood risk. They did not accept the original flood storage and bund proposals as bunds could fail and the land was already at risk of flooding. Following omission of the flood storage/bund proposals, they still maintained objection in principle as the development was on a sparsely populated flood plain (against SPP) and there was no sustainable solution to development. They also had remaining concerns over the modelling methods used and impacts of the omission of the flood storage area and land raising on the flood risk to existing properties. They have indicated they would not wish to comment further on this application and that, should the Council intend to approve the application, Scottish Ministers should be notified.

Whilst SEPA remain in a position of objecting, the Council Flood Risk Officer has now accepted the revised mitigation as providing an acceptable technical solution, accepting that land raising at this location is in compliance with Scottish Planning Policy. The applicant points out that land raising was carried out on the adjoining housing site and that they have successfully demonstrated the mitigation will not result in adverse effect on surrounding land or properties.

Scottish Planning Policy contains a Risk Framework which identifies that in areas of medium to high flood risk *“in undeveloped and sparsely populated areas”*, development should not normally be allowed unless there are exceptional operational reasons. This is the main reason for SEPA opposition whereas the Flood Risk Officer has referred to land raising, which is subject to a number of provisos. A common requirement of the prohibitions and mitigation is that they are based upon having a “neutral or better effect” on flooding elsewhere. The applicant argues that they have demonstrated this and this demonstration is accepted by the Flood Risk Officer.

Whilst SPP does contain apparent prohibitions to development on functional flood plain at medium to high risk and does advise against land raising in some circumstances, the following should be considered:

- Policy prohibitions should be explored as to how the development has addressed them, not rejected on the principle of the Policy alone
- It is arguable that this site is in an *“undeveloped or sparsely populated area”* given it is on the edge of a town and next to an area of over 200 houses recently developed. It is certainly an undeveloped site but not in an undeveloped or sparsely populated area.
- The Local Development Plan does identify the site as being suitable for longer term housing. Even though this was subject to a Flood Risk Assessment, the LDP does not set out to earmark future land that has no potential in principle to be developed.
- One of the main purposes of the SPP prohibition relates to avoiding increasing flood risks elsewhere, as also protected by Policy IS8 which seeks to avoid “unmanageable” risks. The Council Flood Risk Officer accepts that the flood mitigation measures do that.
- SPP allows land raising in some circumstances subject to criteria – all of which are either not proven to be needed or fully met by the proposals

Taking these factors into account and whilst recognising that SEPA maintain their objection in principle, it is not considered there that there is justification to refuse the application for flood risk reasons. The applicant has provided sufficient information to demonstrate that development can be protected from flood risk whilst not creating increased risk elsewhere. Should Members wish to approve the application, the

outstanding SEPA objection determines that notification to the Scottish Ministers would be necessary.

On water and drainage, there has been no response from Scottish Water. SEPA had commented on insufficient information on drainage, especially in relation to surface water. The lack of details on a PPP application is not unusual although it is known that the land raising is an intrinsic part of achieving sufficient gravity fall for surface water from the site. Such detail would need to be provided at the next planning stage. Given the identification of the site in the Local Development Plan for longer term consideration, there is an expectation that the development could be connected to the public water and sewerage systems in the future. The developer would still need to make direct application to Scottish Water and they may need developer contributions to upgrade facilities. The provision of adequate water and drainage could have been addressed by fully suspensive conditions.

### Ecology

The application requires assessment principally against Local Development Plan Policies EP1-EP3 covering international, national and local nature conservation and protected species. The site requirements in the LDP also list mitigation and protection of the Tweed SAC and further assessment of nature conservation interests. The application was supported by an Ecological Assessment with subsequent updates. The Council Ecology Officer was concerned that, in the absence of an agreed flood mitigation and drainage strategy with SEPA, the proposed mitigation could affect the SAC, relating to both the Tweed and Haystoun Burn. Whilst the applicant then responded with a Habitat Regulations Appraisal (HRA) including a Construction Method Statement, the Ecology Officer still considered that the impacts on the integrity of the SAC could not be concluded through an Appropriate Assessment (AA) (including HRA) until flood mitigation had been agreed with SEPA. This was also raised by SNH.

The applicant responded further by a technical note which, in their opinion, provided sufficient information to enable the AA/HRA to be concluded and that there was no procedural reason to have to wait for SEPA agreement to a drainage or flood mitigation strategy. Their information suggested, though mitigation, there would be minimal impact on the Tweed SAC.

SNH then objected with regards to the potential impact on the SAC and the Haystoun Burn tributary, commenting that the HRA would still need to be carried out by the Council before determination of the application. However, SNH did state that a standard 10m buffer, which they normally apply to the River Tweed, could be applied alongside the 200m of Haystoun Burn and that this mitigation could resolve their objection.

The applicant considered this amendment and accepted the SNH recommendation, submitting a revised Masterplan creating a 10m buffer from the Haystoun Burn to the flood relief channel, ensuring no development within this buffer zone. Subject to an appropriate condition being imposed on any consent, SNH withdrew their objection and the SBC Flood Risk Officer also raised no objections to this additional buffer space.

SNH also commented that, in their opinion, the development would then not adversely affect the Tweed SAC and that the Council could take this advice into account when completing the HRA. This has now been completed by the Ecology Officer who has concluded that the proposal would not adversely affect the integrity of the Tweed SAC.

In terms of protected species, further bat surveys have satisfied any concerns, subject to additional surveys should two identified trees be intended for removal. This matter could be covered by a condition as could Species Protection Plans for breeding birds, bats, otter, red squirrel and badger. Further conditions should control works within the breeding bird season and seek both a Habitat Management and Enhancement Plan and Construction Management Plan.

There are, therefore, no ecological reasons to oppose the application.

#### Other issues

Other material issues can be dealt with by planning condition, should the proposal have been supported. This includes archaeology in that, even though there were no features or finds after evaluation in 2007, there is still potential in the areas not evaluated i.e. the employment site and flood storage area. A condition could have required this.

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 or, indeed, the nearer Victoria Park, is still over a considerable walking distance. It is not considered that off-site enhancement of public facilities would be appropriate in this instance, also reflecting the size of the site and potential 200 housing units. The playspace requirements of the SPG could be met either by on-site provision or by facility enhancement with existing facilities in Kittlegairy View adjoining and developed by the same applicant. There is an appropriate area of open space intended between Kittlegairy View and the development, adjoining the link road that would be a suitable location for a play area.

Given the scale of the development, a phasing condition would have also been necessary to ensure delivery of all supporting works e.g. paths, roads, open space, landscaping, water and drainage. An indication is given in the Design and Access Statement of four phases at 50 units per phase.

#### Developer Contributions

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 developer will meet this particular requirement through the provision of the required number of affordable houses, confirmed at para 6.27 of the submitted Planning Statement. The Council Policy will, therefore, 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. This interest tends to answer those objectors who felt the site would be too remote for affordable housing.

In terms of other financial contributions that would be demonstrated to be required by the development, impacts on schools and health 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. Although they have not responded to the consultation, it is known that contributions towards Peebles High and Priorsford Primary Schools are required. The developer will be required to meet these contributions – levied upon the private houses and not the affordable units. This element of development contribution Policy would also 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) would also need to be met by the developer within the Section 75 Agreement, should the development have been supported. Given the potential number of housing units and distance from the town parks such as Victoria and Hay Lodge, on-site provision would also have needed to be explored before any acceptance of commuted sums for off-site enhancement.

Many objectors refer to the current health care provision and waiting times in Peebles. 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 the proposal (which has largely been made long-term due to road and flooding capacity issues) and the potential impact on health care in the town.

## **CONCLUSION**

In conclusion and although the site is identified for longer term development in the Local Development Plan, the proposal is premature and contrary to Policies on development outwith settlement boundaries and access. The application does not meet any of the qualifying tests for an exception to developing outwith the settlement boundary and the current Tweed Bridge and mini roundabout junction leading to the Bridge do not have the capacity to cater safely for the traffic generated by the development.

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

I recommend the application is refused for the following reasons:

1. The application is contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the site is safeguarded as a potential long term mixed use site and there is insufficient justification to bring the site forward when there is currently a five year effective housing land supply in the Scottish Borders. The application fails to comply with the relevant qualifying exceptions in Policy PMD4 and is therefore considered to be premature.
2. The application is contrary to Policies PMD4 and HD4 of the Scottish Borders Local Development Plan 2016 in that the development lies outwith the defined settlement boundary for Peebles and there is insufficient justification to substantiate either an exception to PMD4 or subsequent compliance with HD4. This would lead to inappropriate and unjustified residential development on the edge of the settlement.
3. The application is contrary to Policies PMD2, PMD4 and IS4 of the Scottish Borders Local Development Plan 2016 in that Tweed Bridge and the mini roundabout leading to the Bridge from the High Street do not have the capacity to safely accommodate the anticipated traffic generated by the development, in addition to traffic envisaged from committed development. This would lead to unacceptable levels of vehicular traffic resulting in increased congestion and road safety risks.

### **DRAWING NUMBERS**

Location Plan	PL01
Existing Site Plan	PL02
Indicative Masterplan	PL03 Rev B

### **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



17/00606/PPP

Land East Of 10  
Kittlegairy Avenue  
Peebles

