

Eildon Housing Association  
per Camerons Ltd (Leith)  
Waterside House  
46 Shore  
Leith  
Edinburgh  
EH6 6QU

**Please ask for:** Scott Shearer  
01835 826732  
**Our Ref:** 19/01471/FUL  
**Your Ref:**  
**E-Mail:** sshearer@scotborders.gov.uk  
**Date:** 23rd December 2019

Dear Sir/Madam

**PLANNING APPLICATION AT Land East Of 30 Dukehaugh (Formerly 1-39 Tweedbridge)  
Peebles Scottish Borders**

**PROPOSED DEVELOPMENT:** Erection of 2 blocks of residential flats comprising 22 No units of mixed accommodation with communal bike store, bin stances and associated parking and landscaping

**APPLICANT:** Eildon Housing Association

Please find attached the decision notice for the above application.

Please read the schedule of conditions and any informative notes carefully.

Drawings can be found on the Planning pages of the Council website at <https://eplanning.scotborders.gov.uk/online-applications/>. Please see the requirement for notification of initiation and completion of development as well as for Street naming and numbering as appropriate.

It should be noted that before works commence, where applicable, all necessary consents should be obtained under the Building (Scotland) Act 2003. If you require any further information in this respect, please contact the relevant Building Standards Surveyor.

Yours faithfully

John Hayward

Planning & Development Standards Manager

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**Application for Planning Permission**

**Reference : 19/01471/FUL**

**To : Eildon Housing Association per Camerons Ltd (Leith) Waterside House 46 Shore Leith  
Edinburgh EH6 6QU**

With reference to your application validated on **10th October 2019** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Erection of 2 blocks of residential flats comprising 22 No units of mixed accommodation with communal bike store, bin stances and associated parking and landscaping**

**At : Land East Of 30 Dukehaugh (Formerly 1-39 Tweedbridge) Peebles Scottish Borders**

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), subject to the following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

And subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 20th December 2019  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 19/01471/FUL**

**Schedule of Plans and Drawings Approved:**

| <b>Plan Ref</b> | <b>Plan Type</b>          | <b>Plan Status</b> |
|-----------------|---------------------------|--------------------|
| 7280/0-LP       | Location Plan             | Approved           |
| 7280/ 0 - PL 02 | Proposed Site Plan        | Approved           |
| 7280/0 - PL 03  | Proposed Elevations       | Approved           |
| 7280/0 - PL 04  | Proposed Elevations       | Approved           |
| 7280/0 - PL 05  | Proposed Block Plan       | Approved           |
| 7280/0 - PL 06  | Proposed Block Plan       | Approved           |
| 7280/0 - PL 07  | Existing Plans & Sections | Approved           |
| 7280/0 - PL 08  | 3D View                   | Approved           |
| 7280/0 - PL 09  | Photos                    | Approved           |
| 7280/0 - PL 10  | Proposed Sections         | Approved           |
| 7280/0 - PL 15  | Proposed Plans            | Approved           |
| 7280/0 - PL 16  | Proposed Block Plan       | Approved           |
| 7280/0 - PL 17  | Landscaping Plan          | Approved           |

**REASON FOR DECISION**

Subject to a legal agreement and compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

**SCHEDULE OF CONDITIONS**

- 1 The proposed residential units hereby approved shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Consolidated Local Plan 2016 and accompanying supplementary planning guidance and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority.  
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would attract contributions to infrastructure and services, including local schools.
- 2 The development hereby approved shall not be carried out otherwise than in complete accordance with the plans and specifications hereby approved by the Planning Authority, unless otherwise agreed in writing by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details
- 3 No development shall commence until a sample of all external materials to be used on all buildings hereby approved have first been submitted to and approved in writing by the Planning Authority and thereafter no development shall take place otherwise in strict accordance with the approved details.  
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 4 No development shall commence until a schedule of surfacing materials (including samples where required by the Planning Authority) for all road, parking and pathways has been

submitted to and approved in writing by the Planning Authority. The surfacing layout of the road, parking and paths within the site shall accord with the approved site plan 7280/ 0 - PL 02 using the approved schedule of surfacing finishes and shall be fully formed and available for use prior to occupation of the first residential unit with all parking areas remaining unallocated in perpetuity, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

- 5 The development hereby approved shall be completed in strict accordance with the finished floor levels indicated on Drawing Numbers 7280/ 0 - PL 02, 7280/ 0 - PL 03 and 7280/ 0 - PL 04. No other land raising shall take place other than the ground level changes illustrated on the approved plans and suitable access and egress to the and from the buildings shall be maintained at all times as defined in the Flood Risk Assessment prepared by JBA Consulting and dated February 2018.  
Reason: To provide adequate mitigation of flood risk at the site and ensure that there is no increase to the risk of flooding at neighbouring properties.
- 6 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which shall first be submitted to and approved in writing by the Planning Authority, The scheme shall include:
- i. Location of new trees, shrubs, hedges and grassed areas.
  - ii. Location of existing trees and hedges proposed for retention (including root protection areas for retained trees)
  - iii. Schedule of plants to comprise species, plant sizes and proposed numbers/density.
  - iv. Precise details of all fences and handrails.
  - v. Programme for completion and subsequent maintenance.
- Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
- 7 No development shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Planning Authority. As a minimum this should outline how the site will comply with the British Standard 5228:2009 Code of Practice for noise and vibration control on construction and open sites and should include the hours of construction, vehicle movements, protection and monitoring of private water supplies, noise mitigation, equipment maintenance, dust mitigation and management and a complaints procedure/communication of noisy works to receptors. Thereafter no development shall take place except in strict accordance with the approved Statement.  
Reason: To safeguard residential amenities.
- 8 No development shall commence until a pre-construction condition survey of the public road network from Tweed Bridge to the application site has been carried out and the findings submitted to and approved in writing by the Planning Authority. Once development works commence monthly inspections shall be carried out by the developer at their expense to identify any damage to the route and a written record of the inspection findings shall be made available at the request of the Planning Authority. Within one month of the completion of the development, a post construction survey of this route shall be undertaken by the developer at their expense. Any remedial works to this route identified in the post construction survey which are a direct result of this development shall be undertaken by the developer within three months of the date of completion. During construction, any emergency repairs requiring to be undertaken to public road as a result of damage from

this construction site must be undertaken by the developer within one week of identification or any subsequently approved timescale as agreed in writing by the planning authority.  
Reason: To ensure a satisfactory condition of the public roads leading to the site from Tweed Bridge during the construction phase.

- 9 Prior to occupation of the first dwelling unit hereby approved, a scheme of street lighting, including programme for installation, shall be submitted to and agreed in writing by the Planning Authority and thereafter the lighting shall be installed as per the approved details.  
Reason: In the interests of road and pedestrian safety and to safeguard residential amenities and limit light pollution.
- 10 No development shall commence until a detailed report confirming that the public mains water supply is available to serve the development hereby approved has first been submitted to and approved in writing by the Planning Authority. Prior to the occupation of the first dwelling unit, written confirmation shall be provided for the approval of the Planning Authority that the development has been connected to the public mains water supply.  
Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties
- 11 No development shall commence until written confirmation has been provided from Scottish Water that the public drainage system can accept both foul and surface water drainage from the development hereby approved or that works will be undertaken to ensure that the existing drainage infrastructure will have the capacity to serve this development before the first dwelling unit is occupied. Thereafter prior to the occupation of the first dwellinghouse(s), written confirmation shall be proved for the approval of the Planning Authority that the development has been connected to the public drainage network.  
Reason: To ensure that site drainage is adequately handled without impinging on existing users
- 12 No development shall commence until a Construction Environment Management Plan (CEMP) which mitigates the impact of the development on the River Tweed SAC and SSSI has been submitted to and approved in writing by the Planning Authority. The CEMP shall include
- a) Risk assessment of potentially damaging construction activities
  - b) Method Statements to avoid or reduce impacts during construction, to include the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, include the use of protective fences, exclusion barriers and warning signs.
  - c) A Drainage Management Plan
  - d) A Site Waste Management Plan
- The approved CEMP shall be implemented throughout the construction period and operational phase as appropriate, strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.  
Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on the River Tweed SAC and SSSI environment, and that the mitigation measures are fully implemented.
- 13 No development shall commence until a Species Protection Plan (including measures for breeding birds and otters) has been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details.

Reason: To ensure that species and habitats affected by the development are afforded suitable protection for the construction and operation of the development.

- 14 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a barrier erected in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction) and shall only be removed when the development has been completed. During the period of construction of the development:
- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
  - (b) No fires shall be lit within the spread of the branches of the trees;
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
  - (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
  - (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

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

#### **FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

- 1 To assist with mitigating flood risk to the development it is recommended that the applicant adopts the use of water resilient materials and construction methods as appropriate in the development as advised in PAN 69.
- 2 To ensure that the habitants of the development are appropriately prepared for a flood even it is recommend that they arrange to receive flood warnings from SEPA, the applicant signs up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188
- 3 A Stopping Up Order will be required for that part of the public road no longer required as a result of this development and Road Construction Consent will be required for the formation of the prospectively adoptable road and parking to be constructed outwith the existing public road boundary to serve this development.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 5228:2009 “Code of Practice for Noise and Vibration Control on Construction and Open Sites”.

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

### **Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is available on the Council’s website for this purpose.

### **Notice of Completion of Development**

Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD  
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU  
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND  
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA  
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL  
BP Chemicals Ltd, PO Box 21, Bo’ness Road, Grangemouth, FK2 9XH  
THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD  
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed to the Clerk of The Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters,

Newtown St Boswells. TD6 0SA or sent by email to [localreview@scotborders.gov.uk](mailto:localreview@scotborders.gov.uk). The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).