PLANNING AND BUILDING STANDARDS COMMITTEE

30 MARCH 2015

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 13/00444/PPP
OFFICER: Craig Miller
WARD: Tweeddale West
PROPOSAL: Mixed use development comprising of new housing, relocation of caravan park incorporating static pitches, erection of facilities building and sales office
SITE: Land South East And West Of Rosetta Caravan Park Rosetta Road Peebles
APPLICANT: Aberdeen Asset Management
AGENT: Savills

SITE DESCRIPTION

The site comprises of the Rosetta Holiday Park in Rosetta Road, Peebles, located at the north-western edge of the town. The entire site is the subject of the application and is 19.4 hectares in size containing static caravan, touring and camping pitches with an emerging holiday lodge development at the north-western end of the site with a total of 60 lodges planned. A Caravan Site Licence exists for a maximum of 260 caravans or tents with a further 30 caravans or tents in the rally field.

The site also contains a Category B Listed late Georgian mansion “Rosetta House” which is located on the mid point of the old tree lined avenues leading to the house from northerly and southerly connections onto Rosetta Road. This property is currently in residential use. To the north of the house is a B-listed set of stables buildings and courtyard which currently provides visitor facilities and parking. A large Category C listed walled garden also lies to the rear and south-west of Rosetta House, currently housing play facilities for the complex. A Category C listed lodge lies at the site entrance to the south-east of the site and a building immediately west of the lodge contains the site reception and office. All the listed buildings within the site form a Category B listed grouping. Two other gate lodges no longer exist on site.

The site is largely divided into the parkland and avenues associated with the listed mansion house and less formal field systems to the north and west of the house. About half of the 19.4 hectares is occupied with caravans, lodge and tent pitches. 80 touring pitches and two toilet blocks occupy the parkland which slopes down from the house to Rosetta Road. This area has mature trees lining the internal avenues, throughout the parkland and along the edge of Rosetta Road together with a low stone wall. An emerging 52 house development is being constructed at Violet Bank east of the site on the other side of Rosetta Road.

To the south of the site is Peebles Golf Course, Eliot’s Park farm steading and a housing area at Eliot’s Park. This boundary is formed by a low stone wall and post...
and wire fence with high canopy mature trees and some remnant boundary trees. 29 static caravans lie on the sloping land near this boundary to the south of the walled garden with various large mature trees located through the site. Access to this area is from the main drive via a subsidiary access and parking area.

To the north of the stables block, the land comprises a steeply sloping unused field then two less steeply sloping fields containing 59 touring pitches and 35 static caravan pitches. The northern boundary is formed by the steep wooded sides of the Gill Burn and a post and wire fence. In the north-western corner of the site lies the lodge development which was granted planning permission in 2007 for 60 static caravans and on which a road system and some lodges along the eastern boundary of this field have already been developed. These areas of accommodation are separated by hedging and some trees.

The land continues to rise to the western boundary of the site which is bounded by farmland, a low stone wall and a thin belt of trees.

The site lies partly within the settlement boundary of Peebles as defined in the Consolidated Local Plan and Proposed Local Development Plan, the areas remaining outwith the boundary comprising of the consented 60 lodge development to the west of the site and the corresponding field to the south. These parts of the site are covered by the new “Tweed Valley” Special Landscape Area but there are no other special designations or protections across the site apart from the settings of the listed buildings.

**PROPOSED DEVELOPMENT**

The application was initially submitted as a full planning application 13/00444/FUL but was amended in January 2014 to a PPP application with the submission of amended plans. There followed a submission of further revised plans in May 2014. It is this second set of revised plans that is being considered for determination as a PPP application.

The full submission included a series of detailed layout plans, site sections, elevations of the facilities block and layouts of conversion of the listed house and stables to flats. These ten plans are no longer applicable to the PPP and have been superseded although a series of supporting statements and documents should still be read in association with the second revised plans under the PPP submission.

As background, however, it is important to the assessment and understanding of the application to follow the evolution of the current proposals from those first submitted. As a core principle behind the application, the Planning, Design and Access Statement stated the following:

“In order to commit to the level of investment required to achieve these aims and create a significant positive tourism facility which is not currently available in Peebles, it has been identified that an element of housing has to be incorporated within this ownership which will then be able to fund improvements to the holiday park ...This additional investment would also provide the required funding to repair and upgrade the existing listed building and stable blocks on the park”.

A confidential Development Viability Report was submitted with the initial application which explained that this cross-subsidy would assist in funding spend on the holiday facilities by creating an income from the housing development. The initial full submission proposed the following:
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- New-build housing development of 163 units on land between the main house drive and Rosetta Road and west of the house drive to the north of the stables and south of the walled garden. This was supported by a layout plan demonstrating usage of the main drives but also a secondary access centrally from Rosetta Road. House plots were predominantly detached and likely to be two storey with retention of the existing avenues and creation of a new central avenue feature leading down from Rosetta House.

- Conversion of Rosetta House and Stables into nine additional residential units.

- Relocation of touring and static caravan accommodation onto the upper fields to the rear of Rosetta House and south of the field containing the consented lodges, creating 78 touring pitches and 55 static pitches, representing an overall reduction of 61 touring pitches and an increase of 26 static pitches. The Planning Design and Access Statement explains the benefits of reducing the touring pitches and replacing them with better equipped pitches, together with meeting increased demand for more static pitches at the holiday park.

- A new central facilities building and sales units to the rear of the stables and Rosetta House, covering 447 square metres with a 410 square metre mezzanine.

These proposals were submitted with supporting information and reports which remain valid and are to be read with later revisions to the plans and amended reports where appropriate. All are available to be viewed in full on Public Access (except the Phase One Habitat Survey Report) and read as follows:

**Planning, Design and Access Statement**

Explains the cross-subsidy need for housing as part of a mixed use development securing the necessary reinvestment in the holiday facility and the changes in types of accommodation needed. Assesses the development against Planning Policy and suggests compliance, especially with tourism, infill and listed building Policies. Reflects local housing pattern and explains how listed structures and parkland would be respected. General Concept diagrams show the evolution of the scheme, retention of the drives and creation of a new central avenue.

**Landscape and Visual Impact Assessment**

Development largely contained within immediate vicinity due to screening effects of topography, vegetation and existing developments. Any wider impacts are negligible and those who experience more significant effects closer to the east do not experience new elements to their view. Subject to landscape mitigation which would involve tree retention and augmentation to boundaries, roadways and retention of the listed buildings.

**Ecological Impact Assessment – Extended Phase One Habitat Survey Report**

Detected a badger sett and disused birds nests, proposing further European Protected Species surveys including for bats, otter, badger and reptiles. Mitigation will be proposed following surveys, the requirement for which cannot be conditioned.
Pre-Application Consultation Report

Outlines the steps taken to inform and engage with the community pre-application submission, including a public event and contact with the Community Council and Civic Society. Reaction was mixed amongst the public, concerns being expressed over transport/access and local services.

Transport Impact Assessment

As a result of surveys and modelling, concludes the development accords with Government principles and that surrounding roads and junctions can cope with additional traffic. Predicts a low increase in the most congested section of Rosetta Road which is acceptable given the lack of accidents. Negligible impact on the Tweed Bridge and the new link with Dalatho Street is not required.

Noise Impact Assessment

Assesses road traffic noise from operation and from site construction, especially at Eliot’s Park and south along Rosetta Road. Concluding potential for significant noise unless mitigation relating to acoustic screening and sound reduction type machinery together with restricted weekend working.

Air Quality Assessment

Concludes unlikely to be any significant effects on local air quality subject to dust control mitigation measures.

Tree Survey

Surveyed 795 individual trees and grouped into five categories, suggesting 42 for removal but retaining trees along the perimeter and internal avenues.

Following the initial submission of the full planning application and after consideration of the concerns expressed to the applicant by the Department, the response was to change the application into a Planning Permission in Principle, withdrawing all the previously submitted drawings and substituting them with one masterplan, backed with a Supplementary Report and accompanied by EPS surveys and an amendment to the Traffic Assessment.

The main change was to remove all detail of housing layouts and to seek a generic approval for housing areas of varying density, albeit for the purposes of the Traffic Assessment, estimating maximum numbers of houses in each identified development area on the site. A total of 130 houses were estimated as a maximum with removal of a much larger area of housing in the eastern central part of the site below Rosetta House, improving the setting of the listed building and restoring more of its associated parkland. A new housing area was proposed in the area occupied by the static caravans to the west of the stables. Slight reductions in housing coverage were also proposed to the north and south-east of Rosetta House and adjustments made taking into account steep levels.

As the application is now for Planning Permission in Principle, it no longer provides for the conversion of the stables or main house to flats nor does it specify the number of caravan pitches now being sought although the masterplan suggests areas for 51 touring pitches and 55 static pitches – in addition to the 60 lodges in the top field.
position is also suggested for the facilities building to the rear of the walled garden within the touring caravan area.

The masterplan introduces additional landscape mitigation involving retention of mature trees within open spaces, along boundaries and the original drives together with new planting areas to augment existing boundaries and especially to integrate and separate the tourist accommodation areas from the housing zones.

The changes and reasons for them are set out in the Supplementary Report which provides further information in support of the change to PPP and the Landscape Analysis. The revised plan is felt to secure the structure of Rosetta House and parkland setting, retaining key views whilst maintaining adequate buffer space between the development and listed structures.

The Supplementary Report also summarises the findings of the revised Phase 1 Habitat Survey and EPS surveys. Bat protection was identified as necessary with the felling of any mature trees and roosts were found in the main house, stables and northern toilet block. Otter and vole results were acceptable and badger results were discussed in the confidential survey report. Breeding bird surveys revealed diversity but nothing rare. Subject to satisfactory mitigation including avoiding construction works within the breeding bird season, there was expected to be negligible impact on ecology as a result of the development.

The revised Transport Assessment was submitted in January 2014 to accompany the first revised PPP submission, based upon amended trip generation and distribution figures agreed with the Council. The Addendum also considers the potential of a link from Rosetta Road to the A703. It continues to conclude that Rosetta Road can accommodate the traffic generated by the development, that the Dalatho Street link would have negligible benefits on the road network in the area, that the Elcho Street Brae junction will not be improved and that parking restrictions during the day should be introduced on Rosetta Road. It does state that the developer would still be willing to discuss the delivery of the Dalatho Street junction with the Council if it was still seen as a priority.

This revised submission was subject to full reconsultation and notification in January 2014. Following this process and consideration of further concerns from consultees and the Department, a second resubmission was made in May 2014. This was still based upon a PPP submission and, again, was subject to renotification and reconsultation. It is this latest submission that is presented to the Committee for determination.

The main changes related to the removal of all housing proposed directly in front of Rosetta House in the former Zone C and introduction of displaced housing within and to the immediate west of the walled garden, fed by a new housing access road which would skirt the southern edge of the development, accessing other housing zones. The holiday element of the development would continue to use the current drive to the listed Rosetta House. The immediate parkland to the front of Rosetta House would be retained.

Area A is merged into one housing area with a slightly wider buffer to the holiday lodges at the top of the site. The replacement touring caravan pitches and facilities building move further west and occupy a smaller area of ground, within the previous field proposed for static caravans, which sees a consequential reduction in size. 40 touring pitches are now suggested, which is a reduction on the first revision and the number of static pitches remain as per the first revision. The consented lodge
development in the northern field remains as existing apart from reinforced woodland boundaries. The main house and stables remain outwith the proposals as the application is a PPP submission and cannot relate to existing buildings.

The second revised submission was accompanied by a Flood Risk Assessment relating to the proposed Dalatho Street bridge across the Eddleston Water and a revised Development Viability report. The Flood Risk Assessment concludes that a bridge crossing is unlikely to be prohibited on flood risk grounds. However, hydraulic modelling would still be required to ensure no existing flood risks are exacerbated and that proper flood flow conveyance and loss of flood storage are considered.

The revised Viability Report estimates a significant 7 figure spend on the relocated and upgraded holiday facilities followed by a post-upgrade income translated to increased value of the business. The report considers there can still be a viable development through the creation of profit from the sale of up to 130 housing units and even allowing for the provision of funding for the Dalatho Street bridge link from the development. This is based upon a suggested removal of affordable housing provision and contributions at the site – seen as a justifiable sacrifice for the benefits to be accrued from the Dalatho Street bridge link.

Further Viability Report revisions have been made and their details are summarised and discussed by the Development Negotiator in the item on the private agenda.

**PLANNING HISTORY**

The caravan site has been in use for over 25 years. More recent approvals have been for extensions to two toilet blocks in 1994 and an extension in 1996 to the caravan site for an additional 32 static caravans. The most notable recent planning decision was 07/00004/FUL granted on 23 July 2007 for 60 caravans and the use of a field for camping in the north-western part of the site. This was granted subject to four conditions including new planting, passing place improvements, footpath extensions and a two month winter occupancy break.

**REPRESENTATION SUMMARY**

In response to the initial application submission, 21 objections were received as well as a petition against the proposals, on the following grounds:

- Inadequate road system to cope with the traffic generated, especially Rosetta Road and The Crossings road to the north.
- The increased traffic will delay emergency services.
- Street parking, one way sections and poor surfacing exacerbate roads inadequacy as does the current single bridge crossing.
- Previous school was refused on traffic impact grounds.
- Dalatho Street link essential.
- Town cramming.
- Adverse effect on trees, bats, badgers and other wildlife.
- Ground stability and drainage problems.
- Strains on local infrastructure and services, especially health, schools and utilities.
- Non-compliance with Government Guidance and Development Plan Policies, relating to lack of identification as a housing site, contrary to AGLV, outwith settlement boundary, retaining insufficient tourism accommodation.
- Construction impacts.
- Flood risk.
- Overdevelopment compared to surrounding density.
- Design out of keeping with area.
- Adverse impacts on listed buildings and a loss of history to the house and parkland.
- Misleading application wording underplaying scale of new housing.
- Adverse impact on landscape in an AGLV, visible from viewpoints outside Peebles.
- Cumulative impacts with Violet Bank.
- No economic gain to the town with on-site retail reducing spend on existing businesses.
- Increased pollution including light pollution.
- Impact on the existing matured landscape of the camp site and detrimental impacts on the existing holiday properties, especially the lodges in the top field.
- Detrimental impacts on property values.
- Inadequacy of water supply.
- Lack of housing demand.
- Applicants have financial equity and do not need to cross subsidise to this extent.
- If approved, then the tourism development must occur first.

In response to the first amended plans and amendment of the application to a PPP, none of the above objections were withdrawn and still apply together with a further 17 objections that added concerns including:

- Apparent advantages in processing application to applicant.
- Exaggeration of economic advantages.
- Insufficient reduction in housing numbers.
- New proposals lack detail in distribution of houses or actual total numbers.
- Lack of information on affordable contribution.
- Increased impact on existing holiday lodge amenity.
- Need for strong separation between housing and holiday park.
- Encouragement of development north of the river which causes additional access problems at Dalatho Street.
- Better brownfield sites available.
- Adverse impacts on existing residential amenity.
- No advance warning to lodge purchasers of housing plans.
- Degradation of outside recreational space.
- Development is for profit and not the good of the town.

In response to the second amended plan submitted, none of the above objections were withdrawn and still apply together with a further 6 objections that added concerns including:

- A restriction preventing housing in previous sale of the land.
- Lack of investment in current holiday park.
- No consultation with owners of caravans or lodges on site.
- Houses and caravans will not mix and the tourism element will dwindle, there being an apparent intention to run this element down.
- Peebles will be overdeveloped and lose its character.
- Parts of the housing development are outwith the settlement boundary of the Local Plan.
Despite the changes, as many houses could still be proposed.
Traffic congestion in Rosetta Road still not addressed.

Copies of all the letters and petition are viewable in full on the Public Access web site.

DEVELOPMENT PLAN POLICIES:

SES Plan Strategic Development Plan 2013
Policy 1B: The Spatial Strategy: Development Principles
Policy 5 Housing Land
Policy 6 Housing Land Flexibility
Policy 7 Maintaining a Five Year Housing Land Supply
Policy 8 Transportation

Consolidated Scottish Borders Local Plan 2011
Policy G1 Quality Standards for New Development
Policy G4 Flooding
Policy G5 Developer Contributions
Policy G7 Infill Development
Policy G8 Development outwith Development Boundaries
Policy BE1 Listed Buildings
Policy BE3 Gardens and Designed Landscapes
Policy BE6 Protection of Open Space
Policy BE8 Caravan and Camping Sites
Policy NE3 Local Biodiversity
Policy NE4 Trees, Woodlands and Hedgerows
Policy NE5 Development Affecting the Water Environment
Policy EP2 Areas of Great Landscape Value
Policy H2 Protection of Residential Amenity
Policy Inf2 Protection of Access Routes
Policy Inf3 Road Adoption Standards
Policy Inf4 Parking Provisions and Standards
Policy Inf5 Waste Water Treatment Standards
Policy Inf6 Sustainable Urban Drainage
Policy Inf11 Developments That Generate Travel Demand
Policy D1 Business, Tourism and Leisure Development in the Countryside

Appendix D – Supplementary Planning Guidance and Standards

Scottish Borders Proposed Local Development Plan 2013
Policy PMD2 Quality Standards
Policy PMD4 Development Outwith Development Boundaries
Policy PMD5 Infill Development
Policy ED7 Business, Tourism and Leisure Development in the Countryside
Policy ED8 Caravan and Camping Sites
Policy HD3 Protection of Residential Amenity
Policy EP3 Local Biodiversity
Policy EP5 Special Landscape Areas
Policy EP7 Listed Buildings
Policy EP11 Protection of Greenspace
Policy EP12 Green Networks
Policy EP13 Trees, Woodlands and Hedgerows
Policy IS2 Developer Contributions
Policy IS4 Transport Development and Infrastructure
Policy IS5 Protection of Access Routes
Policy IS6 Road Adoption Standards
Policy IS7 Parking Provision and Standards
Policy IS8 Flooding
Policy IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

“Affordable Housing” SPG
“Green Space” SPG
“Placemaking and Design”
“Trees and Development” SPG
“Development Contributions” SPG
“Landscape and Development” SPG
“Privacy and Sunlight” SPG
“Biodiversity” SPG
“Tweed Valley” SLA 2

National Tourism Development Plan for Scotland
Scottish Planning Policy
Scottish Borders Tourism Strategy

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: Unable to recommend approval of the initial application for the following reasons in relation to the Transport Assessment:

- The road link to Dalatho Street was not properly investigated which could be a solution.
- Trip generation figures were too low especially in comparison with those for the Violet Bank development.
- Trip distribution was questionable such as 67% heading north and requested a sensitivity test towards the centre.
- No mention of the town bus service which should be routed through the site and increased in frequency.
- Conflicts with the promotion of cycle routes.
- The traffic should be incorporated into the model for the second bridge to see the full effects.
- No mention of the £1000 per house required for the Peebles Traffic Management Study.
- Visibility splays of 2.4 x 70m required on the secondary access.
- Internal layout problems such as low interconnectivity and reliance on cul-de-sacs.

Still unable to support the first revised scheme unless the applicant could deliver the Dalatho link, demonstrating a structure which can withstand flooding. Reiterates the capacity issues over Rosetta Road and especially the section between March Street and George Street, quoting the Local Development Plan statement about possibly seeking the Dalatho link for the additional 25 units at Violet Bank. Refers to the
Transport Assessment recommendation for limiting parking on Rosetta Road during daytime hours but identifies a series of displacement and enforcement problems. The Assessment considers the impact of the Dalatho link and shows the huge reductions in traffic volumes that would result, albeit as the Council is not pursuing development north of the town, the link is the responsibility of the developer to secure.

In response to the second revised plans, the FRA falls short of providing modelling for the area and as such a minimum level for the bridge cannot currently be developed. Hydraulic modelling will need to be undertaken to confirm a 1 in 200 year plus climate change flood level at the site. This will then need to be incorporated into the bridge design, so that the minimum bridge level can be developed plus a freeboard allowance. Modelling should also incorporate problems that could be associated with the bridge, such as blockages and the flood risk that could subsequently occur.

A concept bridge design requires to be lead and supported by the detailed FRA so that it can be proven that an acceptable bridge can be provided that does not impact upon flooding and is realistically deliverable. Only once this work has been undertaken can a realistic costing be prepared.

**Landscape Architect**: The initial application should be refused as the development through the Design and Access Statement submerges the existing landscape and setting of the listed buildings of Rosetta House and Stables with a minimal axial avenue. The Landscape Site Analysis does not show the contours and does not reveal the existing parkland forms, the integration with the parkland setting and the approaches to the house. There is also not enough detailed information to allow a proper assessment of impacts on the trees on the site. The landscape impacts from further afield are more acceptable except perhaps from Venlaw Hill, the upper west part of the site being less sensitive but a better planting framework needed.

Maintained objection to the first revised plans although identified improvements that could avoid the destruction of the designed landscape around Rosetta House. Acknowledges significant improvements in that a larger area of open parkland is now proposed in front of Rosetta House but identifies significant concerns with impacts on the tree-lined avenues leading to the House from the north and south lodges and the loss of trees to accommodate the traffic associated with Housing Zones A and B. Major concern with the secondary access off Rosetta Road including the detrimental impacts caused by earthworks. Also concerned at the continued impacts on the parkland and setting of Rosetta House caused by the scale of development on Zones C and D, whilst recognising a smaller scale of development may be possible.

Identifies that the most sensitive parts of the site are the eastern parts below the 197m contour and that the upper western parts are not as widely visible to external views. Subject to detailed design, a new access to serve Housing Zones A and B could be possible to the south of the walled garden through Housing Zone E with much less impact on the main avenues.

In response to the second revised plans, notes that no additional traffic flow is now intended on the tree lined avenues leading up to Rosetta House and that the applicant has answered such concerns allowing the trees in the avenue not to be disturbed. Also noted that the proposed new site entrance off Rosetta Road has been deleted allowing retention of the boundary woodland that encloses the grounds of Rosetta House.
Proposed housing at Zone C (north east corner of site) has also been deleted which removes concerns over impact on the foreground parkland setting. Low to medium density housing is still proposed in Zone D (now re-named Area B), at the south east segment of the site. If perimeter and internal tree structure can be retained, as indicated on the drawing, it should be possible to develop an acceptable layout in this area, albeit with a lower density/ height towards the northern edge.

Remaining housing in Areas A, C and D have perimeter woodland belts and tree structures retained. Development here is less likely to harm the setting and designed landscape of Rosetta House with low external visibility. This would be subject to reduction of housing in Area A which “spills over” the existing slope and would reduce the visual containment. Additional tree planting would be required to improve containment.

In summary, concerns have been adequately addressed resolving previous issues although, as an outline application, much depends on the details, especially relating to retention and strengthening of the woodland structure.

**Local Plans:** The initial application should be refused as it was contrary to Structure and Local Plan Policies on Tourism (E22), Listed Buildings (N17 & BE1), Quality (G1), Settlement Boundaries (G8) and Infill (G7). In particular, there was already a generous land supply for the Northern HMA of 5.8 years and the development would not meet any of the main criteria under the Infill Policy. There would be a loss or roadside frontage and scenic quality of the parkland and this could be detrimental to the Scottish Borders economy. There would be a severe impact on the setting and landscape surrounding the listed buildings, the development fails to respect the environment and the development extends outwith the settlement boundary only to accommodate the housing element.

Maintains objection to the first revised plan due to contravention of Consolidated Local Plan Policies BE1, G1, G7 and G8 and adhering to previous comments. The Local Development Plan is also now a material consideration. The additional housing area in Zone A has not been accompanied by any dialogue on impact on the tourism facility. Felt that the target of 130 houses was not appropriate in this location and remain concerned over location and extent of housing elements. Comments that the walled garden remains in use despite what is stated in the Supplementary Report.

In response to second revised plans, refers to previous responses.

**Access Officer:** No recorded rights of way within the development site although a Core Path (162) runs up the public road to the eastern boundary of the site. Requirements of the Land Reform (Scotland) Act 2003 apply. Satisfied that adequate provision is made for public access through the site and to the wider countryside.

**Ecology Officer:** Content with the extended Phase 1 habitat survey report and for the badger, reptile and breeding bird surveys to be suspensive conditions. The trees should be retained and a Habitat and Landscape Management Plan produced. The application should not be determined until the European Protected Species surveys are submitted.

A bat licence will be required from SNH before development commences and there will be impacts on bats as a result of the tree fellings proposed, even if the main house, stable block and toilets are no longer affected by the PPP submission. Additional bat housings are required as well as the previously identified Habitat and Landscape Management Plan before any development is commenced. Similarly, a
Species Protection Plan for badger will be required following a Supplementary Survey and there will be restrictions on works within breeding bird seasons and the possible need for further surveys.

**Economic Development:** Responding only to the tourism proposals and not the housing element although there is unlikely to be a sustained adverse impact on the local economy as the new caravans and facilities fit with the Scottish Borders Tourism Strategy (SBTS). The new development will improve occupancy levels, the range of accommodation, raise quality and increase employment opportunities. It meets the strategic actions of the SBTS and the National Tourism Development Plan for Scotland. If consent was refused, there is the risk of decline and loss of current value, rising once prevention of additional visitors taken into account in the lack of additional static/hire caravans. If consent is granted, it should be of high quality with additional information on visitors, leisure facilities, local businesses and a Legal Agreement used to retain the tourism element in the overall proposals.

Maintain support after considering first revised plans although also welcomes reduction of housing in front of Rosetta House which will create more scenic parkland for visitors.

Maintains support after considering second revised plans.

**Heritage and Design:** Objected to the initial application due to the adverse impact on both Category “B” Listed Buildings. Using the “Setting” tests in SHEP, identified the main house, stables, walled garden and lodge/gatepiers as interacting with a carefully designed parkland, the house being the centrepiece with views out and in within an arc, including from distance and from the stables and garden. The principal elevation faces down into the parkland. The current touring caravans and toilet blocks have a low-key impact on flatter land within the parkland respecting the open policy grounds east of the carriage drives. The housing development would introduce significant change to these grounds with access roads and development platforms exacerbating the effects. Cannot agree with the statement in Appendix 2 that the development will enhance the setting of the listed buildings. Scope for conversion of the listed buildings subject to listed building consent which will also be needed for movement of the gatepiers.

Maintained objection to the first revised scheme due to the adverse impact on the setting of the Category B Listed Buildings although acknowledged there was an improvement. Identifies that the site has been split into housing zones and that Zone C in front of the main house would still have an adverse impact on the setting due to the site entrance and ribbon of single aspect housing. Zone D would also have some adverse impact unless the developable area is reduced. Observes difficulty in assessing impacts as the application has reduced in detail to a PPP without definitive housing numbers or layouts.

**Archaeology Officer:** No objections although there is a possible Roman Road through the southern end of the site and a Royal Observer Corp post to the south of the walled garden. There could be damage to unknown assets too. There should be conditions covering archaeological evaluation and geophysical surveys.

Maintains views in response to first revised plans.

**Environmental Health:** Any consent should be conditioned to include noise and air quality mitigation.
On first revised plans, notes that additional information has been supplied regarding air quality with appropriate mitigation, demonstrating no air dispersion model will be required and that other mitigation is acceptable. Any lighting for the caravan site should avoid nuisance to residential properties. Concerns over compliance of the proposals with the model standards required for caravan parks and urge early discussion on the precise layout as well as protection of existing users during construction phase. May also require food licensing and consideration of ventilation requirements.

**Development Negotiator:** There would be various contributions required covering affordable housing, Kingsland Primary School, Peebles High School, the bridge/traffic management and play space. Housing Strategy would support involvement of the Eildon Housing Association and social rented housing to meet the affordable housing requirement on site. This remains the view on the second revised plans.

Provision of the Dalatho St bridge link has been stated at a significant 6 figure cost and the elimination of on-site Affordable Housing is requested to enable project viability. Sought a copy of the report which supports the adoption of the bridge amount, as it is necessary for all costs, values and associated assumptions to be evidenced in such cases. An assessment of development viability is contained in the private item later on this agenda.

**Urban Designer:** The initial application should be refused and a more suitable scheme negotiated. The application lacks full exploration of the relationship of the development to the listed structures and their designed landscape. The analysis lacks the awareness of this relationship and the scale of the development does not pay sufficient attention to the heritage assets, having a detrimental effect. There is a single density applied over the whole site rather than clustering in the least sensitive parts of the site as the caravan site currently does. Back gardens are also presented to the main drive and Rosetta House and the steading block is not respected by house plots and positions.

**Flood Protection Officer:** Comments on the Flood Risk Assessment submitted in support of the Dalatho Street link. A minimum level for the bridge still needs to be identified based upon further hydraulic modelling to establish the 1 in 200 year level plus climate change and freeboard. The bridge design should also take into account SEPA guidelines and other flood management work being undertaken on the watercourse.

**Statutory Consultees**

**SEPA:** Objection to the initial scheme unless a condition is imposed to an agreed wording to require the submission of a SUDS scheme. A waste water condition should also ensure public drainage and any watercourse crossing would be subject to CAR Licensing and should not be fully culverted.

Maintains objection to the first revised plans after reviewing and accepting the additional information including the Phase 1 Habitat Survey.

**Scottish Water:** Responding to the initial scheme, there may be capacity in the public system although improvements may be required at the developer’s cost. Separate foul and surface water systems are needed and water storage will be needed for the commercial premises.
Scottish Natural Heritage: No comment. Content that the Council can identify and address natural heritage issues.

On first revised plans, comments that the proposal will require a bat licence for the potential works to the main house, stable block and northern toilet block and that a badger licence may also be required. Responded to revised information in the Supplementary Report noting bat roosting points in various buildings as well as some trees and that the development could not proceed with disturbance/destruction licenses, being to the satisfaction of the Council in the first instance before consent is granted. Appropriate mitigation would be sought. Two badger setts are present within the development area and licenses and exclusion zones may be necessary.

In response to second revised plans, reiterates advice on bat licence requirements especially with regard to any additional trees and hedgerows now being disturbed.

Peebles and District Community Council: Strongly objects to the initial scheme for the following reasons:

- Land is designated for tourism and not housing.
- The land is protected by Local Plan Policies Inf12 and E22.
- There is no identified housing shortfall in Peebles.
- There should be no further expansion of Peebles until local infrastructure and services are addressed.
- Specific roads and traffic problems.
- There is a petition against the development and a lot of local concern.
- Premature until "Vision for Peebles" is produced.
- Proposals misrepresent the scale of the housing element.

Maintains strong objection in response to the first and second revised plans for the aforementioned reasons as well as the following additional comments:

- Concerned about the loss of housing numbers and detail in the PPP resubmission, leaving such decisions to the developer and possible overdevelopment.
- Holiday development has now been compressed into an area little larger than that originally intended for the statics, wholly outwith the settlement boundary.
- The development contravenes Local Development Plan Policies.
- The non-viability argument is cynical and does not represent sustainable development.
- Re-emphasises the road capacity problems on Rosetta Road, the need for a link to the Edinburgh Road, facilitating wider uptake of cycle/pedestrian routes towards Leadburn and Broughton and the cumulative impacts of the development in addition to Violet Bank Phases 1 and 2.

Other Consultees

NHS: With the initial application, felt there would be considerable impact on local health services in the Peebles area that are already working close to capacity. The same concerns in relation to all the allocations in the Local Plan for Peebles.

Peebles Civic Society: Objects to the initial scheme for the following reasons:

- The housing element is not in compliance with the Local Plan.
- It is premature in relation to SESPlan and the Local Plan update.
• There would be an unacceptable level of traffic in the area and a relief road would be needed at Dalatho Street.
• No indication of how increased infrastructure demands would be met, schools being particularly at capacity at present.
• Unacceptable impact on the landscape setting in the AGLV with creeping intrusion, especially from Venlaw.
• Concerns over design and destruction of parkland character.
• Further full applications needed for the listed buildings and housing.

Maintains previous objection to the first revised plans for the same reasons with additional objections as follows:

• The site far exceeds the 75 houses proposed in the Local Development Plan for the period 2019-2024 and cannot be considered as a windfall/infill site.
• The Transport Assessment only demonstrates increased traffic accommodation in theory but the real traffic impacts will be more serious.
• Despite revised information, remains insufficient information on how infrastructure deficiencies will be met and contrary to criterion V of Policy G7.
• Scant regard to views into the site from the east, especially siting caravans high on the valley side.
• Lack of information given with indicative housing layouts and concern that housing areas are still accessed from the front of Rosetta House.

Maintains objection to the second revised plans, commenting additionally as follows:

• Lack of actual housing numbers is unacceptable and leads to difficulties in assessment of impacts including on infrastructure and traffic. Could also place pressures on future overdevelopment.
• The removed planting break in Area A should be reinstated.
• Revised access arrangements within the site are an improvement in terms of impacts on Rosetta House.
• Position of office and facilities building also an improvement.
• Strong concerns over position and layout of static site from Venlaw Hill, exacerbated by tighter spacing and lack of space for intervening planting.

KEY PLANNING ISSUES:

The main determining issues with this application are whether the development is appropriate in terms of Development Plan Policies on infill development and tourism sites and, if so, whether it would also comply with Policies relating to settlement boundary edges, listed buildings and their setting, impacts on trees and landscape, adequacy of road access, residential amenity, drainage issues and developer contributions.

ASSESSMENT OF APPLICATION:

Planning Policy

The planning application is now submitted for Planning Permission in Principle and relates largely to a relocated caravan site, facilities building and enabling housing development. The main Policies to be considered with this application are those contained within the Consolidated Local Plan and Proposed Local Plan, together with the strategic guidance in the SESplan document. The former Structure Plan is no longer a material consideration.
The main Consolidated Local Plan Policies to be considered are Policy G1 Quality Standards for New Development, Policy G7 Infill Development, Policy G8 Development outwith Development Boundaries, Policy BE1 Listed Buildings, Policy BE8 Caravan and Camping Sites and Inf11 Developments That Generate Travel Demand. There are similar Proposed Local Plan Policies which are listed in the Policies section of this report.

A number of responses have raised the issue of Policy G8. The development partially falls outwith the defined settlement boundary of Peebles, albeit in effect, it is only the south-western field where static and touring caravans are now proposed. The north-western field containing the lodges is wholly outwith the boundary but has already received planning consent for 60 lodges throughout the field, a development which has been timeously commenced and validated by the construction of lodges along the eastern edge of the field. Given this approval and the fact that the field to the south of this is of no greater impact on the overall visibility of the development, it would be unjustified and unreasonable to oppose caravan development. Indeed the field slopes to the south and is slightly lower than the consented field. Policy BE8 also accepts and, indeed, favours such developments outwith but on the edge of settlements, compared to open countryside locations. The main reason for this is the support to local shops and services that such development can bring.

The boundary edge between the holiday development and the housing is not precisely defined in the revised submission which seeks planning permission. If there is an intention to approve the development, this edge would need to be demonstrated to be contained wholly within the defined settlement boundary in relation to the housing development. This would also correlate with issues over impacts on the holiday lodges, raised by a number of objectors.

The site is not allocated as a caravan site despite a number of comments and objections to this effect. As mentioned, there is no prohibition or protection within the current or proposed Local Plan in retaining the site for holiday accommodation. Policy BE8 supports new or extended proposals and is not worded or designed to protect the loss of such facilities. Some have commented that Inf12 should apply but I am not convinced that the aim of the Policy was to protect a caravan site, given the wording in the Policy justification which talks about services such as post offices, shops, public halls, hotels and other public services. I would consider that a caravan site does not offer the same contributions to public services as intended to be protected by this Policy. In any case, the development is not for housing without any replacement holiday accommodation. It is for a mixture and can be controlled by Section 75 Agreement or condition to ensure that relocated and upgraded holiday facilities are carried out alongside a controlled and phased housing development, reflecting the enabling nature of the proposals.

As the site is not specifically protected as a holiday development and lies within the settlement boundary in relation to the housing elements, it is “white” unallocated land and the main Policy that applies is that in relation to infill development. Local Plan Policy G7 allows development within settlements provided it complies with Policy BE6 on open spaces and with a series of six other criteria which relate to the development pattern in the area, the amenity of the area, sympathetic density and design, services capacity and impacts on residential amenity. All these issues will be debated further in the following relevant sections in this report and it will be demonstrated that the development, as amended and with conditions, complies with the qualifying criteria in Policy G7. This has been particularly as a result of the two
revisions to the application during its processing and the improvements to the housing development and access provision in reaction to the Policy issues raised.

There has been concern expressed that the site and size of development could be considered too large for infill or “windfall” – the Scottish Government identifying such sites as those which “…become available for development unexpectedly during the life of the development plan and so are not identified individually in the plan”. There is no specific guidance in Scottish Planning Policy about the upper size limit of what should be considered a windfall site, except in formulating realistic housing supply targets in the Development Plan and taking into account the windfall contribution. Members will also note that the Forward Planning Section have expressed a view that there was already a generous housing land supply for Peebles and that the development was not in accordance with Policy G7.

However, there is no specific part of Policy G7 that can be used to refuse an application wholly on the grounds that there is enough housing land in a particular settlement. One of the criterion relates to overdevelopment and town cramming, relating not only to the visual impacts of a development on the setting and amenity of a settlement but also on the impacts on local services and infrastructure. As can be seen from the responses from other consultees and in reaction to the various amendments and the issue of the Dalatho Street road link, it is considered that the development has complied with these relevant criteria listed in Policy G7, subject to appropriate conditions and a Legal Agreement.

Tourism and Leisure

Rosetta is one of two caravan sites within Peebles, having been in operation for more than 25 years and seeing recent expansion with 60 lodges/caravans and camping in the upper fields. Although many have commented that the development is housing first and holiday accommodation second, the application has been a mixed submission from initial lodgement and makes it clear that it is an enabling development to seek the necessary injection of funds to retain and upgrade a caravan park at Rosetta. Viability Reports have been submitted to illustrate this assertion.

There have been comments that the existing facility does require upgrading but that it could be done without the associated housing development. However, the economics of the submissions have been assessed by the Department and by Economic Development. Members will note that with each of the three submissions and successive Viability Reports, the Economic Development Section have said that if the development was refused, there would be a risk of loss of current value, which would rise taking into account lack of additional static van hire.

They support the proposals as being in line with the Scottish Borders Tourism Strategy and National Tourism Development Plan in that the new development could improve occupancy levels, raise quality and improve the range of accommodation. Despite the revised submissions reducing the touring pitches successively from 139 to 61 to 40 and the static pitches down to 55, the findings of the revised Viability Report are still supported by Economic Development who recognise the improvements to the scenic parkland afforded by removal of housing from the initial proposals. Whilst some have commented that travelling through a housing development to the holiday facility to the rear is a detrimental step, Economic Development remain supportive of the proposals provided the holiday development is carried out in tandem with the housing development and regulated by Legal Agreement. The change in the access also improves the relationship, allowing
housing related traffic to use a separated access drive from that leading to the old house that would still serve the caravan development.

Given this support and the terms of Policy BE8 which welcomes new or extended caravan sites within or adjoining settlements, the relocation and change in emphasis of the development from touring towards static caravans should be supportable. The 60 lodge consent remains as per that approval and provided some controls are included within a Section 75 Agreement, there should be no ability for the housing development to go ahead without the caravan site relocation and improvements. In particular, the provision of the facilities building and the pitch layouts for the new touring and static parks at agreed stages before significant levels of housing development progress. This would reflect the enabling nature of the housing development and is accepted by the applicant.

As the application is a PPP, the precise nature of the static and touring pitch layout and the scale and design of the facilities building will still require to be agreed in subsequent detailed submissions. There has been concern expressed by the Civic Society, amongst others, that the tourism element has become congested into the upper parts of the site without adequate provision for internal landscaping. The integration of the development will rely very much on the detail of the layout and landscaping, not only within the layouts, but also on the perimeter. Nevertheless, the comments of the Landscape Architect should also be noted in this respect who believes that visibility of the higher parts of the development (ie. the existing and proposed tourism elements) are over the ridge from the main part of the town and are not as exposed to wider public view as the parts of the development were in previous submissions.

It must also be remembered that for every concern that there may be about congestion of tourism development into the upper fields, there are benefits to wider public view from the revisions to the plans to remove all development (including existing touring caravans) from the main foreground setting of Rosetta House, including toilet blocks.

Provided appropriate conditions and a Legal Agreement secure the relocated and upgraded caravan park with communal facilities, then I would consider that the terms of Policy BE8 are met. Even Policy D1, which relates to land outwith settlement boundaries, seeks to orientate such developments towards settlements and settlement edges in the first instance.

**Cultural Heritage**

The site contains an important Category B Listed late Georgian mansion “Rosetta House” which is located on the mid point of the old tree lined avenues leading to the house from northerly and southerly connections onto Rosetta Road. To the north of the house is a B-listed set of stables buildings and courtyard. A large Category C listed walled garden also lies to the rear and south-west of Rosetta House, currently housing play facilities for the complex. A Category C listed lodge lies at the site entrance to the south-east of the site and a building immediately west of the lodge contains the site reception and office. All the listed buildings within the site form a Category B listed grouping. The site is largely divided into the parkland and avenues associated with the listed mansion house and less formal field systems to the north and west of the house.

The impacts on Rosetta House and Stables were identified as critical at an early stage, specifically in the EIA Screening Opinion from the Council. Policy BE1 on
Listed Buildings and preservation of their character and setting would require to be complied with and safeguarded. The initial full planning submission failed to do this. The responses from the Urban Designer, Heritage and Design Officer and Landscape Architect identified that the new housing element of the proposals would have a significant adverse impact on the parkland setting of Rosetta House, the associated stables and lodge houses. The Urban Designer summarised by stating that “...the submission lacks a full exploration of the relationship of the proposed development to the heritage assets, namely the listed structures and their setting (the designed landscape)”.

It was felt that the development submerged the existing landscape and listed buildings, provided a minimal axial avenue and developed uniform two storey housing across the whole parkland area, irrespective of contours and providing little cognisance of the setting and pivotal role of the house atop the parkland. The Heritage and Design Officer used the tests in SHEP and concluded that the house and other listed structures should not be detached from their parkland setting, everything being viewed as a whole within a carefully designed parkland setting. The retention of the two radial drives was welcomed but the remainder of the parkland between these drives and the public road constitutes the essential setting of Rosetta House and Stables. This parkland area appeared to have had a housing development imposed upon it without full or due regard to protection of the setting and insufficient attention paid to views to and from the house, tree retention, sympathetic treatment of contours and appropriate form/layout. The conceptual diagrams, indeed, seemed to jump from an identification of the setting constraints and driveways to the full development without convincing justification.

There were also setting issues immediately around the Stables where houses had been placed unduly close and at odds with the steep contours immediately east of the Stables and a fine mature tree was also being removed for no obvious reason as the road system could easily have been adjusted in this location. Furthermore, the rear elevation and setting of Rosetta House was not considered appropriate for the intensification of holiday use through the addition of four cabins and sales offices.

For those reasons, it was concluded that the development contravened Consolidated Local Plan Policy BE1. However, it was acknowledged that the areas to the south-east of the walled garden and north of the stables had less impact on setting and that, perhaps, small flat areas at the southernmost and northernmost corners of the parkland may have presented opportunities for discrete “courtyard” style layouts.

These cultural heritage concerns led to the choice by the applicant of moving away from a full application with a specified number of houses, layouts and conversion of listed buildings to a zonal approach and amendment to an application for Planning Permission in Principle. For the purposes of the Traffic Assessment, a total of 130 houses was estimated as a maximum but with removal of a much larger area of housing in the eastern central part of the site below Rosetta House, improving the setting of the listed building and restoring more of its associated parkland. A new housing area was proposed in the area occupied by the static caravans to the west of the stables. Slight reductions in housing coverage were also proposed to the north and south-east of Rosetta House and adjustments made taking into account steep levels.

This revised submission had made improvements in terms of impact on Rosetta House, the stables and the parkland setting but was still not sufficient to comply with Policy BE1. Whilst it was acknowledged that there had been significant improvements in that a larger area of open parkland was now proposed in front of
Rosetta House, there remained concerns over impacts on the tree-lined avenues leading to the House, tree loss and earthwork impacts caused by the secondary access off Rosetta Road and continued impacts on the parkland and setting of Rosetta House caused by the scale of development on Zones C and D, whilst still recognising a smaller scale of development may be possible.

It was maintained that the most sensitive parts of the site remain the eastern parts below the 197m contour and that the upper western parts are not as widely visible to external views. Subject to detailed design, it was felt that a new access to serve Housing Zones A and B could be possible to the south of the walled garden through Housing Zone E with much less impact on the main avenues. It was also felt that the ribbon of housing development from the northern edge of the site along the frontage of Rosetta House was still unnecessary and would have significant impacts on the setting of the main listed building. Similarly, Zone D on the lower parkland at the main site entrance remained oversized and too close to the main house, straying into its setting.

The second revision largely addressed these remaining concerns over impacts on the setting of the listed buildings. The main changes related to the removal of all housing proposed directly in front of Rosetta House in the former Zone C and introduction of displaced housing within and to the immediate west of the walled garden, fed by a new housing access road which would skirt the southern edge of the development, accessing other housing zones. The immediate parkland to the front of Rosetta House would be retained.

Area A was merged into one housing area with a slightly wider buffer to the holiday lodges at the top of the site. The main house and stables remain outwith the proposals as the application remains a PPP submission.

The new areas of displaced housing are to the rear of the listed buildings with sufficient buffer space to safeguard their character and setting. Particular care would be needed with the design and layout of any housing within the listed walled garden.

Whilst much would still depend on the details of further detailed submissions and the layout and design of the houses, it was considered that the second revised plan reduced the impacts on the listed buildings and their settings to acceptable levels, retaining and preserving frontages, tree lined driveways and sufficient buffer space around the buildings. The area of housing around the existing site entrance remains too large, however, and a greater buffer will be needed towards its northern and western corners although this can be accommodated as a condition on any consent.

For these reasons and subject to details, it is considered that the application now complies with Local Plan Policy BE1 as well as certain criteria within Infill Policy G7 which relate to sympathetic relationships with existing uses, character and amenity of the area.

In terms of archaeology and compliance with Local Plan Policy BE2, the Council Archaeologist raises no objections although he identifies that there is a possible Roman Road through the southern end of the site and a Royal Observer Corp post to the south of the walled garden. There could also be damage to unknown assets too. Conditions are recommended covering archaeological evaluation and geophysical surveys.

**Layout and Design**
Aside from the major influence and constraints of the listed buildings and their settings, Policies G1 and G7 of the Consolidated Local Plan require new housing developments to respect the character of surrounding areas and built form, to accommodate and respect natural features, constraints and landscape on the site and to avoid over-development or “town cramming”. The Forward Planning response to the initial full application identified that the development contravened these Policies and the Urban Designer felt that the new housing development applied a single density across the site rather than clustering within the least sensitive parts of the site, a pattern successfully followed by the current caravan development.

Although contextual plans had been used in the Design Statement to indicate the pattern of development in the housing areas to the south and east, these indicated principally terraced, flatted or semi-detached development whereas the layout indicated that almost two-thirds of the new development would be detached houses. Similarly, all houses would have been at least two storey with 41 even reaching 2½ storeys. Although house styles were not shown, the floor areas seemed to equate to no more than 150 square metres for the detached houses that, when compared to the limited plot sizes, would have suggested an overwhelming impression of overdevelopment across the site. Plot ratios regularly appeared to be over 30% developed and most plot widths were exceedingly narrow, allowing little room for reasonable gable to gable separation. Some plots were only 5m wide and even detached houses occupied plots only 10m wide which was wholly insufficient. Whilst pockets of higher density could be expected in a layout of this size, the uniformity of narrow plot widths and the potential for oversized houses on small plots dominated the layout.

Other design problems existed with various parts of the site being developed despite steep contours, especially in the area around Rosetta House and Stables. The amount of engineering and development platforms required were another reason to be concerned about impacts on the setting of the parkland and the basic requirements of Policies G1 and G7. Rear gardens were being presented to the main house drive and to Rosetta Road and there were several house plots that seemed to bear no relation to the general layout principles. Window to window distances attempted to respect the 18m minimum rule in the “Privacy and Sunlight” SPG but then failed to comply when there were height differences between the windows. The submitted cross sections did little to dispel fears about overdevelopment and dominant 2-2½ storey designs spread uniformly across the site, irrespective of the contours, parkland landscape or preservation of settings.

It was considered that the opportunity should be taken to consider revision to the scheme with much greater avoidance of housing development across the site, except in the northern and southern areas previously identified, with a subsequent greater variety of design and plot layout. The height of the northernmost field would also dictate the need for some single or 1½ storey designs, given the location and orientation of the existing lodges to the west and the position of the topographical ridge within the field.

The response of the applicant was to initially seek a full consent without a specific plot layout but it was advised that this was not possible in order to allow full and proper consideration of the development against all the site constraints identified. The applicant, who had previously wanted to receive consent for a specified number of houses, then amended the application to a Planning Permission in Principle based upon broad housing zones with maximum number estimates in each zone. The first revision estimated a maximum of 130 houses but with no detailed layout indicating how this could be achieved. This was mainly to inform the revised Transport
Assessment although the numbers have also been used within the revised Viability Report. The second revision maintained the zoning approach with references to low/medium density housing to the east and west of Rosetta House, high density south of the walled garden and medium density to the north of the stables.

Any consent for the development in relation to the housing element would simply state “Residential development” and it would be an issue for the details submitted under Matters Specified as Conditions to produce layouts and designs that would meet and respect all the constraints of each housing zone, including listed buildings, trees, landscape impact, levels and surrounding uses. This could, for example, determine single storey houses on the upper western parts of the site and attached courtyard style designs within the walled garden and at the main site entrance under Area B.

Given that the application is now a PPP, it would not be possible to state that the development contravenes Policies G1 and G7 any longer in relation to conformity with existing housing layouts, density and amenity of an area, nor that it constitutes overdevelopment or town cramming. The zones have been relocated to reduce such impacts and it would then be for the detailed design of each zone to comply with the density and layout requirements of Policies G1 and G7.

Landscape and Visual Impacts

Policies G1 and G7 contain criteria relating to landscape impact and minimisation of this on the wider public view. On this scenic edge of Peebles, the landscape impact has been made more critical as a result of the designation of the Tweed Valley Special Landscape Area which includes the portions of the holidaying element of the development outwith the Local Plan settlement boundary. Apart from the relationship of the landscape to the listed buildings which has already been discussed, the assessment of this application, as it has progressed through two different revisions, has resulted in a series of landscape improvements to minimise the impacts of the development on the local landscape, the wider landscape and public visibility of the development.

The first consideration is existing trees. Policies NE4, G1 and G7 also relate to the protection of tree cover within settlements. The mature trees at Rosetta are an intrinsic part of the setting of the parkland, consisting of mature woodland and individual trees around the boundaries and throughout the parkland. Whilst a thorough tree survey has been done categorising all trees throughout the site, there has not been any detailed cross-referencing of this survey and its findings to the actual layout and development initially proposed. This lack of information did not allow for a full and necessary assessment of the impacts of the development on the important tree structure as a result of the initial full submission.

42 trees have been marked for removal but there was no clear indication whether they were the only ones being removed or whether others were being sacrificed for the development. Drawing E1262 (PL)002 showed the removed trees in red lines but that should have been numbered and referred back to the Tree Survey. Larger scale drawings should have been provided. It was noted on site that some trees of significant stature were being proposed for removal without any justification or apparent explanation of why they were being removed. For these reasons, it was felt that the initial full application had not demonstrated satisfactory preservation of trees throughout the site, contrary to Local Plan Policies NE4, G1 and G7.
The revisions to the plans have now resulted in no layouts or access roads which are considered to have unsupportable impacts on existing trees. Layouts within the housing zones can now be designed around important trees rather than trees being lost for no justifiable reason. Whilst the Landscape Architect recognises that some trees will be lost to accommodate the new housing access road route, this is justifiable in order to maintain and respect the mature tree lined avenues leading to Rosetta House. There are also other trees along the roadline that would not be affected and can more than compensate for those to be lost. The omission of the second access along Rosetta Road is also a welcomed revision that reduces the number of trees that would initially have been lost.

Whilst the reduction of impacts on mature trees has been welcomed as a result of the amended plans, impacts on the overall landscape and wider visibility have also been considered. In addition to the improvements resulting from fewer trees being lost, the relocation of much of the housing to the rear of the listed buildings on higher parts of the site has conversely reduced impacts from the town itself and from the A703. The Landscape Architect discusses this visible edge in his responses, suggesting that removing housing from the lower part of the ridge break and augmenting planting at this point will, in turn, reduce wider public impacts from the east.

Although the Community Council and Civic Society still express concern over impacts from Venlaw, much impact can be reduced by additional tree planting and careful attention to building heights and colours, especially in Area A where treatment of the ridge break is especially important. Visibility will still be possible from the A703 but this has to be considered in the context of the emerging Violet Bank allocated site in the foreground and the retained tree structures which will break up visibility. Wider visibility from higher positions such as Venlaw will also be impacted on by the existing 60 unit caravan/lodge consent which occupies the highest part of the site.

With full control over tree retention, new planting and the height, design and layout of houses, the impacts on the landscape can be mitigated to the extent that this element of Policies G1 and G7 can be complied with, together with the management recommendations of the Tweed Valley Special Landscape Area. Appropriate conditions should be attached to any consent, including references to the precise edges of housing within Area A still requiring to be agreed, respecting the landscape break and the buffer needed to the existing lodges to the west.

**Residential Amenity**

Policy H2 of the Consolidated Local Plan seeks to protect residential property from inappropriate uses and impacts that could significantly affect amenity, backed by the guidance on daylight and privacy in the associated SPG. A number of comments and objections have been received on impacts on residential property, especially when the submission was in full with house plots shown. As the application has been changed to a PPP submission with only broad housing and caravan zones, it would not be justifiable to refuse an application on residential amenity grounds as density and layouts are not yet known and will be assessed at the detailed stage.

Taking into account the SPG standards, however, the broad housing zones would not result in any demonstrable impacts on the nearest residential areas and properties on Rosetta Road, Violet Bank and Eliot’s Park, including the converted steading to the north-west. Separation distances between the existing houses and the housing zones are generous and there is intervening woodland and individual trees which can be augmented and strengthened around the edges. Attention will
also be paid to location, height and window positions when dealing with any detailed applications.

When the application was submitted in full, there were a series of issues identified in how the house plots interacted with themselves, demonstrating overdevelopment, inadequate plot sizes, an over-reliance on upper floor designs and potential privacy loss. The removal of house numbers and plot layouts in favour of a PPP with broad housing zones defers such considerations until the detailed stages.

One particular concern that has been expressed is in relation to the impacts of Area A Housing which has expanded west following the change of the application from Full to PPP, occupying a field currently designated for static vans. Policy H2 is designed to protect impacts on residential property and not caravans or chalets with restricted occupancy where occupants have their main homes elsewhere. Nevertheless, the occupants of the chalets on the leading eastern edge of the development have invested in owning their properties and have direct views out over the field proposed for Housing Area A. The amenity of the chalet owners should still be taken into account as it could impact on the overall attraction and success of the retained tourism facility.

Given that the field is currently used for a mixture of static and touring caravans, it would not be justifiable to consider it inappropriate for some alternative development such as housing, although the proximity of the development to the chalets affected should perhaps be greater than has been shown in successive plan submissions. With an increased buffer and use of single storey houses towards the upper parts of the field controlled by condition and with attention to appropriate intervening planting, I would consider that there would be no Policy justification on residential amenity grounds to oppose housing in Area A.

Natural Heritage

Consolidated Local Plan Policy NE3 on biodiversity seeks to safeguard habitats and species where there are demonstrated ecological interests at development sites. With the initial full application for conversion of buildings, plot layouts and tree losses, there were various requirements set down by the Ecology Officer, including the need for Protected Species Licences before any consents were issued. Nevertheless, he was content with the extended Phase 1 habitat survey report and for the badger, reptile and breeding bird surveys to be suspensive conditions. The trees should be retained and a Habitat and Landscape Management Plan produced.

Following revisions to the plans, it was stated that a bat licence would still be required from SNH before development commences and there would still be impacts on bats as a result of the tree fellings proposed, even if the main house, stable block and toilets are no longer affected by the PPP submission. Additional bat housings would be required as well as the previously identified Habitat and Landscape Management Plan before any development is commenced. Similarly, a Species Protection Plan for badger would be required following a Supplementary Survey and there would be restrictions on works within breeding bird seasons and the possible need for further surveys.

SNH also commented that the initial proposal would have required a bat licence for the potential works to the main house, stable block and northern toilet block and that a badger licence may also be required. In response to the successive revised plans, they reiterated their advice on bat licence requirements especially with regard to any additional trees and hedgerows now being disturbed.
Apart from the bats licence issue, all other ecology matters could be addressed by appropriate suspensive conditions and there would be no reason to oppose the housing and tourism development on these grounds. With the application changing to PPP and with no development actually able to happen on the ground until Reserved Matters applications are submitted and determined, there would be no development reason to remove the trees identified in the Tree Report. A new Tree Report would be sought by condition to accompany the first application for approval of Reserved Matters and it would be this consent that would need to be withheld until a Bat Licence was applied for and obtained. Of course, this would not prevent the need for a Licence if certain trees were intended to be removed for safety reasons whether the development was proceeding or not. This would be a matter for the site owner to discuss with SNH as Licensing Authority.

Subject to appropriate conditions, the biodiversity interests at the site can be accommodated and the application could, therefore, be considered to comply with Local Plan Policy NE3 and criteria within Policy G1.

Access and Parking

The planning application requires to comply with the relevant parts of Development Plan Policies G1 and G7 together with specific Policies Inf3, Inf4 and Inf11 on access, parking and travel demand. It is clear from the responses from the public and community groups on the application that this is probably the single most pressing issue of objection and concern. The submitted Transport Assessment concluded that the development accords with Government principles and that surrounding roads and junctions can cope with additional traffic. It predicted a low increase in the most congested section of Rosetta Road and felt that was acceptable given the lack of accidents. It stated there would be a negligible impact on the Tweed Bridge and the suggested new link with Dalatho Street was not required.

There was local objection to the findings of the Transport Assessment and Roads Planning advised that they could not support the initial application for the following reasons:

- The road link to Dalatho Street was not properly investigated which could be a solution.
- Trip generation figures were too low especially in comparison with those for the Violet Bank development.
- Trip distribution was questionable such as 67% heading north and requested a sensitivity test towards the centre.
- No mention of the town bus service which should be routed through the site and increased in frequency.
- Conflicts with the promotion of cycle routes.
- The traffic should be incorporated into the model for the second bridge to see the full effects.
- No mention of the £1000 per house required for the Peebles Traffic Management Study.
- Visibility splays of 2.4 x 70m required on the secondary access.
- Internal layout problems such as low interconnectivity and reliance on cul-de-sacs.

In response to these concerns, a revised Transport Assessment was submitted to accompany the first revised PPP submission, based upon revised trip generation and
distribution figures agreed with the Council. The revised Assessment also considers the potential of a link from Rosetta Road to the A703. It continues to conclude that Rosetta Road can accommodate the traffic generated by the development, that the Dalatho Street link would have negligible benefits on the road network in the area, that the Elcho Street Brae junction will not be improved and that parking restrictions during the day should be introduced on Rosetta Road. It does state that the developer would still be willing to discuss the delivery of the Dalatho Street junction with the Council if it was still seen as a priority.

In response to this, Roads Planning are still unable to support the first revised scheme unless the applicant could deliver the Dalatho link, demonstrating a structure which can withstand flooding. They reiterate the capacity issues over Rosetta Road and especially the section between March Street and George Street, quoting the Local Development Plan statement about the potential need for the Dalatho link for the additional 25 units at Violet Bank. They also refer to the Transport Assessment recommendation for limiting parking on Rosetta Road during daytime hours and identify a series of displacement and enforcement problems. Whilst the Assessment considers the impact of the Dalatho link and shows the huge reductions in traffic volumes that would result, Roads Planning state that as the Council is not pursuing development north of the town, the link is the responsibility of the developer to secure.

Although the applicant continued to deny that there was any demonstration that the Dalatho Street bridge and link was needed for their development, they provided a Flood Risk Assessment (FRA) of the point on the Eddleston Water where such a bridge could be provided. In response, Roads Planning felt that the FRA should have provided modelling for the area to inform a minimum level for the bridge. Hydraulic modelling would need to be undertaken to confirm a 1 in 200 year plus climate change flood level at the site. This would then need to be incorporated into the bridge design so that the minimum bridge level can be developed. Plus a freeboard allowance. Modelling should also incorporate problems that could be associated with the bridge, such as blockages and the flood risk that could subsequently occur. Without this, it could not be proven that an acceptable bridge could be provided that does not impact upon flooding and is realistically deliverable. Similarly, an accurate costing could not be prepared.

After further consideration of the issue, the agent confirmed the following:

“...the applicants are happy for a fully suspensive condition to be put forward in respect of the Dalatho Street vehicular bridge. This would be along the lines of, ‘No housing development to take place prior to the completion of the vehicular link bridge at Dalatho Street.’”

To pass the relevant tests of reasonableness in relation to the imposition of conditions, the condition would have to be necessary for the development and to have prospects of being achievable. There remain doubts on the latter, of course, not only in relation to the incomplete work on the design and flood assessments for such a bridge, but also in relation to land ownership. The applicants feel that as they have offered to accept such a suspensive condition, then there is no real risk to the Council and no requirement for them to provide more in depth flood analysis, modelling and engineering design at this stage until they have a decision in principle on the overall planning application.

Investigative work has been undertaken on the affected land ownerships in relation to the land take for the bridge, the applicant believing that the Council owns all necessary land whilst Legal Services maintain that some of the land is owned by
SBHA. SBHA have also been involved in preliminary discussions and have made it clear that their affected tenants would need to be considered in any bridge proposal.

Members will need to consider what risks to the Council there are, if any, with the latest offer from the applicants to accept that there would be no housing development at all without completion of the bridge link. They have moved from a position of stating that it wasn’t necessary to recognising that the Council require it for the application to be considered in compliance with access and traffic generation Local Plan Policies. This is, of course, dependant on Members allowing the requested reduction of affordable housing contribution. The applicants argue that the benefit of the bridge link to traffic movements on the northern side of Peebles would equate to or surpass any benefits accruing from the normal affordable housing requirement at the site.

Certainly, Roads Planning have confirmed that there would be no objection to the application if the bridge link was provided and subject to other standard conditions. Equally, the scheme would not be acceptable without the bridge link in place. A condition along the lines suggested by the applicant would basically have the effect of no housing development if no bridge. The issue of the bridge would need to be debated in a separate planning application which would need to consider local residents’ views as well as being supported by full flood risk assessment and engineering information. If the planning application cannot be supported for whatever reason, then the housing element of the Rosetta development would not be allowed to proceed.

Even if planning permission for the bridge is subsequently granted, the fully suspensive condition would still prevent the housing development commencing until the bridge is actually delivered and completed. Therefore, any land ownership difficulties that may be encountered would need to be resolved by the developer. The alternative decision is to refuse the application on the basis that the applicant has failed to demonstrate that the development could safely be accommodated by the local road network without causing other road safety issues and has also failed to demonstrate that an appropriate solution could be achieved.

Members would need to consider what the most appropriate course of action would be in relation to access and road safety. Provided they accept the forfeit of affordable housing on this site in order to achieve the Dalatho Street bridge link, then the acceptance of the applicant to have a fully suspensive condition imposed in relation to the housing element should perhaps be considered, given that the application has been amended and is now considered to be in compliance with other Local Plan Policies. Should Members accept the suspensive condition, then other conditions will need to control roads and access within the site, including the main alternative roadway for the housing, other housing roads and provision for the existing and proposed caravan/chalet pitches. They will also control amendments to the main site entrance, the need to improve footpath/cycle links and bus provision.

Water and Drainage

Policy Inf 5 sets out the Council’s expectations with regard to waste water drainage and Inf 6 with regard to SUDs. Commenting on the initial full application, Scottish Water stated there may be capacity in the public system although improvements could be required at the developer’s cost. Separate foul and surface water systems would be needed and water storage for the commercial premises. There is no suggestion there are any particular issues with the provision of a public water supply to service the development.
Since those comments and with successive PPP submissions, there have been issues raised of adequate future capacity at the Peebles Waste Water Treatment Works. Scottish Water have been investigating the matter and intend to have permanent improvements in place by 2017, having raised a Growth Capex. In the interim period, they are currently conducting studies of the network to identify suitable mitigation to enable developments to connect before 2017. Whilst there may be some contribution required for developments to connect in the interim (as is normal and as identified in Policy Inf5), Scottish Water have undertaken to resolve any major restraining issues themselves.

Discussions have taken place between the developer and Scottish Water who are content that as the application is now a PPP, their improvements to the Treatment Works will be effective by the time any PPP and successive AMC applications are approved and development is seeking to connect.

SEPA lodged an objection to the initial scheme unless a condition was imposed to an agreed wording to require the submission of a SUDS scheme. A waste water condition should also ensure public drainage and any watercourse crossing would be subject to CAR Licensing and should not be fully culverted. They maintained this advice in the successive PPP submissions and appropriate conditions can be attached to any consent.

**Developer Contributions**

A separate report on development viability and the requirements for, and impacts on, developer contributions has been prepared by the Development Negotiator and is included as a private agenda item later on this agenda. It should be read in conjunction with this report.

In summary, the report accepts that the submitted Viability Reports display credible cost and value figures, albeit the principle risk is whether the cost of the bridge has been underestimated and that the level of requested reduced affordable housing contributions could be subsequently increased, impacting on other areas of contribution.

**Other Issues**

Environmental Health requires any consent to be conditioned to include noise and air quality mitigation, although they noted that additional information was supplied with the PPP submission regarding air quality with appropriate mitigation. They also stated that lighting for the caravan site should avoid nuisance to residential properties and expressed concerns over compliance of the proposals with the model standards required for caravan parks, urging early discussion on the precise layout as well as protection of existing users during construction phase. All these matters can be included in appropriate conditions on any consent.

In terms of public access, there are no recorded rights of way within the development site although a Core Path (162) runs up the public road to the eastern boundary of the site. The requirements of the Land Reform (Scotland) Act 2003 still apply, however, and the Access Officer is satisfied that adequate provision is made for public access through the site and to the wider countryside.

**CONCLUSION**
The application presents issues of fine balance between significant economic investment in the existing and new holiday facilities and benefits of new housing development to the town, set against the reduction in the number of pitches offered and the environmental and infrastructural demands of the housing element in particular. Whist there will potentially be less benefit to the town from a smaller level of caravan accommodation than a fully occupied current facility, Members should consider the issue of whether the current facility can be effectively invested in without an enabling development such as housing. The recommendation is that such housing cannot proceed unregulated without the investment in the tourism element and without the necessary bridge crossing at Dalatho Street.

Members should also consider whether the perceived and stated benefits of the development should allow an exception to the Developer Contributions Policy in respect of affordable housing provision, in order to deliver access infrastructure which, whilst only required for the enabling housing development, will also have consequential wider benefits to traffic movement to the north of Peebles.

Should Members consider it appropriate to agree a suspensive condition for the Dalatho Street bridge in lieu of the affordable housing quotient, then the application, subject to appropriate conditions and a Legal Agreement, can be considered to be in compliance with Development Plan Policies on infill development, caravan/camping sites, settlement boundary edges, listed buildings and their setting, trees and landscape, road access, residential amenity, drainage and developer contributions.

RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):

I recommend the application is approved subject to the following conditions and a Legal Agreement covering developer contributions and ensuring the delivery of the tourism element at appropriate stages in the housing development:

DIRECTIONS

1. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
   a. the expiration of three years from the date of this permission, or
   b. the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.
   Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.
   Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.
   Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

CONDITIONS
1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the number and layout of caravan pitches, the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority. 
   Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. No housing development to commence prior to the satisfactory completion of a vehicular link bridge connecting Dalatho Street and Kingsland Road, together with any ancilliary and associated traffic management and flood prevention measures identified during the processing of the planning application for the bridge. The application should be supported by a full Flood Risk Assessment, including hydraulic modelling, appropriate mitigation and full engineering drawings.
   Reason: The existing access routes to the site are incapable of safely accommodating the increased traffic generation from the housing element of the proposals.

3. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority. The programme should be connected to the defined stages in the Legal Agreement for the delivery of the tourist accommodation and facilities in advance and during the development of the residential units.
   Reason: To ensure that the development proceeds in an orderly manner and to ensure the replacement holiday facilities are delivered.

4. The first application for Approval of Matters Specified as Conditions to include full details of the tourist accommodation, including the facilities building and the pitch layout, access, internal roadways, lighting and landscaping in relation to the new touring and static sites, including a schedule of intended occupancy and adherence to Caravan Site Model Standards in line with a Caravan Site Licence. Once approved, the development then to proceed in accordance with the approved details.
   Reason: To ensure the replacement holiday facilities are delivered in a satisfactory manner.

5. The precise eastern and western boundaries of Areas A, B and D, the northern boundary of Area B and house/garden positions to be agreed with the Planning Authority and additional buffer space/planting proposed along these edges.
   Reason: To ensure houses and gardens remain within the defined Local Plan settlement boundary of Peebles and minimise impacts on listed buildings and between existing and proposed holiday and residential accommodation.

6. All roofs throughout the residential development to be clad with natural slate or a realistic slate substitute. A sample shall be submitted to and approved in writing by the Local Planning Authority before development is commenced.
   Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

7. The residential development shall be served throughout by roads and pavements constructed to the Council's adoptable standards and influenced by “Designing Streets” and the “Placemaking and Design" SPG.
8. No development shall commence until the trees to be retained on the site have been protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

- 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;
- No fires shall be lit within the spread of the branches of the trees;
- No materials or equipment shall be stored within the spread of the branches of the trees;
- Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
- 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.

9. No development to be commenced until a revised Tree Survey and Tree Protection and Parkland Management Plan are submitted to, and approved by, the Planning Authority. This Survey should be submitted with the first Reserved matters application. Once approved, no trees within the application site identified for retention, shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Local Planning Authority and the trees shall be managed in perpetuity in accordance with the details approved.

Reason: The existing trees and parkland represent an important visual feature and setting to the listed buildings which the Local Planning Authority consider should be substantially maintained.

10. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works (including a Landscape and Habitat Management Plan) which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):

- existing and finished ground levels in relation to a fixed datum preferably ordnance
- existing landscaping features and vegetation to be retained and, in the case of damage, restored
- location and design, including materials, of walls (including retaining walls), fences and gates
- soft and hard landscaping works including augmentation of all site boundaries, the boundary of the new access road, the boundary between the housing and the tourist development and the topographical ridge break through Housing Area A
- existing and proposed services such as cables, pipelines, sub-stations
- other artefacts and structures such as street furniture, play equipment
- creation and management of species rich grassland and enhanced boundary features
- bat habitat mitigation works
• A programme for phasing of the works, completion and subsequent maintenance – including all open communal areas of landscaping.
  Reason: To ensure the satisfactory form, layout and assimilation of the development.

11. Further details of the water supply and of both surface water and foul drainage to be submitted for the approval of the Planning Authority before any development is commenced and, once approved, to be implemented in accordance with an agreed programme. This should include full SUDs proposals which will be considered in consultation with SEPA and should be developed in accordance with the technical guidance note contained in “The SUDs Manual” (C697) incorporating source control.
  Reason: To ensure satisfactory surface water drainage and safeguard the water environment.

12. No development shall commence until an assessment of the impact of the development on local air quality has been submitted to and approved in writing by the Local Planning Authority and thereafter no development shall take place except in strict accordance with the recommendations/findings of the report. The assessment should quantify the levels of pollutants likely to arise from the development, with reference to the Scottish Air Quality Objectives. The issues addressed should include pollution arising from the presence of additional road traffic and human occupancy, and the use of any proposed zero carbon/renewable technologies
  Reason: In the interests of the amenity of the neighbouring properties, to protect the quality of air in the locality and to protect human health and well being.

13. No development shall commence until a construction method statement has been submitted to and approved by the Planning Authority. The method statement should detail issues relating to the control of noise and nuisance from the site during the construction phase.
  Reason: In the interests of the amenity of the neighbouring properties and to protect human health and well being.

14. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-exavcation analysis, the results of which will be submitted to the Planning Authority
  Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
15. No development shall take place until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Geophysical Survey. This will be formulated by a contracted archaeological organisation working to the geophysical survey standards of the Institute for Archaeologists (IfA) and approved in writing to the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) access to all fields where the survey is to be undertaken. Results will be submitted to the Planning Authority for review in the form of a Geophysical Survey Report. If potential archaeology is discovered, further survey or below ground excavation may be necessary to determine the nature of the find. This will be achieved in consultation between the nominated archaeologist(s) and the Archaeology Officer. In the event that excavation is necessary, the developer will ensure that any significant data and finds undergo post-excitation analysis the results of which will be submitted to the Planning Authority.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

16. Prior to the commencement of works, a Species Protection Plan for badger to protect setts in the area and badger foraging and commuting across the site to be submitted in writing to the Planning Authority for approval. The Protection Plan will need to be informed by a supplementary badger survey to be carried out by a suitably qualified person. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: To safeguard ecological interests at the site.

17. No development on the site (including demolitions and tree removal) to be commenced until a scheme for the protection of birds is submitted to, and approved by, the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved scheme. Where it is established that there is a breeding bird interest, no works shall be carried out during the breeding bird season (March-September) without the express written permission of the Planning Authority.

Reason: To safeguard ecological interests at the site.

18. A scheme of improvements to the bus provision in the surrounding area to be agreed in writing prior to the housing development commencing and thereafter implemented prior to occupation of the first dwellinghouse.

Reason: To ensure the development is appropriately served by sustainable transport links.

19. A pedestrian/cycle link to be formed between the site and the minor public road on the southern boundary, to an alignment, standard and stage in the development to be agreed with the Planning Authority before any housing development is commenced.

Reason: To ensure proper integration between the site and the surrounding streets.

Informatives:

1. The development is only submitted for planning permission in principle and no specific numbers of houses have been consented at this stage, albeit a figure has been quoted for the purposes of traffic and viability assessment. It is...
likely that once applications for Matters Specified in Conditions are submitted and determined for the housing elements of the development, the suggested maximum number of housing units of 130 will be significantly reduced, taking into account all site constraints.

In relation to Condition 1, the first application for Matters Specified in Conditions relating to the housing development should include proposals for the vehicular access to the site to be improved by the creation of visibility splays of 2.4m by 43m in either direction at the junction with Rosetta Road. Furthermore footways will be required on both the north and south of the access to tie in with the existing path network. This work is likely to involve the existing roadside wall to be relocated.

Any development should consider the use of single, 1.5 storey housing and courtyard style layouts where considered necessary, especially on the upper western parts of the site, within the walled garden and at the main site entrance under Area B. The walling surrounding the walled garden should be retained.

2. SEPA advise the following:

We note that two watercourse crossings will be required. The applicant should note that these will require authorisation from us under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). Developments should be designed to leave the water environment in its natural state with engineering activities such as culverts, bridges, watercourse diversions, bank modifications or dams avoided wherever possible. We have a policy against the closed culverting of watercourses as bridging structures for transportation routes. We recommend that watercourses remain open through the site, and any crossings under roads should meet best practice guidance and requirements under CAR.

The applicant is advised to contact our Operations team (tel: 01896 754797) if further guidance is required with respect to this.

3. Scottish Water advise the following:

In relation to the domestic element of the application Bonnycraig Water Treatment Works may have capacity to service this proposed development. Water Network – Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.

Peebles Waste Water Treatment Works may have capacity to service this proposed development. If this development requires the existing network to be upgraded, to enable connection, the developer will generally meet these costs in advance. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules. Costs can be reimbursed by us through Reasonable Cost funding rules

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption. Scottish Water’s current minimum level of service for water pressure is 1.0 bar or 10m head at the customer’s boundary.
internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water’s procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

SCOTTISH WATER
Customer Connections
419 Balmore Road
Glasgow
G22 6NU
Customer Support Team
T: 0141 355 5511
F: 0141 355 5386
W: www.scottishwater.co.uk
E: connections@scottishwater.co.uk

An appropriate water storage system Water storage equivalent to 24 hours usage is recommended for commercial premises. Details of such storage installations must be forwarded can be discussed to Scottish Water’s Customers Connections department at the above address. If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude. If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website: www.scottishwater.co.uk.

4. SNH advise the following:

We advise that this proposal will require a species licence under the protected species legislation for the destruction/disturbance of bat roosts associated with Rosetta House, the Stable Block and the northern toilet block. The proposal may also require a species licence under the Badgers Act 1992 (as amended) for the disturbance of a badger sett.

5. The Council’s Ecology Officer advises:

If felling is to occur best practice should be used and a trained bat worker should be present during all work. Should any bats be found during felling all work must stop and SNH contacted for advice before starting work again. If an otter is seen within the site during development works must stop and an ecologist must be consulted. If reptiles are seen within the site during development works must stop and an ecologist must be consulted.

6. The Council’s Environmental Health Service advise the following:

Nuisance

As part of the health and safety for the caravan site there will be a requirement for adequate lighting. It is important that spill lighting does not affect the proposed residential houses. The applicant should follow the guidance set out in Controlling Light Pollution and Reducing Lighting Energy Consumption issued by the Scottish Government.
Health & Safety and Licensing

I can see that my colleague in health and safety has in the past provided some guidance on the spacing of caravan pitches and the provision of sufficient facilities. These guidelines will form conditions as part of the caravan park licence. I have also spoken with my colleagues in licensing and the have said that as the proposed touring pitch site will move from its current position a new licence will need to be applied for.

I appreciate that at this stage the applicant may not be in a position to provide this level of detail. However it is a concern that the proposed plans will not meet the requirements for licensing and therefore would not be able to operate as a caravan park.

The health & safety team have raised some issues around the safety of users of the caravan park during the construction phase. They have also raised concerns regarding the operation of the site and vehicle routes.

I would urge the applicant to contact the Health & Safety team as early as possible to discuss the siting of the touring pitches and the facilities required onsite.

For all Health & Safety and Licensing issues please contact Phillippa Lightfoot.

Food Safety

I understand that the site currently has a food licence. If any alterations are to be made to the food premises, or another one is to open, information in relation to the ventilation will need to be provided. This is so that an assessment can be carried out for odour and nuisance.

Any alternations should be discussed with a member of the food team in the early stages of design. Please email e&ihealth@scotborders.gov.uk to get in contact with member of this team.

DRAWING NUMBERS

0789/19 Rev B Revised Landscape Sketch Masterplan

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<tr>
<td>Brian Frater</td>
<td>Service Director (Regulatory Services)</td>
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The original version of this report has been signed by the Head of Planning and Regulatory Services and the signed copy has been retained by the Council.

Author(s)

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<tr>
<td>Craig Miller</td>
<td>Principal Planning Officer</td>
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Land South East And West Of -
Rosetta Caravan Park
Rosetta Road
Peebles
Scottish Borders