SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

1 MARCH 2021

APPLICATION FOR PLANNING PERMISSION

ITEM:	**REFERENCE NUMBER**: 20/00753/FUL
OFFICER:	Mr C Miller
WARD:	Tweeddale West
PROPOSAL:	Erection of 22 dwellinghouses with new access road and associated work
SITE:	Land East of Knapdale, 54 Edinburgh Road, Peebles
APPLICANT:	S Carmichael Properties Ltd
AGENT:	THE Architecture and Planning

PLANNING PROCESSING AGREEMENT

A Planning Processing Agreement existed for extension to decision up until 1 February 2021.

SITE DESCRIPTION

The site is located at the north-eastern edge of Peebles, lying to the east and above the housing lining Edinburgh Road. It consists of 5.8 hectares of rough open grassland, formerly used as grazing, rising steeply from the back of the Edinburgh Road houses to the boundaries of the Venlaw Castle (former hotel now flats) access road and the boundaries of houses within the Venlaw Castle building group as well as sporadic houses and a farm to the north and north-east of the site. The rising ground continues up to form Venlaw Hill. The drop from east to west through the centre of the site is approximately 36m at its greatest.

The site boundary is demarcated largely by post and wire fencing with woodland belts out with all but the Edinburgh Road garden boundaries. There are also some mature trees towards the centre of the site which increase towards the south and south-east boundary. A burn runs within and along the northern boundary of the site adjoining the Venlaw Castle access road.

The site does not lie within the Peebles Conservation Area but is within both the Tweed Valley Special Landscape Area and the Venlaw Castle Designed Landscape. There are unscheduled archaeological features to the southern and western parts of the site in the form of cultivation terraces. Two statutorily listed buildings adjoin the site to the south-east (Venlaw Castle –B) and to the north-west (Venlaw N Lodge – C). The site lies wholly out with the settlement boundary of Peebles as defined in the Local Development Plan.

PROPOSED DEVELOPMENT

The application is submitted for full planning permission to erect 22 detached dwellinghouses on the westernmost part of the site adjoining the rear of the existing Edinburgh Road houses. The houses themselves will be of contemporary design

aligned along the eastern side of a proposed access road leading in from a revised junction with the Edinburgh Road at the location of the existing Venlaw Castle junction. The 22 houses are identical in design, three storey and aligned at 90 degrees to the access road. They will be zinc clad on dual-pitched roofs and the majority of the walls with reconstituted stone ground floor cladding and a mixture of timber and stone elsewhere in the design as feature panels, especially on the principal gable elevations facing the access road. Windows and door materials are not specified but are dark coloured to match the cladding.

The existing access point onto the Edinburgh Road from Venlaw Castle will be reconfigured to be a secondary access off the new primary one which leads from Edinburgh Road at an angle across the Cross Burn and into the site, resulting in a number of trees needing to be felled. Visibility splays and footpath crossing points will be provided at the junction with a separate pedestrian access ramp and steps adjoining in the position of the existing field access, bordered by a low stone wall. The access road then runs south serving the new development, to the rear of the existing Edinburgh Road housing. Three visitor parking pays and a turning head at the southern end are provided.

The development is accompanied by a significant amount of landscaping and earthworks. Given the slope on the site from west to east, sections show that the houses are two storey to the rear gardens but three storey to the front. The rear gardens are then terraced in steps with a retaining wall towards the rear of the houses, the gardens being staggered in lawn and shrub sections, terminating to the rear in an area of proposed wild meadow, separated from the remainder of the field by a post and wire fence and swale. Each garden will have three ornamental trees and divided by hedging.

The remainder of the landscaping consists of a woodland belt proposed between the new access road and the rear of the Edinburgh Road houses, four specimen trees towards the southern end of the site and areas of other semi-mature tree planting along the access road and at the separate pedestrian access into the site.

The application is classed as a 'Major' development under the Hierarchy of Developments (Scotland) Regulations 2009. The applicants publicised and held a public event in October 2019 as well as consultation with Peebles and District Community Council, Peebles Civic Society and the Ward Councillors.

The outcome of the public consultation exercise has been reported in a Pre-Application Consultation Report submitted with the application. The requirements of the Development Management Procedure (Scotland) Regulations 2013 have now been satisfied.

In addition to the PAC Report, submitted plans and drawings, there are also statements and reports in support of the application. Their findings are taken into account in the relevant sections of the report below. The supporting submissions were as follows:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Landscape Visual Appraisal
- Road Safety Review
- Transport Statement
- Tree Report

- Ecological Assessment

PLANNING HISTORY

A previous application for residential development on the site was submitted in 2008 (08/00436/OUT) and ultimately withdrawn after the site was not included in the Scottish Borders Local Plan approved amendments. It was then subsequently considered and discounted during the Local Development Plan process, including rejection by the LDP Examination Reporter. It was then promoted by the land owner again as part of the Supplementary Guidance (SG) on Housing but discounted at the first stage by the Department, thus not being included in the SG as a preferred or alternative site.

A further application for planning permission in principle for residential development was submitted for the field, including the site, in 2017 (17/00015/PPP). This was refused by the Council in October 2017 for the following reasons:

1. The application is contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the site lies out with the defined settlement boundary of Peebles and insufficient reasons have been given as to why an exceptional approval would be justified in this case.

2. The application is contrary to Policies PMD2, PMD4, EP5 and EP10 of the Scottish Borders Local Development Plan 2016 in that the development would create significant adverse landscape and visual impacts, within a Designed Landscape and Special Landscape Area on a prominent and sensitive edge of the town settlement boundary

3. The application is contrary to Policies PMD2 and IS6 of the Scottish Borders Local Development Plan 2016 in that it has not been demonstrated that the development could be accessed without significant detriment to road safety on the A703 and at the junction with the proposed access road.

The refusal was then appealed unsuccessfully to the Scottish Government, the Reporter turning down the appeal in May 2018. He felt that it had not been established that the housing land shortfall in the Scottish Borders was unable to be met by the Housing SG and he did not agree with the applicant's contention that the sites chosen to meet that shortfall were constrained or ineffective. He dismissed the appeal on the grounds that there had been no exception justified to Policy PMD4. He saw no need to consider the other reasons for refusal relating to landscape and road safety impacts, given the failure of the proposal to meet the fundamental test under PMD4.

Since that decision, further approaches have been made to include the site within the replacement Local Development Plan but these have been rejected and the site is not included within the Plan. The Plan has recently been on deposit for a period of representation and the applicant has objected to the non-inclusion of the site.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service – Objects on grounds of road safety in that there is a proliferation of junctions and accesses at this location on Edinburgh Road, leading to driver confusion and interference of turning traffic to each side of the road. Without a full rationalisation of junctions and owner agreement, traffic associated with the development will exacerbate the situation. Further concerns with the layout are that it

is not consistent with Designing Streets with a linear unconnected layout and lack of traffic calming. Also concerned that the Road Safety review was based on inadequate survey in length or timing and refers to traffic count information from 2014. Recognises the number of proposed units is reduced from the previous application but still cannot support application.

Forward Planning: Objects to the application on the grounds it is contrary to Policy PMD4 being out with the defined settlement boundary of Peebles and not meeting any of the exception criteria. States that there is no housing shortfall as the Housing Land Audit shows a 13 year effective housing land supply and an 8 year supply in the Northern Housing Market Area. Although SESPlan 2 was rejected, a Housing Land Position Statement has been accepted by a Reporter. Also comments that this site was rejected during the LDP process and in the form of a planning application, subsequently discounted by the Reporter in both instances, for reasons of landscape and visual impact outweighing any benefits of housing land supply.

In considering the applicant's housing land supply findings in the Planning Statement, continue to oppose the application, stating:

- The Council's methodology for monitoring the 5 year housing land supply has been approved by a Government Reporter.
- The 2019 Housing Land Audit concludes there is an effective 5 year land supply.
- The effective land supply is for the whole of the Borders.
- The applicant challenges the programming for a number of sites in the HLA but a planning application is not the correct vehicle for this.
- Disagree with a number of the applicant's site removals in Peebles and wider afield.
- No evidence that no current developer interest means removal from the HLA.
- Comments on SPP
- Await guidance from the Scottish Government on using the new housing land supply calculation in PAN 1/2020.

Landscape Architect: Objects to the development on landscape and visual grounds, concluding that the site contributes to a highly visible parkland setting and development would be wholly contrary to the findings of the SBC "Development and Landscape Capacity Study" 2008 which judged there to be no development opportunities in this north-eastern part of Peebles. The strip of tree planting will not mitigate the landscape impact sufficiently and will accentuate the linear nature of development. The site should be retained as parkland as an integral part of the character and setting of Peebles.

In response to the LVA, considers this proves how dominant the development will be from within and out with Peebles, exacerbated by the chosen built form. Considers that the local designed landscape is underestimated in its importance of town setting and that high levels of visibility, combined with the designed landscape, determine that development is not justifiable in landscape terms. The housing design also creates a hard and high line of roofs and gable elevations that dominate in a sensitive location, above much smaller houses and rising above the ineffective tree planting.

Ecology Officer: Site has potential for bats and noted that 20 trees will be felled. Further information is necessary in the form of a revised updated Ecological Impact Assessment which should include a survey of trees for bats. This must be resolved before any decision on the application as conditions cannot be imposed to set out

survey requirements. May be run-off impacts on the Tweed SAC so a Construction Environment Management Plan is necessary. Biodiversity enhancement opportunities.

Subsequently accepts the submitted Ecological Assessment which finds low value habitats, mitigation to avoid impacts on the Tweed SAC and bat surveys on the trees to be felled, finding no evidence of bats or roosts. Recommends conditions covering species protection plans (for bats, badger, red squirrel, breeding birds and reptiles), a Construction Environmental Management Plan, Biodiversity Enhancement Plan and a bat-friendly lighting scheme.

Archaeology Officer: Acknowledges the site is narrower than that previously applied for, but site does extend (by six houses) into an area of cultivation terraces to the south. Conditions would be required to ensure excavation and recording of this area as well as across the remainder of the site to the north of the area of incursion. Interpretation of findings should also be a condition.

Access Officer: No claimed rights of way within the site although under the Land Reform (Scotland) Act 2003 allows a right of responsible access. Should consent be granted, connection to the wider path network in Venlaw would be sought.

Education and Lifelong Learning: Contributions sought for Peebles High School and Kingsland Primary School of £1,152 and £8,178 per house, totalling £205,260. Contributions can be phased and may vary in line with the BCIS index.

Housing Strategy: The number of houses triggers the requirement under the Council's Affordable Housing Policy to provide on-site affordable units. Eildon HA have been alerted to potentially collaborate with the developer on provision.

Statutory Consultees

Scottish Natural Heritage: Response awaited.

Scottish Water: No objections. There is water capacity subject to a formal application and further investigation. Cannot confirm there is waste water capacity until a formal application is submitted. No surface water connections allowed into combined sewer system.

SEPA: No objections, the Flood Risk Assessment shows that the development is out with the flood plain of the Cross Burn. SUDs drainage will be needed for surface water and foul drainage should be to the public sewer. Any culvert crossing may need a CAR licence and provides further advice on construction site licensing, waste management, contaminated land and air quality.

Peebles and District Community Council: Object for the following reasons:

- Out with the LDP settlement boundary of Peebles without valid justification for exception
- Design and scale of development inappropriate for location and out of context
- Detrimental to landscape and visual amenity including loss of significant trees
- Detrimental to residential amenity
- Road safety and access problems on Edinburgh Road at, and in vicinity of, the junction. Traffic has increased over the years. The Road Safety Review submitted is not an Audit and is inadequate
- High biodiversity value of site

Peebles Civic Society: Object for the following reasons:

- Out with the LDP settlement boundary of Peebles without valid justification for exception
- Design and scale of development inappropriate for location and out of context
- Detrimental to landscape and visual amenity including loss of significant trees
- Detrimental to residential amenity
- Road safety and access problems on Edinburgh Road at, and in vicinity of, the junction. The Road Safety Review submitted is inadequate

REPRESENTATION SUMMARY

Objections have been received to the application from 134 properties and households. These can be viewed in full on the Public Access website and the main grounds of objection include the following:

Policy

- Contrary to the LDP and not within the Housing SG, the LDP making adequate housing land provision alongside plenty of windfall sites
- Contrary to the SBC Corporate Plan 2018
- Loss of agricultural land
- Reduction in public access and loss of parkland and green space

Access

- Road safety impacts resulting from a substantial increase in traffic onto a busy, narrow road with speed limit breaches
- Access junction is unsafe with conflict with multiple accesses in close proximity, including the junction to North Lodge
- Detrimental impacts on pedestrian safety
- Obstructions to emergency vehicle access
- Junction will be difficult for larger agricultural and forestry vehicles
- Traffic Survey is flawed as it avoided rush hours, was an inappropriate time of year and underestimated traffic flows from other uses such as the caravan site and garage

Landscape and visual impact

- Adverse visual impact from loss of floral beds
- Detrimental visual impacts from viewpoints around the town
- Adverse impact on natural beauty and the landscape, being within the SLA and Venlaw Castle Designed Landscape
- SNH have previously objected to development on landscape impact grounds

Siting and design

- Overdevelopment with houses being too close together
- Designs are identical and out of character with their surroundings

Residential amenity

- Loss of privacy and overlooking to windows and gardens

- Three storey height of houses will increase overlooking and dominance
- Increased noise pollution
- Increased light pollution
- New tree planting will cause issues for houses fronting Edinburgh Road

Natural and cultural heritage

- Loss of important trees, the Sycamores being potentially ancient trees considered for the Woodland Trust inventory
- Adverse impacts on wildlife
- Adverse impact on archaeology, especially the cultivation terraces and fort

Local services

- Housing will be taken by commuters and will not be affordable to local people
- Strain on local services such as schools, healthcare, social and residential care, leisure and waste water treatment
- Detrimental impacts on drainage with surface water and run-off flood risk, SUDS being unable to cope and impacting on existing drains

Other matters

- Adverse impact on tourism
- Approval could set precedent for further development in the field
- Application is a repeat and should not be considered again
- The negative public reaction during pre-application consultation not reflected in the PAC report

DEVELOPMENT PLAN POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD1 Sustainability
Policy PMD2 Quality Standards
Policy PMD4 Development out with Development Boundaries
Policy HD2 Housing in the Countryside
Policy HD3 Protection of Residential Amenity
Policy EP3 Local Biodiversity
Policy EP4 National Scenic Areas
Policy EP5 Special Landscape Areas
Policy EP7 Listed Buildings
Policy EP8 Archaeology
Policy EP10 Gardens and Designed Landscapes
Policy EP13 Trees, Woodlands and Hedgerows
Policy EP15 Development Affecting the Water Environment
Policy IS2 Developer Contributions
Policy IS6 Road Adoption Standards
Policy IS7 Parking Provisions and Standards
Policy IS8 Flooding
Policy IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS

SESplan Strategic Development Plan 2013

SSG: Housing Land
SBC SG: Housing 2017
Scottish Planning Policy
National Planning Framework
PAN 1/2020 “Assessing the extent of the 5 year supply of effective housing land”

Scottish Borders Council Supplementary Planning Guidance

Affordable Housing
Biodiversity
Trees and Development
Privacy and Sunlight
Placemaking and Design
Development Contributions
Landscape and Development
Local Landscape Designations
New Housing in the Borders Countryside

SBC/SNH “Development and Landscape Capacity Study”

KEY PLANNING ISSUES

The main determining issues with this application are compliance with Local Development Plan Policies and Supplementary Planning Guidance on development out with settlement boundaries, impacts on landscape, residential amenity, road safety, archaeology, ecology and the water environment.

ASSESSMENT OF APPLICATION

Planning Policy

The application site lies wholly out with the settlement boundary for Peebles as defined within the LDP. Policy PMD4 “Development out with development Boundaries” is, therefore, the most relevant Policy to be applied to the site which states that any development should be contained within that defined boundary and that any development out with will normally be refused.

Before assessing the application against PMD4, it is important to consider the planning history and material factors that have contributed to repeated rejection of the site as either a suitable site for housing allocation or as a natural addition to the settlement boundary in this location. Whilst it is understood that the assessment of the planning application is not an assessment of previous Council or Reporter decisions in rejecting the inclusion of the site within the Peebles settlement boundary, they are, nevertheless, significant material planning decisions to be taken into account and, in particular, the reasons for the non-inclusion of the site. It would obviously be correct to analyse those reasons for non-inclusion against this current planning application and in the light of any revised or new information submitted and against the context of consultation responses and representations received.

The Forward Planning consultation response sets out the history of the submission and consideration of the site through recent years of the Local Plan and LDP process. It was initially withdrawn as a planning application in 2008 and then rejected by the Reporter who held an Examination into the

Local Plan Amendment, stating *"...irrespective of the strategic housing target, ….the site is not suitable for housing and the local plan amendment should not allocate the land for that purpose"*. Following further attempts to seek inclusion of the site within the "Call for Sites" procedures leading up to the LDP, the site was not included within the settlement boundary at any of these stages – principally for landscape, access, archaeology and topographical reasons. The SBC/SNH Report "Development and Landscape Capacity Study" identified the site as constrained.

The Reporter who held the Examination into the LDP, considered that solutions to archaeological and access constraints may be possible but that there was no ability to overcome the issue of landscape fit within (at the time) a newly designated Special Landscape Area. He concluded that *"…I agree with the council that the existing settlement is well contained at this point by rising topography to the east. I found that to be a very attractive feature of this important vehicular entrance to the town. Development of the site is likely to lead to the appearance of urban sprawl ascending the higher land to the east. I conclude overall that the potential benefits of increasing the land supply by allocation of this site are outweighed by the likely significant adverse impact on the character and visual amenity of this sensitive settlement edge location"*.

Following rejection of the site within the adopted LDP, it was submitted again as part of the "Housing" SG process whereby the Council were required to find sites for over 900 additional houses throughout the Scottish Borders. The site was excluded from the SG.

Residential development on the site was also subsequently refused planning permission on appeal in 2018 (17/00015/PPP). In concluding rejection, the Reporter concentrated on Policy PMD4 and the claimed housing land supply shortfall. He stated:

"*Accordingly, without evidence to the contrary, I find that the adopted supplementary guidance ensures that an effective land supply is available. In turn policy 7 of SESplan is not engaged. Development out with the settlement boundary of Peebles is therefore not justified under LDP policy PMD4 criterion c). …*

Policy PMD4 is a fundamental policy with regard to the spatial strategy of the LDP. A proposal which fails to gain support from that policy would be at odds with the LDP spatial strategy. Therefore, without explicit policy support from within SESplan, I find that the development plan does not favour this proposal. …

Scottish Planning Policy (SPP) (2014) is identified by the council and is a material consideration for planning applications. SPP expects planning authorities to allocate a range of effective (or expected to be effective within a plan period) sites to meet the housing land requirement. A minimum of 5 years effective land supply should be provided at all times. I find that the requirements of SPP have been met by the council in adopting the housing supplementary guidance in 2017. …

In addition, I have not found evidence in the representations or other submissions which would be of greater importance than the spatial strategy of the LDP.

I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and in particular a fundamental LDP policy PMD4. I also conclude that there are no material considerations which would still justify granting planning permission. I have considered

all the other matters raised, but there are none which would lead me to alter my conclusions".

The site has also been considered again during the current Proposed Local Development Plan process as it was submitted by the applicant. The site was not included and an objection has now been lodged by the applicant to its non-inclusion.

This history demonstrates that the site continues to be rejected at all stages in the LDP and planning permission processes and Members should be aware of this. What is important in assessing this planning application is to both be fully aware of the LDP position and planning history with regard to the site but also ensure that all material issues are assessed as they now stand, including the submission of any additional or enhanced information and whether there have been any Policy or other changes that would have a bearing on the determination of the application. This takes into account the submissions made in the Planning Statement by the agent in relation to PMD4 and housing land supply.

Policy PMD4 will normally reject applications outside the defined development boundary unless one or more qualifying criteria can be met. Only then, would secondary criteria then also need to be met. The main qualifying criteria are discussed as follows:

A job generating development with economic justification

No information has been submitted in support of the application to demonstrate any compliance with this criterion nor is it particularly advanced by the applicant or agent. There is clearly a landowner willing to deliver housing on the site but whilst a new housing development will deliver construction employment opportunities and, thereafter, will feed into the local economy through additional population, it is not, in itself, a job-generating development meant in the context of this criterion.

An affordable housing development

The agent has not stated that this will be an affordable housing development. Whilst, if approved, there would need to be a 25% unit provision on site which is accepted by the agent, this criterion refers to a wholly affordable housing proposal which is not the case with this application.

A housing shortfall identified by the Council in the Housing Land Audit in provision of an effective five year land supply

This is the main criterion that the agent considers is met by the proposal, considering that the site could provide an important contribution to the local housing land supply. The Planning Statement contends that the site is in compliance with Scottish Planning Policy, providing quality housing and contributing to the maintenance of a 5 year supply of effective housing land. It examines the Council's latest Housing Land Audit and concentrates on PAN 2/2010 and the definition of what is classed as "effective" housing land supply, applying seven criteria including ownership, infrastructure and physical constraints.

The agent also examines the position following the abandonment of SESPlan 2 and the Council continuing to pursue strategic growth in Peebles and surrounding area. It is argued that renewed efforts are required to provide sufficient housing land to achieve the national targets, including identifying previously considered proposals and also removing sites that have repeatedly failed to deliver housing. They also discuss the role of windfall sites in the overall housing land supply position and the guidance from Homes for Scotland in relation to housing land audits.

The agent then proceeds to evaluate the housing land supply in the Scottish Borders, using a series of assumptions and criteria about effectiveness. Many sites are removed because of age or small scale. The agent concludes that although the Council's 2019 Housing Land Audit identified an effective land supply of 3,679 units equalling 11 years supply, this overestimates the contribution of small sites and also includes many older or constrained sites where the agent considers development is unrealistic. Appendix 3 in the Report makes allowances for such instances and results in only 1,694 units and five year supply. Appendix 4 then narrows down to only those areas in SESPlan that deliver strategic growth, the units then dropping to 1,242 units or four year's housing land supply. The agent, thus, contends that the site is needed to help bring the total back up to five year's supply and that justification is provided to meet the relevant qualifying criterion in Policy PMD4.

The agent's submissions on housing land supply have been considered and the views of the Forward Planning Team, who prepare the Housing Land Audit, are on Public Access. Members are asked to study their reply and note their views. They continue to oppose the application, stating the following:

- Appendix 2 in the LDP outlines the Council's methodology for monitoring the 5 year housing land supply and this was accepted by a Government Reporter after the LDP Examination.
- The 2019 Housing Land Audit concludes there is an effective 5 year land supply across a wide range of locations.
- The effective land supply is for the whole of the Borders. To restrict analysis to just Strategic Growth Area sites ignores the rural nature of the Borders and the contribution made by rural developments in terms of housing take-up.
- The applicant challenges the programming for a number of sites in the HLA but a planning application is not the correct vehicle for this. The HLA itself can be challenged and is consulted on with the development industry. It is finalised only after such consultation.
- Although a planning application is not the appropriate vehicle to challenge the applicant's site removals from the HLA, the Forward Planning Section disagree with a number of these sites in Peebles and wider afield (discussed below).
- There is no evidence to support the applicant's contention that no current developer interest means removal from the HLA. They should be removed if unlikely to ever be developed and such a process has been undertaken for the new LDP, after contacting landowners.
- Comments on SPP paragraphs modified to support sustainable development. Accepts the application complies with a number of the sustainability principles but that other contraventions outweigh the advantages, especially in relation to the provisions of the LDP and

amenity considerations. This is also in the context of sustainability where the Council have identified a housing land shortfall.

- PAN 1/2020 amended the calculation for assessing the extent of the five year housing land supply. Forward Planning have sought guidance from the Scottish Government on using the calculation, but have not done so at this stage as guidance is still awaited.

Some of the sites that have been removed from the effective housing land supply by the agent, are considered unjustified and are removed to suit the shortfall case being argued, rather than following the correct guidance for HLA inclusion or exclusion. In particular:

Local

Rosetta Road (TP138) – PPP granted at Committee, consent still to be issued awaiting conclusion of legal agreement. Although site now bought by new owner, PPP application not withdrawn. The new site in the proposed LDP at Land south of Chapelhill Farm (APEEB056) would help towards contribution costs of new bridge

March Street Mills (TP147) – site recently rejected upon appeal but only on grounds of inadequate allotment replacement. Owner still pursuing housing development and met with Council to fully address appeal reason for refusal. Intent to re-apply.

George Place (TP91) – previously received outline consent in 2004, new application needs to address flooding grounds but mitigation is considered possible and pre-app discussions have been held in recent past.

Kirklands (T177) – PPP minded to grant but legal agreements not concluded. Recent developer interest in the form of new pre-app contact, indicates site is moving forward.

Kingsmeadows (TP139) – The agent states no progress since 2015, yet a renewal application was agreed in June 2020 (subject to legal agreement) a month before the application at Venlaw was submitted with its supporting papers.

Other

School Brae, West Linton (TWL50) – The agent says “No developer no interest”. Whilst it is appreciated the agent wrote that upon application submission in July 2020, it should be noted the site is well underway and properties are on the ground. This indicates how quick the agent has been to write off sites and exclude them, without justification.

West Allan Bank, Lauder (ALA48) – No site constraints. Railway blueprint confirms need to identify economic opportunities in Borders rail corridor. Site easy travel distance to Stow station, many constraints in finding land in Stow

Easter Langlee, Galashiels (EGL84) – This site remains the major developing site within the Scottish Borders. No evidence has been submitted to confirm this site is not effective.

Kelso High School (RKE195) – Contrary evidence that this site is effective. Planning and Listed Building Consent granted, legal agreement presently

being worked on to allow release of consent, discussions ongoing between applicant and Council.

Newtown St Boswells (ENT25) – Remains a site of strategic importance. Pre-app for mixed use site in village a catalyst and confirms developer interest in the village, indicated by 19/00210/PPP actively being pursued for Auction Mart site.

Kerrs Land, Selkirk (ESE118) – Full planning permission granted for site in 2019, subject to issuance of legal agreement which is still being concluded.

Heather Mill, Selkirk (ESE134) – Site only included to housing land supply via SG on Housing 2018. Too early to start seeking its removal

Lowood, Tweedbank (EGL220) - Site only added to housing land supply as recent as 2018 via SG on Housing. Agreed there are some infrastructure issues to be addressed, but the site remains a very attractive dev opportunity, in close proximity to Tweedbank Station, its allocations follow the Railway Blueprint objectives in the heart of the central housing market area

In dismissing the previous appeal, the Reporter favoured the Council's HLA, backed by the Housing SG, as a demonstration that there was a five year effective housing land supply. He stated:

"A minimum of 5 years effective land supply should be provided at all times. I find that the requirements of SPP have been met by the council in adopting the housing supplementary guidance in 2017….In addition, I have not found evidence in the representations or other submissions which would be of greater importance than the spatial strategy of the LDP.

Consideration of the agent's submissions has been given above and in the responses from Forward Planning. It is considered that the agent has been quick to exclude sites from the Housing Land Supply but, as stated by Forward Planning, any challenge to the Housing Land Audit should be done directly during preparation of it upon consultation, not within a planning application. The Council stands by the HLA2019 and maintains there is an effective five year housing land supply in line with all current guidance and the SPP. The agent's removal of sites is unsubstantiated in many cases, incorrect in some and does not provide a robust baseline for establishing there is a housing land shortfall. Consequently, the relevant exception clause in Policy PMD4 is not complied with and the development is contrary to the Local Development Plan.

<u>Significant community benefits outweighing the need to protect the development boundary</u>

There has been insufficient evidence advanced within the application to suggest that this criterion would be met. Whilst it is stated there is a willing landowner and that more housing will meet with national and local needs, the visual, landscape and access impacts together with the need to contribute to meeting the impacts on local infrastructure and services, determine that there are no significant net community benefits arising from the development which would outweigh the need to protect the development boundary.

Only one of the four qualifying criteria would need to be met under this Policy to then consider it as an exceptional approval out with the settlement boundary, against which secondary criteria would then need to be applied and met. As none of the qualifying criteria are met, the secondary criteria cannot be applied or considered regarding the proposal. Nevertheless, of those criteria that relate to logical settlement extensions, character of the built-up edge and adverse effects on the landscape setting of the settlement, it would be unlikely that the proposed site would meet one or more of these secondary criteria. Similarly, of the three matters that would be taken account of in deciding whether to grant an exceptional approval, the settlement profile for Peebles identifies the strong landscape framework of the town and singles out how it nestles into Venlaw Hill and on the flatter land towards the Eddleston Water. There is, therefore, further reason within one of the additional matters to be taken account of under Policy PMD4, not to grant an exceptional approval for development in this instance.

Landscape

The site is covered by two local landscape designations, namely Venlaw Castle Designed Landscape and the Tweed Valley Special Landscape Area, covered by respective LDP Policies EP10 and EP5. The Council Landscape Architect describes the landscape features and characteristics of the two designations in the context of the SBC/SNH "Development and Landscape Capacity Study"(2007) which looked at 11 settlements, including Peebles, for landscape character around settlements and what housing development/expansion may be appropriate in terms of landscape fit. The Study identified that the west facing slopes of the Eddleston Water (including the site) have a high sensitivity to new housing development and settlement boundary expansion. This was due to the steep slopes providing a robust settlement edge and a well-defined sense of containment for the town, these slopes being visible from a number of different locations. The Study concluded that there was no opportunity for settlement expansion in this part of Peebles, including the application site. This is probably the main factor in why the site has not been included in the Local Plan Amendment, Local Development Plan, Housing SG or replacement Local Development Plan.

The applicant and agent have addressed landscape impact by submitting a Landscape Visual Appraisal (LVA) and this is available to view in full on the Public Access web site. The Design and Access Statement also includes some photographs and photomontages of the development from selected viewpoints.

The submissions assess the local landscape of the site and its setting in landscape terms, the available views to the site and the way in which the site is perceived in its landscape context, and the effects of development in landscape terms, on the character and composition of the landscape. The Design and Access Statement states that the development is kept below the 190m contour to match with most development in Peebles. It recognises that the site is prominent due to the steep incline and open valley nature but that the position and single line of development will utilise screening from existing development to some extent, sitting within a built environment context. It is contended that further landscape mitigation to the front and rear of the site will improve the setting and reduce landscape impacts further.

The Appraisal provides a Zone of Theoretical Visibility and uses 24 separate viewpoints of the site, all within 3km of the site, the majority being within 1km of the site and some contained within the western lower lying housing areas, west of the Eddleston Water. More elevated viewpoints to the west are also utilised including

Peebles Golf Course, Rosetta Holiday Park and rights of way in the vicinity. There is also an area of visibility predicted south of the river to the south-west of Peebles and viewpoints are utilised at the Manor Sware and south of Edderston Road. Selected viewpoints are investigated in more detail and photomontages are produced with the development transposed onto them. There are also some with new planting and building colours shown to further demonstrate claimed receding landscape impact.

The Appraisal generally identifies that from those higher level viewpoints, the development is more prominent above the line of existing development, albeit at greater distance. However, with existing built context at Venlaw High Road, Venlaw Quarry Road and Venlaw Castle, combined with the intended design cutting into the slopes and new planting, the overall landscape impacts will not be significantly adverse.

The Appraisal concludes by stating:

"A thorough, structured investigation has been conducted to assess the visual impact of the proposed development, as described in this document. Through desktop analysis, fieldwork and visualisation, the overall visual impact of the scheme has been assessed. There will be localised visual impacts from the proposals on the A703 (notably as discussed in relation to viewpoints 02 and 03). The wider views assessed (including viewpoints 10, 13, 14, 15, 16, 17, 18, 21, 22 and 24) demonstrate that whilst the proposed development is visible, the impact on views and landscape character is overall assessed to be minor/not significant. Viewpoints 11 and 12 are notable as demonstrating more significant impact. In these cases the proposed development is assessed to result in a change to landscape character, this is minimised through the proposed mitigation measures. Overall, the visual impact of the scheme is wide ranging but minimal from most viewpoints, however there are localised areas where the impact is more significant, as outlined above. It is our assessment that the scale and character of the proposed development has through the design process addressed visual and landscape impacts as far as possible. Development has been limited and focused along the bottom edge of the site, thereby significantly reducing and minimising the landscape and visual impact that would result from more extensive development of the site."

The findings generally recognise the prominence, elevation and visibility of the site from large parts of Peebles to the west and south-west. The strategy is based upon the development restricting itself to the lowest part of the site, thereby addressing visual and landscape impacts *"as far as possible".*

Members will note that the Council's Landscape Architect has a different view of the landscape impact of the proposals and the findings of the LVA, both responses being available in full on the Public Access system. The Landscape Architect reiterates the background of the SNH/SBC Landscape Capacity Study in 2007 which identified that Peebles has developed on the valley floor and is contained by slopes rising to prominent summits, especially to the north-east where Policy parkland contributes greatly to the setting and amenity of the town. Despite limiting the development to the lower part of the field, it is considered that the submissions do not address concerns over the town developing up steeper slopes, changing the character of what is mostly a valley-based settlement.

The Landscape Architect identifies the following key characteristics of this part of Peebles from the 2007 Study

- Evenly graded slopes rise up from the A703 and enclose the town along its north east edge.
- The area is diverse in character, with grazed land, organically shaped shelterbelts and parkland trees, interspersed with a scattering of large buildings.
- The settlement edge is emphasised by the steep slopes and in places reinforced by woodland.
- The slopes themselves are most prominent in views from the opposite side of the valley, including the golf course, but are also evident on arrival along the A703

The Study identified that the west facing slopes of Peebles had high sensitivity to any new development on the settlement edge and that there were, consequently, no options for settlement expansion in the north-eastern part of Peebles. The Landscape Architect feels the proposed development would have a significant and negative impact on the landscape and would be contrary to the findings of the Capacity Study. The Landscape Architect does not consider that the restriction to the western part of the site nor the line of new woodland planting *"…will help to achieve anything like a landscape fit".* It is considered that the site is not an appropriate site for any housing development and the parkland should be maintained as an integral part of the character and setting of Peebles. It is also that the role of the designed Venlaw Castle landscape has been underestimated in defining the town setting and rural edge. There are other locations around the town that could be developed and development on such a prominent slope should be avoided. The recent replacement Local Development Plan, for example, has identified a new site for housing development to the north of Rosetta Road at Chapelhill, following the Western Rural Growth Area Study.

The submitted mitigation proposals are unlikely to reduce the impacts of the development and infrastructure sufficiently, given the slope and presentation of views to the western and south-western parts of the town and its surrounds. Earthworks are significant to attempt to achieve a landscape fit, yet the resultant development will appear an inappropriate fit into the landscape with substantial retaining walls and terraced gardens. As explained elsewhere in this report, the design, density and layout of the housing also serves to accentuate its elevation, mass and prominence on the hillside above the Edinburgh Road housing and valley floor. Whilst colour choices and landscaping can reduce impacts to some extent, the photomontages simply emphasise that those impacts will remain significant and adverse, especially from those viewpoints at a higher level. Any potential benefits of choosing the lowest contour lines within the parkland have been reduced by the height, mass and density of the chosen layout and designs. The landscape impacts are also exacerbated by the loss of mature trees to form the access and mature specimen trees within the site. These are also the views of the Council Landscape Architect. The main findings of the Landscape and Visual Appraisal are, therefore, not accepted.

Resistance to development on landscape grounds is entirely in line with previous decisions following the SNH/SBC Landscape Capacity Study and, indeed, the LDP Examination Reporter who saw sufficient concern in encouraging urban sprawl up the slope that this was the main reason why the site was excluded from allocation. All that has changed in the interim is that there has been a requirement for the Council to identify more housing land (in the SG and replacement LDP) and that the applicant has submitted their own Landscape and Housing Land Appraisals. There is insufficient justification to outweigh the landscape and settlement boundary concerns in this location in order to fulfil a housing demand which is being adequately met elsewhere.

The landscape impact has been considered and expressed through the previous planning history iterations of proposed development on this site, backed up by the findings of the SNH/SBC Landscape Capacity Study and by previous reporter decisions. There are also concerns expressed by many of the objectors and also strongly by the Community Council and Civic Society. Whilst the applicant's landscape submissions are noted and have been considered fully, there is no reason not to accept the advice of the Council Landscape Architect and reflect previous expressed concerns that the development of this site should be opposed on grounds of significant landscape and adverse visual impacts, within designated landscape on a sensitive edge of the town settlement boundary and against LDP Policies PMD2, PMD4, EP5 and EP10.

Layout and Design

If the site had been considered as a justified exception to Policy PMD4, then as the application is submitted in full, the layout and design of the houses must also be considered against LDP Policy PMD2 and the "Placemaking and Design" SPG in particular. They require any development to both have a sense of place but also to be appropriate and compatible to its surroundings, respecting form and the highest quality of surrounding materials and architecture.

The Design and Access and Planning Statements contend that the layout and design respond to the levels, landscape and the site context. They state that the context is varied and modern and that the linear single-sided nature of the development, cut into the hillside, integrates and aligns behind the linear pattern of development along the Edinburgh Road. The varied materials of zinc, timber and reconstituted stone, especially to the front west facing gables, are argued to integrate with the area and reduce impacts to public view. The contemporary design is considered appropriate to the modern architecture and mixed surroundings by the agent, responding to the rising site topography by being split level and with stepped terraced gardens to the rear.

The design and layout approach is not considered appropriate in this setting. The landscape impacts of the height and linear design have already been discussed in the previous section. The site is a steeply rising parkland field within a designated landscape, heavily visible to much of Peebles, especially to the west and south-west. Had the field been considered acceptable for development as a justified exception under Policy PMD4, then a dense tall "townhouse" row of identical designs with minimal gaps between each unit would not be considered appropriate on a rural edge location, adjoining mixed post-war housing of predominantly single and storey-and-a-half slate roof houses.

The transition with the parkland and countryside edge to the town should not be defined so abruptly with such dominant and tall designs, the height, minimal spaces between houses and gable end designs all providing an unnecessarily hard, jagged and inappropriate transition between town and country. Their relationship with the houses adjoining is similarly incongruous, both in form, uniformity and dominant use of zinc. Their height, gable end alignment and detached nature with minimal spacing are much more appropriate in a more urban or brownfield setting further towards the town.

Their actual design is, however not unattractive and there should be opportunities for such contemporary design, but the location and context has to be appropriate. The site is not an appropriate context for such design and it is concluded that the design and layout are contrary to Policy PMD2 and the "Placemaking and Design" SPG.

Residential Amenity

A number of residents, especially those along the eastern edge of the Edinburgh Road, have expressed objections about overlooking and the dominant impacts of the design and location of the houses, combined with the overshadowing from the woodland proposed. Obviously, whilst their main outlooks will be onto the Edinburgh Road, the busy nature of that road will lead to a heightened expectation of privacy and amenity from their rear windows and gardens. Residential amenity is assessed by applying LDP Policy HD3 together with the associated "Privacy and Sunlight" SPG. Policy PMD2 also requires development appropriate to its surroundings in scale, form and density.

The current application proposes 22 detached three storey houses close to the rear boundary of the Edinburgh Road houses. The applicant's reasons for doing this have been based upon mitigating landscape impact from more distant views towards the site and not upon mitigating the impacts on existing residential amenity. Their solution is to create a woodland belt to the rear of the existing houses to prevent impact and overlooking.

This matter was explored on the previous application when the Committee Report stated the following:

"Although the height differences between the new and existing houses, windows and gardens would be significant, it is likely that Policy and buffer distances within the SPG would be contravened had any development been proposed immediately to the rear of the existing houses in the north-west part of the site. If that had been the case, acceptable daylight, sunlight and privacy distances may have been difficult to achieve in line with Council guidance. However, given the additional information submitted during the processing of the application which indicates that the applicant would accept a "no development" buffer to the rear of the Edinburgh Road houses, the residual effects are of change in outlook, some dominance of visual impact (for the first part of the development where the access road enters the field), loss of informal recreational use of the land and an increase in noise and light pollution, during construction and then in use of the houses. None of these residual effects suggest that a suitably low-density, low-rise, distanced and landscaped development would lead to such adverse impacts that refusal would be justified on residential amenity grounds, even allowing for the elevation of the ground."

It should be noted that this development does exactly what the previous application offered not to do – propose development within the previously suggested "no development buffer" to the rear of the Edinburgh Road houses. Consequently, the impacts of the height, proximity of the houses and the intervening woodland planting will have significant overbearing impacts on the houses and gardens fronting Edinburgh Road. The new houses themselves will have main outlooks looking towards the existing houses and gardens, due to their design and proximity to each other precluding any habitable room windows on the side elevations between new houses. Those areas of glass and windows present gables up to 10.6 m from the proposed ground levels. Indeed, according to the latest cross section from the agent, even the road and ground floor levels are at or above the ridgelines of the houses in Edinburgh

Road, especially towards the southern end, meaning the impacts of another 10.6m above that will be considerable. The section suggests there will be between 36 and 46m separation between existing and proposed houses and the agent suggests this is sufficient when also considering the intervening planting. He also suggests it is in compliance with the "Privacy and Sunlight" SPG.

There is no issue with the submission of details relating to daylight and sunlight in terms of the impacts caused by the new houses. The submitted information with shadowcast and winter/summer sun paths does not indicate any particular reason to oppose the application based upon impacts on light. There may be some shading to parts of gardens but this is likely to be much more significant as a result of the woodland planting, which is an element that would not require planning permission in its own right. The concerns are much more in relation to dominance and overlooking impacts on amenity and enjoyment of residential properties and rear gardens. Whilst the "Privacy and Sunlight" SPG does state that 18m is required as a minimum distance window to window to preserve sufficient privacy, the minimum figure increases by 2m for every one metre difference in window level. As the second floor windows in the proposed houses could be viewed out at a level of approximately seven metres above proposed ground level, that level is up to two metres above ridge heights of the existing houses and, conservatively, therefore at least 12m above the level of the highest existing windows in the Edinburgh Road houses.

The minimum distance would then need to be increased by 24m to a minimum of 40m. Whilst the applicant has stated the separation distances vary from 36-46m, it is considered that the separation distances are either less than, or so close to, the minimum that, when combined with the large height difference between houses and the mass of development with minimal gaps between proposed houses, it would create an unacceptable overbearing effect on the rear of the existing houses and gardens, creating uncomfortable, oppressive and overlooked rear gardens and windows. The woodland planting, whilst resolving overlooking in time, would simply serve to emphasise the overbearing and oppressive nature of the development. It is concluded that the proximity, height and gable end design of the houses proposed would have a significant and adverse effect on the residential amenity of the houses and gardens in Edinburgh Road, exacerbated by the proximity, height and type of intervening planting proposed. For these reasons, the development is considered to be contrary to Policies HD3, PMD2 and the "Privacy and Sunlight" SPG.

Access

If the development site had been considered to be acceptable under LDP Policy PMD4 as a justified exception to that Policy, then Policies PMD2 and IS6 require safe access to and within developments, capable of being developed to the Council's adoptable standards and in accordance with the guidance in "Designing Streets". PMD4 also requires consideration of the service and infrastructure capacity of the settlement, in assessing whether to grant exceptional approvals or not. PMD2, in particular, has an "Accessibility" section of five criteria to be met, including integration into existing street layouts and no adverse impacts on road safety, both at the site entrance and on approaches to it.

The major issues with access are in relation to road safety at the intended access point and, to a lesser extent, the challenges of securing a "Designing Streets" layout on such a sloping and restricted rectilinear site. The proposals involve a new widened vehicular access point from the A703 at the existing Venlaw Castle junction with improved radii and pedestrian crossing facilities. Visibility splays are also shown in both directions of 2.4m by 43m. The Venlaw Castle road will become a minor road leading off the new

road at a new internal junction. The road serving the housing development will cross the burn over a culvert and then broadly follows the path of the 177m contour, rising along its length with a turning head at the southern end. The road will be 6m width with footways. Vehicle parking will be between the houses and there will be a separate pedestrian route at the north of the site using both a 1:14/15 ramp and steps. The Transport Statement explains why a loop road system is not possible and drawings demonstrate that the turning head and road alignment would be accessible to fire tenders and refuse vehicles.

The application was also supported by a Road Safety Review, undertaken on a day in October 2019 between 1330 and 1500 hours. The Review noted average traffic flow on Edinburgh Road to be 6940 vehicles (from traffic survey information in 2014). The Review concluded that the new junction sightlines would be of required standard, no new junctions were being created and the existing road and junctions were not complicated to interpret or negotiate by drivers. Visibility of all junctions was good, speeds seemed low and there was safe pedestrian provision appropriate for the low level of activity.

The Roads Planning Service (RPS) does not accept the application for reasons of road safety due to the increased traffic generation on an "A" class road where various junctions proliferate, serving houses, a commercial garage and filling station (with nose-in parking), caravan site and working farm. They also point out the amount of on-street parking in the vicinity and the overlapping of visibility splays. There is conflict with stacking traffic and confusion over indications to turn into junctions, exacerbated with the application traffic generation, albeit it is recognised that the development is reduced in scale from that previously refused. Many objections have been received from third parties on this matter as well as the adequacy of the submitted transport review and statement. RPS are of a similar opinion and feel that the Road Safety review was based on inadequate survey and outdated traffic flow information.

RPS have previously stated that the only way they would drop objections would be if there was co-operation between junction and business/housing owners to completely rationalise junction arrangements in this location. There is nothing submitted from the applicant or agent to suggest this is a realistic prospect. Whilst the LDP Examination Reporter felt *"…a technical solution could be arrived at which would facilitate some development on the site"*, he also recognised that there were difficult conditions for drivers and pedestrians arising from the number of access points and that addition of significant development could give rise to further complications. The most he offered was that a technical solution may be possible to facilitate "some" development.

There is no evidence before us to believe that such a technical solution would be achievable. On the basis of the current position and information available, including land ownership restrictions, it is considered that the development could not be accessed without significant road safety issues, contrary to the relevant parts of LDP Policies PMD2 and IS6.

RPS also have significant concerns over compliance of the development with "Designing Streets" guidance. The previous application was submitted as a PPP and covered a much wider part of the site up to the Venlaw Castle drive. Whilst there were concerns expressed previously, it was considered that non-compliance could not be concluded and that only upon the detailed submission, could there be any full assessment of compliance. The current application is a full submission utilising a limited strip of ground along the western edge of the site. RPS have identified a number of issues with this layout which are contrary to "Designing Streets", including the long

uninterrupted linear layout, lack of traffic calming, lack of internal/external connectivity and prioritisation of movement over place.

The agent submitted a Transport Consultant's response to the objections from RPS. That response disagrees and summarises the findings of the Road Safety review, stating that the development will only create up to 15 additional two-way vehicle movements in the peak period and that other movements out of nearby junctions are low. The response also disputes the criticisms over the development's compliance with "Designing Streets". RPS have assessed this response but maintain their objections for the aforementioned reasons.

Whilst it is acknowledged that the development is reduced in scale compared to that considered previously, the problems over increasing traffic generation to this part of the Edinburgh Road still exist to the detriment of road safety and there are no solutions proposed to overcome them. It is not considered that the development contribution of £1000 per unit towards the bridge and traffic management in the town would be sufficient to overcome these problems. The development also does not satisfactorily demonstrate compliance with "Designing Streets" guidance. For these reasons, the application is contrary to Policies PMD2 and IS6 of the Local Development Plan.

Cultural Heritage

Local Development Plan Policy EP8 refers to development that could adversely affect archaeological assets. It states that any development creating an adverse effect on assets or their setting will be balanced against the benefits of the proposal and consideration of any mitigation strategies. Unlike the previous application which stopped the developable area of the site north of cultivation terraces, this current proposal extends the development into the cultivation terraces by approximately six houses from the southern end.

The Council Archaeologist identifies the terraces as being of prehistoric or medieval origin and believes that, if preservation isn't possible, investigation is necessary as per LDP Policy EP8, and notes that not all lengths of terracing will be lost. Suitable conditions could address the investigation requirements, as well as trial trenching and investigation of the remainder of the site to the north of the terraces, covering potential archaeology. Suitable conditions should also provide for interpretation of findings.

Although there are also objections expressed by residents on archaeological impacts, the Council Archaeologist considers the impacts can be addressed by a suitable condition, thus this would not be a material factor in the determination of the application.

Local Development Plan Policy EP7 requires new development to safeguard and respect the setting of statutorily listed buildings, two bordering the site to the south-east and north-west. Given the scale, orientation and roadside position of the C-listed Venlaw North Lodge to the north-west of the site, it is not considered that the suggested development would impact significantly on any setting, albeit there would be an increase in junction standard, road priority and width. The greater impact could have been on the setting of Castle Venlaw which is B-listed to the south-east of the site. However, the preservation of the cultivation terraces and a developable area being restricted lower down to the west of the site allows appreciation and sufficient preservation of buffer space and setting of the building to remain. Impacts on the associated Designed Landscape are considered elsewhere in this report.

Drainage

LDP Policies IS8 and IS9 are the most relevant in consideration of the impacts of development of this site on the water environment. Whilst there have been third party concerns expressed over drainage capacity within Peebles, there has been no suggestion from Scottish Water that this would be an insurmountable issue, albeit they cannot confirm sufficient capacity until an application is made to them to connect.

Of more relevance to the proposals is the potential impact of the sloping site on properties at the lower level along Edinburgh Road and the Cross Burn to the northern boundary of the site, in terms of surface water run-off and potential flood risk. The drainage proposals indicate a double swale and perforated pipes to the rear of the houses at the top and bottom of the new slope behind the terraced gardens, and a further swale and pipe between the new road and the back of the houses fronting Edinburgh Road. Surface water will be led from these pipes and from the houses and hard surfaces, to the Cross Burn. Foul drainage will connect directly to the existing sewer on the Edinburgh Road.

A number of local residents have raised potential issues with such a SUDs system being unable to cope with surface water and causing flooding and impacting on existing drains. However, SEPA have not objected to the drainage solutions nor to the findings and mitigation contained within the submitted Flood Risk Assessment. They accept that the site will not flood from the Cross Burn, even at 1 in 200 year events and existing/proposed culverts can cope even in the event of blockages. SEPA accept the development subject to conditions relating to SUDs, prevention of construction pollution and run-off, foul connection to the public sewer, licences for construction and engineering activities etc.

Whilst the drainage of the site would not be without issues, connected with the steep slopes, surrounding houses, scale of earth excavation and impacts from the Cross Burn, there is no evidence to suggest that they would be issues that could not be overcome with careful and appropriate design, controlled by conditions. It is not, therefore, considered that drainage and flood risk are material issues in the determination of the application and that LDP Policies IS8 and 9 could be addressed satisfactorily if the application was to be approved.

Other issues

Although all other issues have been considered, none are raised that would outweigh the consideration of the application as set out above. These include perceived impacts on tourism, water supply, local services and ecology. With regard to the latter, much concern was expressed over impacts as a result of the felling of trees and also the biodiversity of the site. However, following submission of an Ecological Assessment and bat survey, the Council Ecology Officer accepts the findings and considers protected species can be safeguarded by appropriate conditions.

The criticisms of the PAC report reflection on local expression of views is a matter of interpretation and should carry little weight, compared to the weight attached to the representations received on the planning application.

Developer Contributions

Local Development Plan Policy IS2 requires new residential developments to contribute towards certain infrastructure and affordable housing stock, as currently identified. This development, if approved, would require on-site affordable housing

provision at a rate of 25% of the total number of units, given that the total housing numbers would be above the 17 house on-site threshold. The agent had initially wished to provide a commuted sum towards contributions but then confirmed that five affordable units would be provided on site with the residue as commuted payment.

There has been no amendment to the application to reflect any different design of affordable units and it has to be assumed that the current design is proposed. Whilst a three storey detached townhouse with four bedrooms and two public rooms appears an unlikely scale of property to meet the Council's definition of affordable housing, this would need to be investigated and addressed in more detail in any subsequent legal agreement. However implausible, it may be that different forms of rental or shared ownership could allow the designs to be considered as affordable. However, if it does not subsequently prove possible to meet the definition of affordable housing with the submitted design, then the Policy and Guidance Note allow for the developer to allocate an area of land in place of five of the houses, to submit a new application for a new design of five affordable units. The application cannot, therefore, be considered contrary to Policy IS2 and the Guidance Note as the agent has confirmed agreement to on-site provision.

There would also be financial contributions required towards Peebles High School, Kingsland Primary School and Peebles Bridge/Traffic Management in the town. Although local concerns are raised about other infrastructure capacity issues such as health provision, there is no identified requirement for other contributions. If Members are minded to approve the planning application, consent can only be issued upon conclusion and registration of an appropriate Legal Agreement to secure the aforementioned contributions.

CONCLUSION

In conclusion, the application site lies out with the defined settlement boundary of Peebles and insufficient reasons have been given as to why an exceptional approval would be justified. Development would also create significant adverse landscape and visual impacts on a designated, prominent and sensitive rural edge of the town settlement boundary, will cause adverse impacts on residential amenity and is of inappropriate massing, layout and design for the location. It has also not been demonstrated that the development could be accessed safely on the A703 and at the junction with the proposed access road nor that the development would comply with "Designing Streets".

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is refused for the following reasons:

1. The application is contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the site lies out with the defined settlement boundary of Peebles and insufficient reasons have been given as to why an exceptional approval would be justified in this case.

2. The application is contrary to Policies PMD2, PMD4, EP5 and EP10 of the Scottish Borders Local Development Plan 2016 in that the development would create significant adverse landscape and visual impacts, within a Designed Landscape and Special Landscape Area on a prominent and sensitive edge of the town settlement boundary

3. The application is contrary to Policies PMD2 and the "Placemaking and Design" SPG in that the development is of a layout and design inappropriate to, and out of context with, the location and surroundings of the site.

4. The application is contrary to Policies PMD2, HD3 and the "Privacy and Sunlight" SPG in that the development would create significant adverse impacts on residential amenity to the houses fronting Edinburgh Road and their rear gardens, creating an overbearing presence caused by excessive height, mass, proximity, overlooking and design of landscape screening.

5. The application is contrary to Policies PMD2 and IS6 of the Scottish Borders Local Development Plan 2016 in that it has not been demonstrated that the development could be accessed without significant detriment to road safety on the A703 and at the junction with the proposed access road. Furthermore, the proposed layout fails to demonstrate compliance with "Designing Streets" national guidance.

DRAWING NUMBERS

Location Plan	ZZ-DR-A-90001
Existing Plan	ZZ-DR-A-90002
Elevations	ZZ-DR-A-0010-01
Floor Plans	ZZ-DR-A-00001
Sections	ZZ-DR-A-002001
Existing Topography Plan	ZZ-DR-A-9000
Levels Layout	PO6PRD-WHL-XX-XX-SK-C-90-9200
Landscape Masterplan	1821-PO1
Landscape Sections	12.06.20
Tree Works	12.06.20
Entrance Visibility Splays	PRD-WHL-XX-XX-SK-C-90-9101
Vehicle tracking	PO1PRD-WHL-XX-XX-SK-C-90-9500
Vehicle Tracking Refuse	PO1PRD-WHL-XX-XX-SK-C-90-9501
Drainage Assessment and Arrangement	PO1PRD-WHL-XX-XX-SK-C-9400

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

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

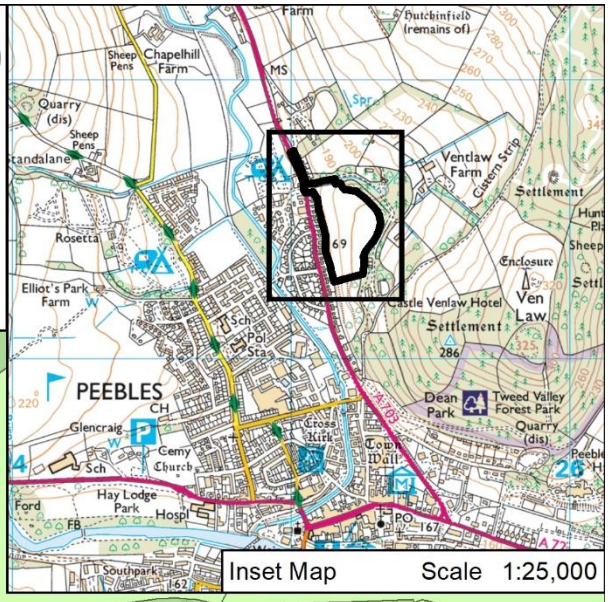
Author(s)

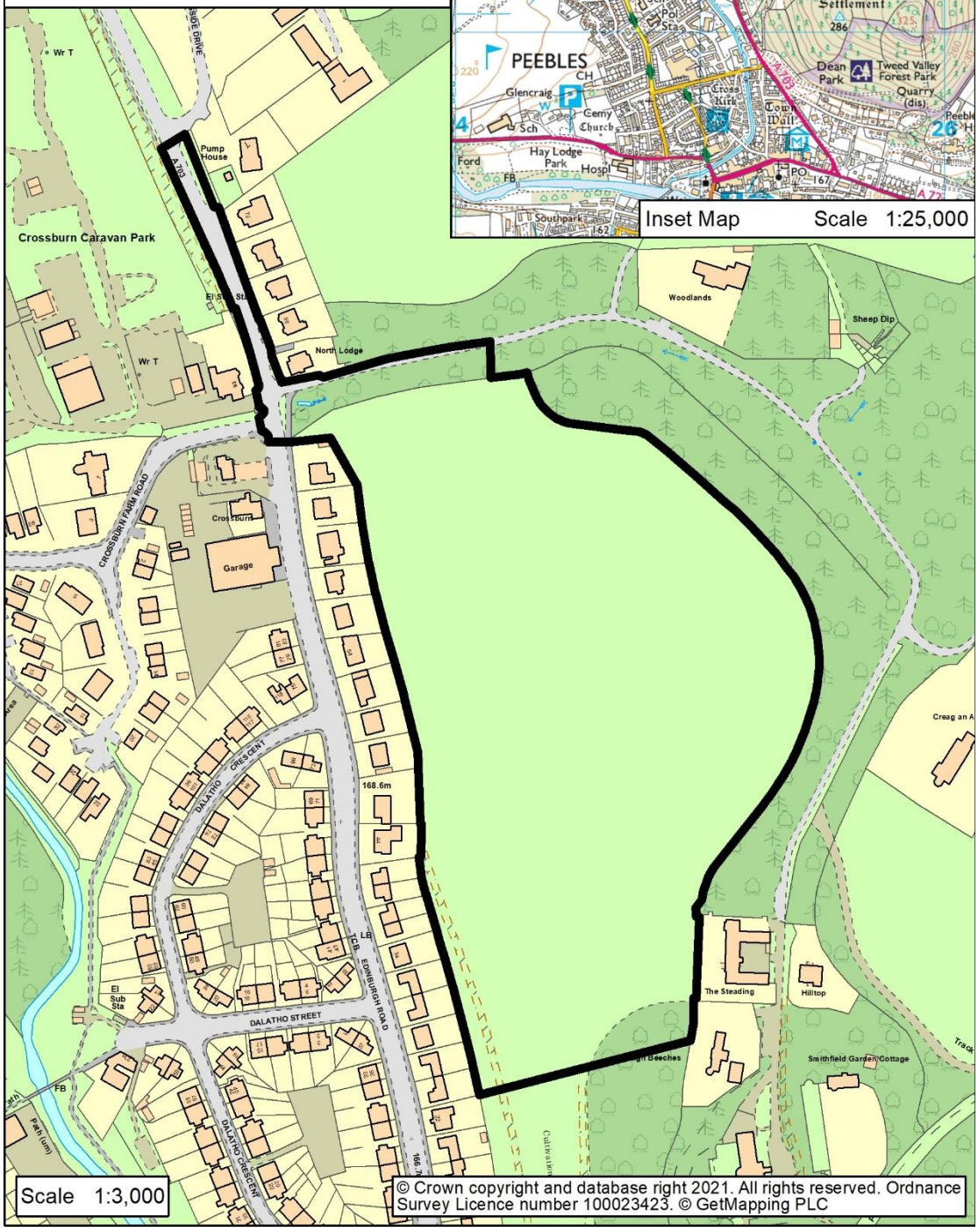
Name	Designation
Craig Miller	Principal Planning Officer

Scottish Borders COUNCIL

20/00753/FUL

Land East Of Knapdale 54
Edinburgh Road
Peebles





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