

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**7 NOVEMBER 2022**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** REFERENCE NUMBER: 22/01129/PPP

**OFFICER:** Ranald Dods  
**WARD:** Tweeddale East  
**PROPOSAL:** Erection of dwellinghouse  
**SITE:** Garden ground of The Croft, Chamber's Terrace, Peebles  
**APPLICANT:** Mr Alistair Grandison  
**AGENT:** Ericht Planning

**PLANNING PROCESSING AGREEMENT:** 11 November 2022

**SITE DESCRIPTION**

The site, located within the conservation area, is overgrown garden ground to the north of the property known as The Croft. The site measures roughly 2050sqm. To the west lies the category C listed Ravenscraig; to the east is the modern property of No. 4 Croft Gardens whilst to the north lies 13 and 15 Caledonian Road (both category C listed) and the garden ground of the unlisted Nethercroft. An un-adopted access track from Caledonian Road runs between the site and Ravenscraig. An un-adopted access, serving No. 4 Croft Gardens, runs from Chamber's Terrace to the site. The site does not have a street frontage.

A number of trees are located within and adjacent to the site. Most notable are three mature limes within the site and two mature limes immediately adjacent to the site boundary but within the ground of No. 4 Croft Gardens. A number of other trees of varying species lie within and adjacent to the site, principally the southwestern corner.

**PROPOSED DEVELOPMENT**

The application is made for planning permission in principle for the erection of a single dwellinghouse on the site. An indicative floor plan and a supporting statement have been provided. The submissions demonstrate that a single house could be accommodated on the site.

**PLANNING HISTORY**

There is some planning history associated with this site.

Application 94/01475/OUT (former reference T149/94) was submitted for the erection of eight dwellinghouses and although that number was not accepted, the permission was granted in September 1994. Whilst a further application (95/01329/REM - former reference T107/95) was received for four houses to the east of The Croft, no further applications were submitted within the timeframes set out in the decision notice. Although it is a material consideration, the outline permission was granted almost 30 years ago and the degree of weight that can be attached to it is negligible.

**REPRESENTATION SUMMARY**

The application was advertised and neighbours notified. In total, five material representations were received from three individual households. The material grounds contained in those representations can be summarised as follows: effect on setting of listed buildings; privacy;

amenity; impact on trees; application contains insufficient information; impact on conservation area; increased traffic; parking issues; pedestrian safety. Members can view copies of all representations in full on *Public Access*.

Given the number of individual objections and those received from the community council and Peebles Civic Society, in terms of the current Scheme of Delegation, the application is required to be determined by committee.

#### **APPLICANTS' SUPPORTING INFORMATION**

- Planning supporting statement
- Indicative plan
- Photographs of site
- Tree survey

#### **DEVELOPMENT PLAN POLICIES:**

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

PMD2 – Quality standards  
PMD5 – Infill development  
HD3 – Residential amenity  
EP7 – Listed buildings  
EP8 – Archaeology  
EP9 – Conservation areas  
EP13 – Trees, woodlands and hedgerows  
IS2 – Developer contributions  
IS7 – Parking provision and standards  
IS9 – Waste water treatment standards and sustainable urban drainage

#### **OTHER PLANNING CONSIDERATIONS:**

The following supplementary planning guidance notes are material considerations:

SPG – Development contributions 2015, updated April 2022  
SPG – Placemaking and design 2010  
SPG – Privacy and sunlight guide 2006  
SPG- Sustainable urban drainage systems 2020  
SPG – Trees and development 2008  
SPG – Waste management 2015

#### **CONSULTATION RESPONSES:**

The following were consulted on the application. Their comments are summarised below:

##### **Scottish Borders Council Consultees**

**Roads Planning Service (RPS):** Objection as the private access which would be utilised to serve this proposed development is single track in nature and is not wide enough for two vehicles to pass where it meets the public road. Allowing further development is likely to increase the chances of conflict to the detriment of road safety. As the application stands, Roads did not feel able to offer a positive recommendation. Roads noted that position could change were the applicant be able to demonstrate how the access could be widened to accommodate two-way movements where the access meets the public road.

**Heritage and Design Officer (HDO):** The key considerations from a heritage perspective are whether the proposed works would preserve or enhance the historic character and appearance of the conservation area and whether there is sufficient information to understand the heritage impact of the proposals.

The HDO stated that to determine its impact on the conservation area and neighbouring listed buildings, further information would be required on the scale, siting and indicative design of the building. It was also noted that sections through the site and showing the indicative proposals would be useful to understand the topography, level-changes and relationship with the adjacent buildings/area.

**Archaeology Officer:** No objection. It is unlikely that any archaeological finds, features and/or deposits will be found within the site. There are no archaeological conditions or informatives necessary for this application.

**Landscape Architect:** The Landscape Architect assessed the tree survey that had been submitted with the application. She noted that this was likely to be an accurate reflection of the trees on the site. The mature lime trees on and adjacent to the site have been categorised as category A and the other trees on site as category C. She noted that all the trees will make some contribution to the amenity of the conservation area and that she remains to be convinced that there is adequate room for a development while retaining all the trees. In terms of policy EP13, the acceptability of the proposal may come down to deciding whether category C trees (1-3 and 9-15 identified in the tree survey) are worthy of retention. It was also noted that if PPP were to be accepted, it would be likely that those trees would be lost it would then come down to whether the Category A trees can be sufficiently protected.

### **Statutory Consultees**

**Scottish Water:** No objection. The site would be fed from Bonnycraig Water Treatment Works and serviced by Peebles Waste Water Treatment Works.

**Community Council:** Objects to the application. The community council (CC) considered the site to be in a sensitive location and may impact adversely on adjoining properties. The CC considered that there was insufficient information in terms of position, size and height of any buildings and on the impact on the adjacent trees. Whilst the CC objected to the proposal, they stated that their position may change on the submission of a detailed application.

### **Other Consultee**

**Peebles Civic Society:** Objected to the application on the basis that a PPP application is inadequate due to the complexity and sensitivity of the site in relation to the surrounding trees, properties and also potential issues with regards to access. They also noted that without details about the footprint of the proposed building (or its height), it was not possible to judge the impact on the surrounding trees and neighbouring properties. Additionally, comments were made regarding access to the site.

### **KEY PLANNING ISSUES:**

- Whether, in principle, a dwellinghouse could be accommodated on the proposed site without conflicting unacceptably with planning policies relating to (a) infill development; (b) placemaking; (c) residential amenity; (d) the historic environment (e) trees and (f) road safety.
- Whether there are material considerations that would justify a departure from the provisions of the development plan and material considerations.

### **ASSESSMENT OF APPLICATION:**

#### **Principle**

The site is located within the settlement envelope and conservation area of Peebles as defined by the Scottish Borders Local Development Plan 2016 (LDP). It is an unallocated infill site and the principle of the development proposal does not, in the main, conflict with the terms of the LDP. The principle of development has been accepted previously on this site but that was considered under a different development plan and the material weight, which can be attached

to that, is negligible given the considerable time that has passed since that decision was made. An assessment is made below in terms of the current Local Development Plan.

### **Planning policy – infill development**

The council is generally supportive to suitable infill development provided it meets certain criteria. Such development will usually be unplanned and policy PMD5 is intended to ensure its careful assessment. The policy applies to all areas within development boundaries, not just areas where the predominant use is residential. It may apply to areas of mixed use, town centres or areas of established industrial use, or utilities and their landholdings which, due to changes to technology and new practices may become surplus to requirements. There are six general principles, which are the starting point for the consideration of new houses on infill sites. Provided other policy criteria and material considerations are met, the LDP confirms that development on non-allocated, infill or windfall site, within development boundaries will be approved where the following criteria are satisfied:

- a) it does not conflict with the established land use of the area;
- b) it does not detract from the character and amenity of the surrounding area;
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or ‘town and village cramming’;
- d) it respects the scale, form, design, materials and density in context of its surroundings;
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity;
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

In this case, the site is within the settlement envelope of Peebles and the established land use in the surrounding area is residential. The development of a house, subject to an appropriate design being achieved, is unlikely to detract from the character and amenity of the surrounding area. A single house is unlikely to lead, either singularly or cumulatively, to over-development although it is acknowledged that the site has constraints imposed on it due to mature trees and access arrangements. The application aims to establish the principle of development and, although a drawing has been supplied in support of the proposed development, that is indicative. It does, however, demonstrate that it would be entirely possible to introduce a house which could respect the prevailing context of the site. The precise design details of the house will be assessed through any subsequent Approval of Matters Specified in Conditions or Full application that may be submitted, should Members be minded to support this application although the pattern of density evident in the surrounding area would not be compromised through development of a single house.

The site would be accessed from Chamber’s Terrace via the private road to the east of the site. Further consideration will be given below, however in this instance, the access can be considered as suitable to service one additional house.

There are no educational capacity issues. The site can be connected to the public water and foul drainage network and there is more than sufficient space within the site to locate waste and recycling containers.

It would appear to be feasible to develop a house on the site without resulting in overshadowing or detriment to amenity of existing properties, given the distances between the existing properties. Furthermore, it would appear that the location of a house as shown on the indicative site plan, taking into account the need to site the development outwith the root protection areas of the trees to be maintained, and accounting for the level difference between the site and the properties on Caledonian Road, could be accommodated on the site. The precise details of window locations would be a matter for consideration on the submission of an AMC or FUL planning application. These aspects would have to be examined again with the submission of a detailed design should the principle be agreed.

Given the proposed development would appear to comply with the above criteria, the principle of a single house on the site is accepted and considered to be in accordance with the principal aims of policy PMD5. That acceptance is subject to conditions aimed at achieving a satisfactory design and layout of the site.

### **Layout and design**

Although a drawing has been submitted which demonstrates that it may be possible to locate a house on the site, the layout is indicative and does not form part of the suite of drawings that will accompany the decision notice. Members should be aware that limited weight should be attached to the layout, however that should help guide and inform Members consideration of the acceptability or otherwise of the principle of development. What can be said from the indicative layout is that there does appear to be sufficient space within the site to accommodate a single house with turning and parking space for two vehicles.

As the application is made to establish the principle of development, no detailed design of the proposed house has been submitted. Given this is a site adjacent to listed buildings and within the conservation area, albeit not visible from the public realm, the expectation is that any design would be of a higher quality than for sites in less sensitive locations. The selection of materials is also important to allow better integration of the development into the area. Should Members consider the principle to be acceptable and in accordance with policy, then these matters can be covered by suitably worded planning conditions. The HDO also noted that sections through the site and showing the indicative proposals would be useful to understand the topography, level-changes and relationship with the adjacent buildings/area and it is expected that these drawings would form part of further applications.

### **Impact on conservation area**

As noted above, the HDO stated that to determine its impact on the conservation area and neighbouring listed buildings, further information would be required on the scale, siting and indicative design of the building. That having been said, the application site is not visible from the public realm and, with a suitably high quality design of house, the impact on the character and appearance of the conservation area is likely to be neutral. Subject to approval of final design and materials through the detailed application process, it is likely that development of the site would have a neutral effect on the conservation and would ensure compliance with policy EP9 of the LDP.

### **Impact on setting of listed buildings**

The site is located to the south and to the east of Category C listed buildings. It is acknowledged that the HDO did not raise a particular concern about the impact of the proposed development on the setting of those buildings. The true effect on the setting can be assessed only with the submission of detailed plans rather than the indicative drawing included in this proposal. As with the impact on the conservation area, a modest single house with an acceptable design and external finish assessed through a detailed application is unlikely to be detrimental to the setting of the listed buildings ensuring compliance with policy EP7.

### **Impact on residential amenity**

As the application has been made for permission in principle only at this stage, the impacts on residential amenity cannot reasonably be assessed and would be a matter for consideration in further applications. The concerns raised in representations regarding privacy and residential amenity are noted but these matters will be considered in full following the submission of a detailed application(s). In those applications, the applicant will be required to demonstrate that any proposed design would not have an unacceptable adverse impact on residential amenity by way of overlooking, loss of privacy, loss of sunlight or daylight. That could take the form of, for example, diagrams to show what shadow would be cast over neighbouring properties and the relative distance and offset to nearby windows to habitable rooms. The councils approved supplementary planning guidance note on Privacy and

Sunlight would be used to ensure compliance with relevant LDP policies covering the protection of residential amenity.

### **Archaeology**

Members will note that the council's Archaeology Officer has not objected to the proposed development, having stated that the site is unlikely to have any archaeological deposits present.

### **Impact on trees**

There are three mature lime trees within the site and two immediately adjacent to the eastern boundary. Those are of high value to the site and this part of the conservation area. A number of smaller, generally self-seeded trees are also present within the site. Those are of a lower quality and add to private amenity rather than the character or appearance of the wider conservation area. The Landscape Architect is concerned that it may not be possible to locate a house on the site whilst retaining all the trees. The applicant subsequently confirmed that the high value trees (trees 6, 7 and 8 within the site together with 4 and 5 adjacent – shown on the plan attached to the arboricultural report) would be retained and the lower category trees would be removed. Trees 16 to 21 lie outwith the site boundary and do not form part of this application. Any proposals to remove them would require appropriate permission from both the neighbouring landowner and the local authority (given they are located in the conservation area). Should Members consider the proposal to be acceptable, to accord with policy EP13, tree protection could be ensured by suitably worded planning conditions covering the trees proposed for retention, both within and outwith the site.

### **Developer contributions**

The proposals, if granted, will require the payment of developer contributions towards education provision and the Peebles bridge study / traffic management. This would ensure compliance with policy IS2 of the LDP. The contributions would be secured by means of a legal agreement.

### **Road safety, access and parking**

The RPS originally objected to the proposal on the grounds that it would result in extra vehicular traffic on a sub-standard access to the detriment of road safety. However, the particular circumstances of the site are that: the access would serve a total of only two houses; the number of vehicle movements associated with two houses is likely to be very low; Chamber's Terrace is approximately 9.5m wide and within the 20mph zone; the traffic volume along Chamber's Terrace is low. Following further discussions, RPS has removed their objections and are now able to support the application provided the existing access from Chambers Terraced is widened over the initial length to allow two vehicles to pass at the entrance. This matter can be covered by a suitably worded suspensive condition.

Subject to the suggested condition, it is considered that the proposed access can, on balance, be accepted. Had more than one additional house been proposed or had other circumstances been different, a different conclusion may have been reached. The site is sufficiently large to enable the provision of turning space and parking for two vehicles, the precise details of which can be agreed at the detailed application stage.

### **Services**

The application form indicates that the site will be connected to the public water mains and foul drainage network. Scottish Water has commented that the precise details of water supply and of both surface water and foul water drainage can be secured by condition and the building warrant process.

## **Bin Storage**

The precise location of refuse and recycling bin storage is not shown on the indicative site plan but there appears to be sufficient space within the site to accommodate waste and recycling containers.

## **CONCLUSION**

The principle of development of a single house on the site is acceptable, albeit the final design would have to be the subject of further applications. Subject to a legal agreement and compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

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

I recommend the application is approved subject to a legal agreement addressing contribution towards the Peebles Bridge study / traffic management and education provisions together with the following conditions:

- 1        The development hereby permitted shall be begun before the expiry 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.
  
- 2        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 expiry of three years from the date of this permission or;  
(b) the expiry 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.
  
- 3        No development shall commence until precise details of: the layout, siting, design and external appearance of the building; the means of access thereto; two off-street parking spaces (excluding garages); refuse and recycling bin storage and the landscaping and boundary treatments of the site, have first been submitted to and approved in writing by the planning authority. The development shall be completed in accordance with the approved details unless otherwise agreed in writing with 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.
  
- 4        No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the planning authority. Thereafter the development shall take place only in strict accordance with the details so approved.  
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.
  
- 5        The layout details required by condition 1 shall include an arboricultural impact assessment. The assessment shall identify all existing trees within and adjacent to the site and their root protection areas. The assessment shall also identify those trees to

be retained and those proposed to be removed. The assessment shall also identify a suitable tree protection plan, demonstrating that these can be safeguarded by the design of the development and protected during construction works in accordance with BS5837:12 "Trees in relation to design, demolition and construction". The development shall be implemented in accordance with the approved assessment and protection plan and only those trees approved for removal shall be so removed, the remainder of trees within the site shall be retained, unless otherwise agreed in writing with the planning authority.

Reason: To enable the sympathetic assimilation of the development into its wider surroundings and to ensure that existing trees, including protected and unprotected trees that represent an important visual feature are retained and given adequate protection during construction.

- 6 No development shall commence until precise details of water supply and of both surface water and foul water drainage have been submitted to and approved in writing by the planning authority and thereafter, no development shall take place except in strict accordance with the approved scheme. All surface water drainage shall comply with the SUDS manual (C753) and maintain existing pre-development run off levels.

Reason: To ensure that there are no unacceptable impacts upon the amenity of any neighbouring properties and that surface water is managed in a sustainable manner that does not increase off-site run-off.

- 7 A design statement shall be submitted with the first approval of matters specified in conditions application for this site. The design statement shall outline the rationale in terms of the siting, design, scale, size, proportions and materials of the proposed dwellinghouse, boundary treatments and landscaping. The statement shall also demonstrate how the development relates to the context of the surrounding area and the setting of the adjacent house.

Reason: To ensure an appropriate scale and design of development that is in keeping with the character, and enhances the visual amenities, of the area.

- 8 The finished floor levels of the dwellinghouse hereby approved shall be consistent with those indicated on a scheme of details, which shall be submitted with the first approval of matters specified in conditions application for the site for approval in writing by the Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site and shall be measurable from a fixed datum point in a location clearly indicated in the scheme of details so approved.

Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers.

- 9 No development, vegetation removal or tree felling shall commence during the breeding bird season (March-August inclusive) unless in strict compliance with a Species Protection Plan for breeding birds, that shall be submitted to and approved in writing by the Planning Authority, and that shall include provision for a pre-development checking survey and mitigation.

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

- 10 Detailed plans for the vehicular access serving the site shall be submitted with the first application for approval of matters specified in conditions. The plans shall include details showing the vehicular access from Chambers Terrace widened to 5.5m over the first 7.5m and the vehicular footway crossing also widened to match the width of the access (5.5m). The approved access arrangements shall be completed prior to the occupation of the dwelling hereby approved.

Reason: In the interests of road safety and to ensure two vehicles can pass in the junction.



## **Informatives**

- 1 In respect of condition 5, any trees to be felled should be surveyed by a qualified person before felling.

The applicant is advised that, under the Conservation Regulations (Natural Habitats & c.) 1994 (as amended) it is an offence to deliberately or recklessly damage or destroy a breeding site or resting place of bats (whether or not deliberately or recklessly), capture, injure or kill a bat, harass a bat or group of bats, disturb a bat in a roost (any structure or place it uses for shelter or protection), disturb a bat while it is rearing or otherwise caring for its young, obstruct access to a bat roost or otherwise deny an animal use of a roost, disturb a bat in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species, disturb a bat in a manner or in circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.

In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact Scottish Natural Heritage (Tel: 01896-756652 or 01463 725 364) for further guidance. Works can only recommence by following any guidance given by SNH. The developer and all contractors to be made aware of accepted standard procedures of working with bats at [www.bats.org.uk](http://www.bats.org.uk). Further information and articles available at:

[http://www.bats.org.uk/pages/bats\\_and\\_buildings.html](http://www.bats.org.uk/pages/bats_and_buildings.html)

[http://www.bats.org.uk/pages/existing\\_buildings.html](http://www.bats.org.uk/pages/existing_buildings.html)

<https://cdn.bats.org.uk/pdf/Bats-Trees.pdf?mtime=20181101151317>

- 2 In respect of condition 9, all wild birds are afforded protection and it is an offence to deliberately or recklessly kill, injure and destroy nests and eggs of wild birds. Additionally for those species protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any bird whilst it is nest-building or at or near a nest containing eggs or young, or to disturb any of its dependent young.
- 3 In respect of Condition 10, all works to the footway must be completed by a contractor on the Council's Approved List.

## **DRAWING NUMBERS**

1. 1 of 1 Location Plan

### **Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning 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
Ranald Dods	Planning Officer



22/01129/PPP

Garden Ground Of  
The Croft  
Chambers Terrace  
Peebles

