

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

28 MARCH 2016

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 16/00021/PPP
OFFICER:	Mr C Miller
WARD:	Tweeddale East
PROPOSAL:	Erection of two dwellinghouses
SITE:	Land East of 8 Talisman Place, Peebles
APPLICANT:	Dunkyan Ltd
AGENT:	Ferguson Planning

SITE DESCRIPTION

The site is located within Peebles to the south of the former Kingsmeadows Stables which are being converted into houses following their previous use as accommodation in association with the occupation and use of the main Kingsmeadows House. The site consists 0.15 hectares of flat paddock ground situated between the Stables complex and "White Cottage" to the south. Further modern housing lies to the east and west of the site. The Stables and "White Cottage" are Category C Listed buildings but the site is located outwith the Conservation Area.

The site is immediately bordered by beech hedging to three sides with newly erected curtilage fencing to the north side alongside the converted stables. A small area of mature trees lies to the east and part of the site passes through this area to reach the access point on Kingsmeadows Gardens. Some recent tree removal has already taken place but the trees are not protected as they are outwith the Conservation Area. A wall forming part of the listed curtilage of Kingsmeadows Stables lies to the boundary of this part of the site. There is already one vehicular access to the Stables at this location. Kingsmeadows Gardens then connects with Kingsmeadows Road.

PROPOSED DEVELOPMENT

The application is submitted as a Planning Permission in Principle for two dwellinghouses. Additional detail has been submitted in the form of a Supporting Statement and sketch layout/elevation plans. This demonstrates that the plots would be split NE to SW and two detached 1.5 – 2 storey houses proposed, in a U-shaped configuration. The houses would be built upon sustainable principles and the sketches indicate a mixture of traditional form and contemporary elements such as curtain wall glazing and timber cladding

The site will be accessed from a new access point off Kingsmeadows Gardens through the woodland belt, to Council specification being 5.5m wide for the first section then narrowing down to 3.5m wide within the site itself. During the processing of the application, additional access details have been submitted by the agent to respond to the concerns of Roads Planning and local residents. This shows a 10m long widening of Kingsmeadows Gardens at its junction with Kingsmeadows Road to

5.5m width and an increase in the western radius to 6m. This will involve 3.6m wall removal at the junction. These works are all within the applicant's control.

PLANNING HISTORY

None

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning:

Initially objected to application as Kingsmeadows Gardens was effectively single carriageway and was unable to safely accommodate additional traffic and two way traffic flows, potentially leading to stacking problems onto Kingsmeadows Road at the junction. Suggested either improvements to this sub-standard section or the use of Talisman Place private road to the west.

Following a Transport Report and suggested revisions within the applicant's control on the constrained section of Kingsmeadows Gardens, accepted that the proposals would not only aid safe movements for the development but also the existing residents using the road. Seeks conditions to secure the phased improvement of the access, providing for improvement without wearing course prior to development commencing and then completion prior to occupation.

Flood Protection Officer:

The site is not at risk of flooding to the 1 in 200 year risk events shown on flood risk mapping.

Education Officer: Response awaited.

Archaeology Officer:

As the site has been undisturbed for many years and lies close to nearby Bronze Age and Roman discoveries, there is low to moderate potential for previously unknown archaeology to exist which justifies the imposition of Watching Brief condition.

Heritage and Design:

Refers to the settings of the Category C Listed Buildings of White Cottage and Kingsmeadows Stables. The principal elevation of the former faces south and provided the new development cannot be easily seen over the roof of White Cottage from the south, then there is no objection. The setting of the Stables is more challenging although it is felt that the principal elevation is the entrance feature facing west and that there is, therefore, development potential within the site without affecting its setting.

Could not support any development above single storey, possibly with small dormers or rooflights. Also seeks a U-shaped arrangement with the form of the Stables by using two L-shaped houses. The detail and impacts on setting of the listed buildings will need to be scrutinised at Reserved Matters stage.

Landscape Architect:

No objections but controls and conditions necessary to protect existing trees to the east of the site after a tree survey is carried out and new planting at the entrance and within Plot 2. Also retain hedging and control heights of roofs.

Access Officer: No comments.

Statutory Consultees

Peebles and District Community Council:

Objection based upon the chosen access route and the felling of mature trees. Kingsmeadows Gardens is narrow with poor sightlines and experiences congestion with school drop-off use. Talisman Place should be the preferred access route. The trees appear to have been felled without application and should be replaced as priority.

REPRESENTATION SUMMARY

A total of five separate letters of opposition have been received to the application from occupants in the vicinity of the site. These can be viewed in full on the Public Access website and the main grounds of opposition can be summarised as follows:

- Kingsmeadows Road is single track with blind driveway entrances and cannot safely cater for the increased traffic.
- The road has already seen increased traffic connected with dropping of at Priorsford Primary School, causing difficulties of passing and impaired visibility at the main junction with Kingsmeadows Road.
- Request consideration of access from Talisman Place.
- Houses should be limited to single storey as higher properties could lead to overlooking and be out of character.
- Development is inappropriate on backland to listed properties.
- Impacts on bats and protected trees.
- A septic tank from adjoining property lies within the site and will need to be considered.

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

Policy G1 Quality Standards for New Development

Policy G4 Flooding

Policy G5 Developer Contributions

Policy G7 Infill Development

Policy BE1 Listed Buildings

Policy NE4 Trees, Woodlands and Hedgerows

Policy H2 Protection of Residential Amenity

Policy Inf4 Parking Provisions and Standards

Policy Inf5 Waste Water Treatment Standards

Policy Inf11 Developments That Generate Travel Demand

Proposed Local Development Plan 2013

Policy PMD2 Quality Standards

Policy PMD5 Infill Development

Policy HD3 Protection of Residential Amenity
Policy EP7 Listed Buildings
Policy EP13 Trees, Woodlands and Hedgerows
Policy IS2 Developer Contributions
Policy IS7 Parking Provisions and Standards
Policy IS8 Flooding
Policy IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS

“Trees and Development” SPG
“Privacy and Sunlight” SPG
“Placemaking and Design” SPG

KEY PLANNING ISSUES

The main determining issues with this application are compliance with Development Plan Policies and Supplementary Planning Guidance on infill development within residential areas and within the setting of statutorily listed buildings.

ASSESSMENT OF APPLICATION

Planning policy

The site is within the settlement boundary of Peebles and is not zoned for any specific purpose, nor is it within the Conservation Area. The main Local Development Plan Policy to be applied is that governing infill development, G7 in the outgoing Local Plan and PMD5 in the Local Development Plan. The latter encourages development where a series of criteria are satisfied and these are addressed in the agent’s Planning Statement.

In assessing the PPP application against these criteria:

- The site must conform with the established land use of the area - as this is predominantly housing, this criterion is met.
- The site must not detract from the character or amenity of the area – two houses of appropriate form, design, height and finishes will comply with this criterion.
- The site must not lead to overdevelopment – the site is ample to accommodate two houses of appropriate scale without the density of the area being contravened. Higher densities exist in the vicinity.
- Respects scale, form, design and materials – matters for control at the next planning stage but guidance can be provided to ensure a successful submission.
- Adequate access and servicing – this can be met as explained below.
- No significant loss of daylight or privacy – this can be ensured through appropriate controls on height, layout and window positions.

It is contended that the development, with appropriate conditions and subject to a sympathetic submission at the next planning stage, could meet the various criteria listed in the appropriate infill development Local Development Plan Policy.

Listed Buildings

Although not specifically addressed in the agent's Planning Statement, the site does lie between two Category C Statutorily Listed Buildings. Their protection and setting are governed by Local Plan Policy BE1 and LDP Policy EP7. The Heritage and Design Officer has explained that the principal elevations of the Stables and "White Cottage" face away from the site and that, subject to sympathetic siting and design, development of the paddock need not have an adverse impact on the setting of the listed buildings. This also answers the concerns of some neighbours who query whether the site is "backland" in terms of impact on listed buildings.

However, controls are suggested by the Heritage and Design Officer on the layout and height of the houses in particular, which would be partly at odds with what has been submitted by the agent as supporting information with the PPP. The sketch designs show houses that would be likely to be too high in the context of the listed buildings, which are predominantly single storey. The design of 7-8m ridge lines would be out of context with the flanking ridge heights and, as the owner of "White Cottage" has commented, ridge heights on the detached garage allowed within the grounds of that property were lowered accordingly.

A planning condition would be imposed to seek ridge heights no higher than those of the flanking houses at the Stables and "White Cottage", whichever is the higher. Similarly, the layout of the houses would need to respect the geometric form of the Stables, in particular, and this can be attached as an Applicant Informative. The sketch layout already indicates something similar.

Subject to the aforementioned conditions and Informative, the relevant Local Plan and LDP Policies on respecting the setting of listed buildings can be complied with.

Design and Residential Impact

Policies G1 and H2 of the Consolidated Local Plan and PMD2 and HD3 of the Local Development Plan require quality standards to be applied to all new development and there to be no significant adverse effects on residential amenity. Whilst the precise details of design cannot be assessed at the stage of a PPP application, the limits on height and position, as mentioned above, can address the concerns of neighbours regarding daylighting impact and privacy loss.

Given the U-shaped approach sought at the next planning stage, it is expected that the distances from affected windows in the Stables can result in compliance with the SPG standards, with ground floor screening if required. Certainly, the distances, combined with limits on height, should result in the daylighting angles of 25 degrees from window mid-rail to be comfortably achieved.

"White Cottage" is likely to experience more impact as it will be closer to the back of the new development. Through careful window positioning and retention of the intervening beech hedge, there should not be insurmountable issues with overlooking. The recently completed extension windows are the closest to the site although it is still envisaged that the daylighting angle could be met. Compliance would be unlikely if the new houses were 1.5 or 2 storey.

The relevant Local Plan and LDP Policies on design and residential impact can be complied with at the next planning stage and subject to the aforementioned conditions and Informative.

Access and parking

Policies G7 and Inf11 of the Local Plan and PMD5 of the Local Development Plan require developments that generate traffic to be capable of being accessed safely. It is clear that the initial application submission greatly concerned local residents who use Kingsmeadows Gardens and who felt that increased traffic would exacerbate a currently unsuitable road which is already experiencing school related traffic beyond its safe capabilities. The Community Council also made similar comments. The Roads Planning officer clearly agreed with these concerns and considered that support could not be given unless either an alternative access from Talisman Place was taken or suitable improvements were proposed at Kingsmeadows Gardens. Some of the neighbours also suggested the use of Talisman Place.

The agent responded with a Transport Report and suggested access improvement at the junction with Kingsmeadows Gardens and Kingsmeadows Road. The improvements would all be to the west side of the carriageway within land that is within the control of the applicant. It would result in a 10m length of road being widening to 5.5m with improved 6m radius to the main western edge of the junction. This would involve the loss of 3.6m of roadside stone wall – which has been verified as unlisted by the Heritage and Design Officer. The access into the site itself will also provide additional space to pass at that point.

Such improvements would, in the opinion of the Roads Planning Officer, result in the additional traffic generated by the development being able to be safely accommodated by the improved access. It would also result in safer operation of the road for existing residents. Whilst this may not persuade some of the neighbours who wished Talisman Place to be considered, the advice of Roads Planning is that, subject to conditions securing the timeous improvements proposed, the development can be accessed safely and, thus, in compliance with the relevant Local Plan and LDP Policies.

Trees and Landscape

The main part of the site does not contain any trees but is surrounded by beech hedging which should be retained by condition. The additional part of the site containing the access point does contain mature trees, a number of which have already been removed. As the Landscape Architect states, these trees are not afforded any current protection despite the concerns of some neighbours and the Community Council. Nevertheless, the remaining trees should be worthy of protection as part of the framing and screening for the two house development. This should take the form of conditions seeking a tree survey, protection and replacement planting around the access. The condition can also secure the retention of the beech hedging around three parts of the site and any new planting within the plots. Subject to appropriate conditions, the development can be considered in compliance with the relevant Local Plan and LDP Policies NE4 and EP13.

Developer Contributions

Local Plan Policy G5 and Local Development Plan Policy IS2 require new residential developments to contribute towards certain infrastructure and affordable housing stock, as currently identified. This development will require contributions towards affordable housing, Peebles High School, Priorsford Primary School and Peebles Bridge/Traffic Management in the town. The contributions have been discussed with the agent and it has been confirmed that they will be met via Section 75 Agreement.

Thus, if Members are minded to accept approval of the planning application, consent can only be issued upon conclusion and registration of the Agreement.

Other issues

Various other issues have been raised by consultees and objectors but none which are material to determination of the application. The archaeological interest can be controlled by a watching brief condition and the neighbour's septic tank comments can be drawn to the applicant's attention via Applicant Informative. No request has been received from the Ecology Officer to consult or mitigate against any natural heritage issues and there is currently no capacity restriction on providing connection to the public sewerage system in Peebles.

CONCLUSION

Subject to the conditions and Informatives listed below and the conclusion of a Legal Agreement covering development contributions, the development is considered to comply with the Local Plan and Local Development Plan Policies and Supplementary Planning Guidance on infill development within residential areas and within the setting of listed buildings.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend that the application be approved subject to the following conditions and informatives and to a Legal Agreement:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No 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 only take place except 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 by the Planning etc. (Scotland) Act 2006.
3. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored – including trees within and immediately adjoining the eastern site boundary, to be identified by tree survey, and beech hedging surrounding the site.
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works including replacement and under-storey tree planting at the site entrance and within the plots.

- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

4. The trees and hedges on and adjoining this site, which are identified to be protected, shall be protected at all times during construction and building operations, by the erection of substantial timber fences around the trees and hedges, together with such other measures as are necessary to protect them from damage. Details of the methods it is proposed to use shall be submitted by the applicant to the Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed. Once completed, the trees and hedges to be retained thereafter in perpetuity.

Reason: To ensure that adequate precautions are taken to protect trees and hedges during building operations.

5. The development to make provision for two off street parking spaces (excluding garage) and a vehicular turning area for each plot within the site, to be provided before occupation of the associated dwellinghouses and retained thereafter in perpetuity.

Reason: In the interests of road safety.

6. The first application for Approval of Matters Specified as Conditions to include schemes for junction and roadway improvements at the junction of Kingsmeadows Gardens and Kingsmeadows Road and for the site access from Kingsmeadows Gardens. Once the improvements and details are approved, the works then to be completed in accordance with the programme agreed under the schemes.

Reason: In the interests of road safety.

7. No development shall take place until the applicant has secured a programme of archaeological work in accordance with an approved Written Scheme of Investigation (WSI) outlining a Watching Brief. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.
- If avoidance is not possible, further developer funded mitigation for

significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).

- Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion
- The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

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

8. The ridgelines of the proposed dwellinghouses to be no higher than the highest of the ridgelines of Kingsmeadows Stables and White Cottage.

Reason: To safeguard the character of adjoining listed buildings and the residential amenity of the occupants

Informatives

1. It is recommended that the designs for both plots are submitted together and consist of similar or complimentary scale, layout and finishes, based upon two L-shaped designs forming a U-shaped overall built footprint with the open part of the U-shape facing north.
2. Please be aware that the owner of White Cottage claims that the development site contains drains and a septic tank used by that property.

DRAWING NUMBERS

Location Plan P-368-HS-PL-LOC

Indicative Only (not to form part of Consent):

Planning Statement
 Site Plan P-368-SK3
 Schematic Floor/Block Plans
 Schematic Elevations

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

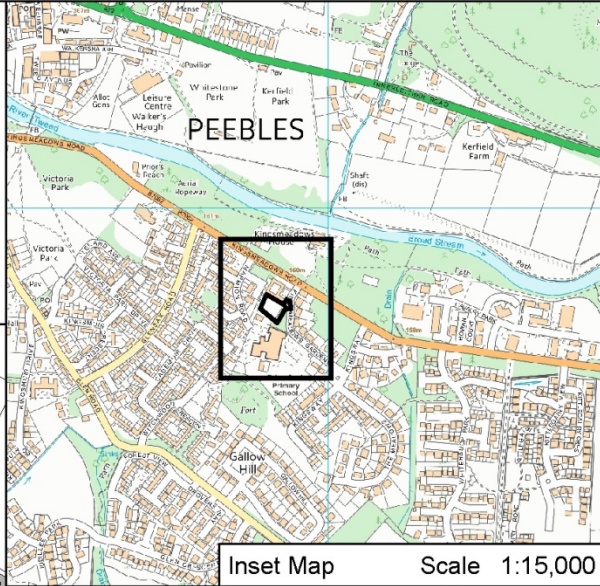
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

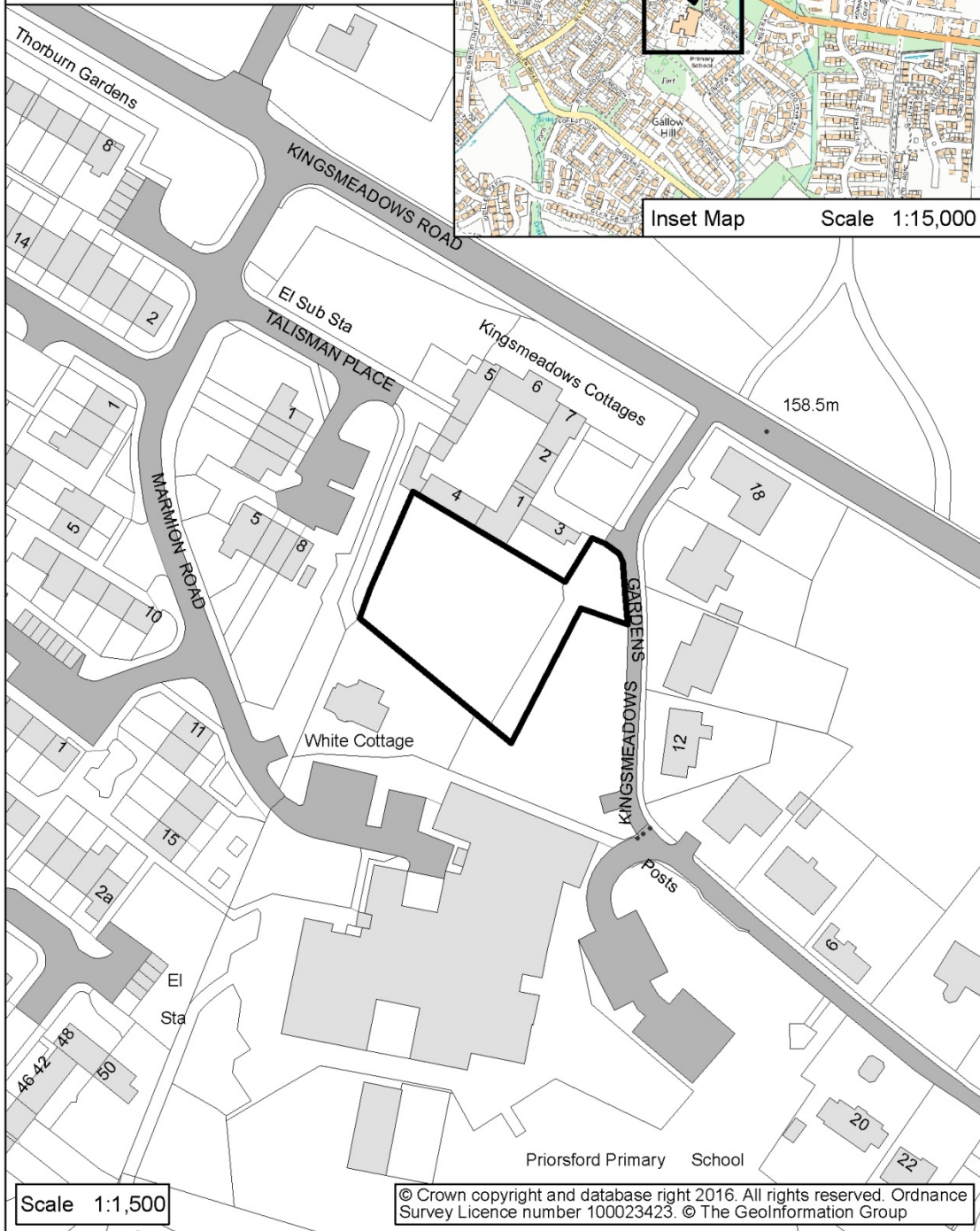
Name	Designation
Craig Miller	Lead Planning Officer



16/00021/PPP
 Land East Of
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Inset Map Scale 1:15,000



Scale 1:1,500

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