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3 March 2014
Delivered by Email

Forward Planning Team
Planning Department
Scottish Borders Council
Council Headquarters
Newtown St Boswells
Melrose TD6 0SA

Our Ref. RHM1

Dear Sir/Madam

**REPRESENTATION TO THE SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN,
PROPOSED PLAN**

RH MILLER LTD: LAND AT SOUTH PARKS, PEEBLES

We write on behalf of our client RH Miller Group Ltd in response to the Scottish Borders Local Development Plan Proposed Plan (Proposed Plan).

This submission supports the identification of the site for housing, delivered as part of a two-phase development, on the basis that the existing business would be more effectively accommodated on an alternative site within the local area. This submission supports a previous submission to the Scottish Borders Local Development Plan Main Issues Report (MIR) 2012 which still stands.

Outlined below is the background to the site and representations to the relevant parts of the Proposed Plan with our proposed changes, which we respectfully request be taken into consideration in advance of Examination of the Proposed Local Development Plan (LDP).

The Site

Our client has ownership of land to the west of Peebles which is currently occupied by Miller Town and Country, a family business which concentrates on the sale of gardening materials, hardware, outdoor goods and equestrian supplies. The Millers Town and Country shop in Peebles has been in operation since 1978 and currently employs 10 people. The premises fall within the Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. It comprises a retail front shop with tea and coffee facilities (via machine), and Class 4 and uses, including offices and a rear storage area that acts as a warehouse to supply the retail business.

The site includes both Millers Town and Country's unit and an area of grassland to the west, which extends to some 1.43ha. A site location plan is provided at **Attachment 1**.

Due to its peripheral location within an area of the town that has no through road and is largely residential in character, attracting limited passing trade has restricted opportunities for the business to grow.

The company is therefore seeking to relocate from its existing location and expand operations at a location within the local area, which would attract a greater level of passing trade and appeal to a larger market, including tourists. In addition, they would like to expand the garden centre operation and their hospitality offer to include a café for visitors.

Millers Town and Country are considering a number of site options to the east of Peebles that would allow the business to meet these commercial aspirations. They believe that relocating to an alternative location would provide a strong opportunity to increase local employment and attract increased spending in the local economy, which would assist them in continuing to develop their successful family business for years to come.

RH Miller Group's Revised Proposals

Representations to the Scottish Borders Local Development Plan MIR (2012)

As outlined above, representations were submitted to the Scottish Borders Local Development Plan MIR (2012) supporting RH Miller Group's site at South Parks, Peebles for housing.

The submitted representations outlined why RH Miller Group's site is considered the site to be superior to those allocated for housing. The key points raised by the representations are summarised as:

- the employment allocations within the Proposed Plan for the Western Borders area are considerably higher than the levels of employment land take up over recent years and will therefore provide enough capacity to accommodate employment land in the Peebles and Western Borders Area over the upcoming plan period;
- the loss of employment land at South Parks would not have an adverse impact on overall employment land supply in the area (refer to previous submission);
- while housing development is underway, other sites are constrained and, as such, it is important that appropriate flexibility is applied in identifying further short to medium term development sites;
- sites within the Development Boundary or that are brownfield in nature should be considered superior to greenfield sites beyond the current settlement boundary;
- sites within the Strategic Development Area (SDA), such as the subject site, should be preferred to those that fall outside the SDA; and
- the re-use of the site for housing development could reduce the need to rely on the release of alternative Greenfield sites in order to meet housing land demand, thus meeting the overall objectives of the SESplan.

Notwithstanding this, the Proposed Plan continues to include the eastern section of the site (currently occupied by the Millers Town and Country retail unit) within the South Parks Business and Industrial Safeguarding site allocation (zEL46), listed under Policy ED1 (Protection of Business and Industrial Land) as a district business and industrial site. Additionally, the western

section of the site (currently open grassland) is included within the Business and Industrial allocation zEL204 and is listed as a district business and industrial site under Policy ED1.

RH Miller Group's Response to MIR

Whilst we still have strong belief that the site represents a suitable location for housing and has not been given due consideration, RH Miller Group has acknowledged Council's comments in response to the representations submitted to the MIR.

In response, RH Miller proposes a revised scheme that could be brought forward in two separate phases. It is proposed that Phase 1 would comprise the western portion of the site, which forms 1.43ha of grassland. This section of the site is bounded by:

- the east; Millers Town and Country to
- grazing to the west; open countryside used for
- for housing development (site APEEB021 – housing south of South Park) within the Proposed Plan; and an agricultural field allocated
- north, beyond which is the River Tweed an area of greenery to the

Phase 1 would represent a suitable site within the Peebles Development Boundary, adjacent to an area identified for housing within the Proposed Plan. The existing Millers Town and Country shop site would provide a buffer to the existing employment allocation zEL46.

Phase 2 could come forward at a later date once the business has located suitable, alternative premises and as considered appropriate.

We further contend that RH Miller Group's site at South Parks would provide a natural extension to the existing adjacent housing at Edderston Ridge and offers a strong opportunity to accommodate new development within Peebles and the Western Borders Strategic Development Area (SDA).

Proposed Plan - Site Assessment Report (2013)

Following the submission of representations to the MIR, the site was included in Council's Site Assessment (December 2013) (Site Ref APEEB042). This assessment assesses the merits of the site in a number of categories. The findings of each of these categories are summarised below.

- **Initial assessment:**
No flooding constraints; and moderate designation constraint given the location of the site adjacent to the River Tweed.
- **Accessibility and sustainability assessment:**
Good access to public transport, employment and services; and minor wider biodiversity impacts.

The following comments were also provided:

"The site is brought forward for housing on an allocated employment site. Allocation for housing at this location would result in the loss of employment land provision."

- **Local impact and integration assessment:**
Low impact on open space; archaeology; and listed buildings.

The following comments were also provided in terms of visual relationship/integration with the existing settlement: *“The site sits within the Development Boundary on the edge of the settlement and is currently used as employment land. To the east of the site is also a safeguarded employment site, whilst to the south the MIR has identified a preferred housing site which the Proposed Plan allocates.*

The western part of the site has not seen development whilst the eastern part has been developed with a modern unit and is complete with parking provision.”

In respect of Local impact and integration, the following summary was included: *“Risk of conflict between potential new housing and existing employment uses which could negatively impact on the existing employment use and its future.”*

- **Landscape assessment:**
Minor landscape restrictions being adjacent to an Area of Great Landscape Value; good general amenity; and minor height constraint.
- **Planning and infrastructure assessment:**
Close proximity to town centre, well favoured for sustainable transport and scope to address capacity issues on Caledonian Road and South Parks; available water supply; and no sewerage provision; average education provision with limited capacity at both the primary and secondary school.

In terms of physical access/road capacity, the following comments were provided:

“Previously I have expressed concern on the possibility of development in this area on the grounds of the traffic capacity of the roads leading to the site i.e. Caledonian Road and South Parks. The problem with Caledonian Road is parking in the carriageway, forcing single file traffic, and the issue with South Parks is the tortuous nature of the initial length of the road off the mini roundabout. That said, there may be scope for tackling some of the capacity issues and one benefit of this land is its relative close proximity to the town centre. This favours well from a sustainable transport point of view.”

- **Overall assessment:**
The Overall Assessment concludes that the site is unacceptable for housing on the basis that it is an allocated employment site and safeguarded employment site. The Overall Assessment notes that there is a *“Risk of conflict between existing neighbouring employment land and potential new housing”*.

We are disappointed by this conclusion for the site and don't believe that the assessment has given the site adequate consideration. Council's own assessment clearly demonstrates there are no major physical constraints to the development of RH Miller Group's site for housing.

Moreover, the commentary contained in the overall assessment regarding the risk and potential conflict between the existing neighbouring employment land (employment site zEL46 and zEL204) and new housing is flawed. This is on the basis that the Peebles Settlement Profile contained within the Proposed Plan also includes an allocation for a new housing site (site APEEB021 – housing south of South Park) adjacent to the southern boundary of this same employment site (zEL46). Notably, Council's Site Assessment does not raise this as an issue in its consideration of site APEEB021– housing south of South Park.

We believe that the Proposed Plan has made an oversight by not including RH Miller Group's land at South Parks as a site for housing. By omitting the site, it is considered that Council has failed to adequately address the comments previously submitted in response to the Scottish Borders Local Development Plan Main Issues Report (MIR) 2012. In addition, no evidence has been provided to rebut our suggestion of an over supply of employment land and the validity of looking at alternative uses as promoted by SPP 2010.

Housing Land Supply – Updated Requirements

Consolidated Scottish Borders Local Plan (2010)

The consolidated Scottish Borders Local Plan (approved 2010) seeks to address the requirement for short-term housing development that was set out in the approved Structure Plan. The Settlement Statement for Peebles therefore sets out housing allocations for 335 units in the Peebles area across 8 sites as follows:

- Whitehaugh (TP7B) – indicative site capacity 106 units;
- Glen Crescent (TP13B) – indicative site capacity 45 units;
- Violet Bank Field (TP200) – indicative site capacity 40 units;
- George Street/Dovecote Road (APEEB025) – indicative site capacity 59 units;
- Dunwhinny Lodge (APEEB026) – indicative site capacity 14 units;
- Cleland Avenue (APEEB027) – indicative site capacity 7 units;
- Ballantyne place (APEEB030) – indicative site capacity 28 units; and
- George place (APEEB031) – indicative site capacity 36 units.

Whilst the Consolidated Local Plan allocated land for housing development at Peebles, the majority of this land was situated in the south of Peebles on greenfield sites. It is important that appropriate flexibility is applied in identifying centrally located brownfield sites, or part brownfield sites for redevelopment.

Initial Housing Land Supply – SESPlan

The scale of housing required for the Scottish Borders area has been set out by the SESPlan Strategic Development Plan (June 2013). SESPlan identifies Peebles within the Western Borders Strategic Development Area (SDA). The housing allocation for this SDA is for 1,000 units from 2009 – 2024. This represents a small allocation when compared to SDA's of a relatively similar scale and purpose, for example the A701 Corridor SDA has 1,600 units. In our opinion the allocation of 1,000 units in the Western SDA is an underestimation of the likely housing needs to 2024. We therefore consider there is a need for a review of this allocation in accordance with SESPlan Policy 6 Housing Land Flexibility.

Revised Housing Land Supply – SESPlan draft SPG

The SESPlan Supplementary Guidance - Housing Land Consultation Draft (November 2013) (SPG) provides further information and direction for Local Development Plans (LDPs) as to how much of the overall housing land requirement should be met in the period 2009-2019 and 2019-2024.

The draft SPG notes that where additional land is required, sites should first be sought within the identified SDAs. Table 3.2 within the draft SPG indicates the potential additional contribution that each SDA could make towards meeting the housing requirement. The additional allowance for the Western Borders SDA is 110 additional residential units.

Given the constrained nature of many of the sites noted we consider that the number of units required in the Scottish Borders Western SDA has been considerably underestimated.

Scottish Borders Local Development Plan (2013) 'Proposed Plan'

The Proposed Plan provides six housing allocations (a total of 271 units) within the Peebles Settlement Profile and Settlement Plan, four of which have been carried forward from the consolidated Local Plan and account for 196 of the total number of units allocated. The allocations for Peebles are as follows:

- Whitehaugh (site TP7B) – indicative site capacity 106 units;
- Violet Bank Field (site TP200) – indicative site capacity 40 units;
- Dunwhinny Lodge (site APEEB026) – indicative site capacity 14 units;
- George Place (site APEEB031) – indicative site capacity 36 units;
- Housing south of South Park (site APEEB021) – indicative site capacity 50 units; and
- Violet Bank II (site APEEB041) – indicative site capacity 25 units.

The Peebles Settlement Profile also includes two Potential Longer Term Housing sites:

- South West of Whitehaugh (site SPEEB003) - 4.5ha; and
- North West of Hogbridge (site SPEEB004) - 2.9ha.

The identification of a site (site APEEB021) immediately south of RH Miller Group's site at South Parks indicates as a potential housing site indicates that the Council recognise the opportunity for further housing to be located in this area of Peebles. We note, this site was located outside of the Peebles Settlement Boundary in the consolidated local plan and the Proposed Plan has amended the Development Boundary to include this site. Notably RH Miller Group's site was within the consolidated local plan Settlement Boundary.

Deliverability

In addition to amount of housing land supply allocated being sufficient, we have concern in relation to the housing requirements ever being met. Given the current build out rate, as shown within Appendix 2-Table 4, is some 503 dwellings per year. If taken over the identified ten-year period between 2009-2019 this equates to some 5,030 dwellings. This is 928 dwellings below the required target of 5,958.

There is therefore a need for flexibility in the system or a greater need to allocate sites that stand a better chance in coming forward in the set time period. This position is further confirmed when Appendix 2 - Table 3 shows that of the housing completed in the Scottish Borders over the last 5 years 41-54% have been windfall sites.

Recommendation:

Accordingly, we seek the reallocation of the RH Miller Group's site from business and industrial (zEL46 and zEL204) to housing.

RH Miller Group proposes a phased development of this site, whereby the western portion of the site which comprises grassland (and is covered by zEL204) comes forward as the first phase. Phase 2 would comprise the eastern portion of the site, which accommodates the existing Millers Town and Country shop (and is covered by employment allocation zEL46). Phase 2 would come forward at a later date once the business has located a suitable, alternative site and as considered appropriate.

In accordance with the comments outlined above, we seek the removal of RH Miller Group's site from the Business and Industrial Safeguarding site allocation (zEL46) and Business and Industrial allocation zEL204 listed under Policy ED1 (Protection of Business and Industrial Land).

Proposed Modification:

Policy ED1: Protection of Business and Industrial Land – Development and Safeguarding Proposals (table)

Remove RH Miller Group's site (zEL46 and zEL204) from the Business and Industrial Safeguarding Table at Policy ED1.

Peebles Settlement Profile – Development and Safeguarding Proposals (table)

Remove RH Miller Group's site (zEL46 and zEL204) from the Business and Industrial Safeguarding Table within the Peebles Settlement Profile.

Include RH Miller Group's site within the Housing Table within the Peebles Settlement Profile. Phase 1 accounting for up to 15 dwellings with Phase 2 also accounting for up to 10 dwellings (25 in total).

Peebles Settlement Profile - Settlement Map

Remove RH Miller Group's site from business and industrial (zEL46 and zEL204) zoning and amend the Settlement Map to show housing

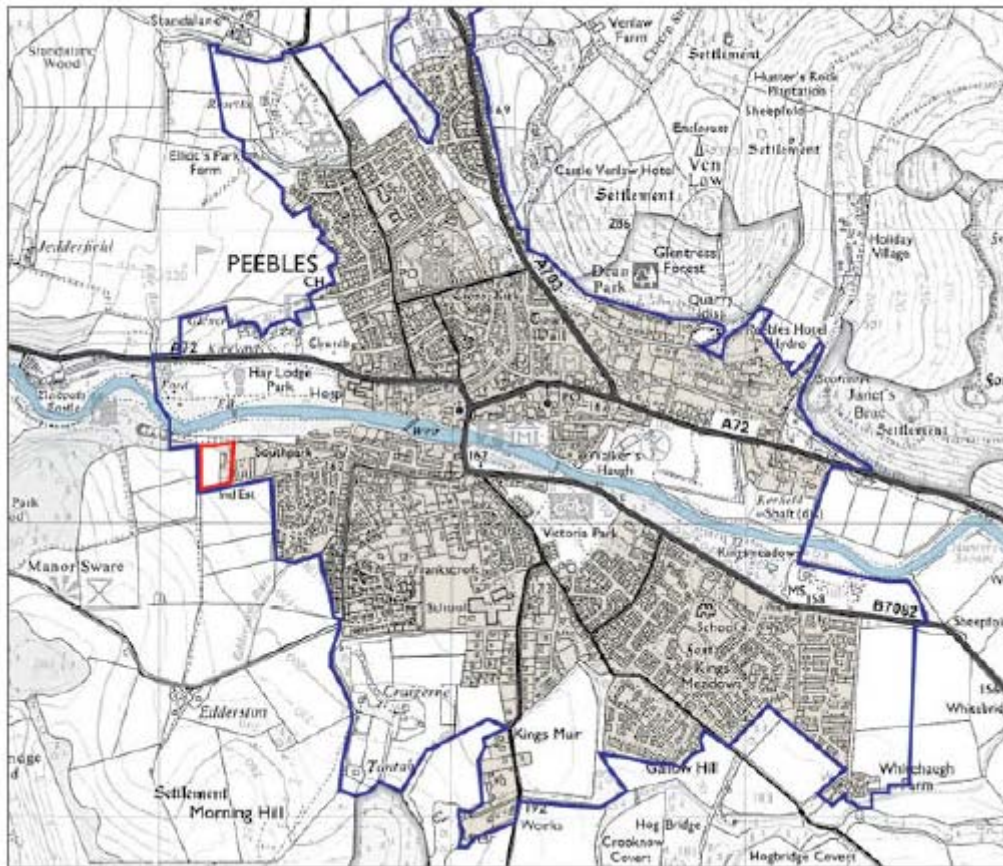
We trust that these comments will be considered by Council as part of the Local Development Plan process. Should you require any further information or wish to discuss any aspect of this representation in greater detail, please do not hesitate to contact Tim Ferguson on 01835 822 716.

FERGUSON PLANNING

Enc.

Attachment 1 – Site Plan

Attachment 1: RHM, South Parks, Site Plan



Indicative Layout

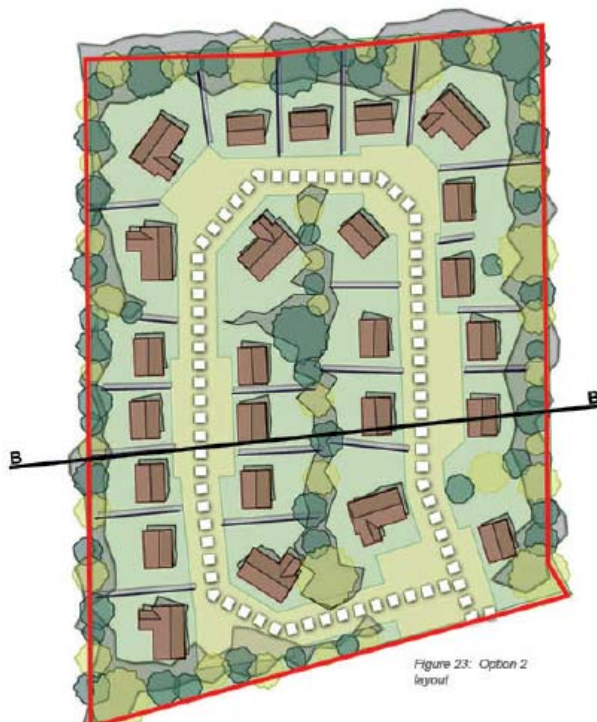


Figure 24: Option 2 shown in relation to woodland to the north and South Park Industrial Estate to the east



Figure 25: Section BB showing an indicative option for retaining an embankment within the centre of the site to tackle the gradient change