

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**27 JUNE 2016**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 16/00364/PPP
<b>OFFICER:</b>	Dorothy Amyes
<b>WARD:</b>	Tweeddale West
<b>PROPOSAL:</b>	Residential development comprising five houses and associated access
<b>SITE:</b>	Redundant station yard and associated access, Dolphinton, West Linton
<b>APPLICANT:</b>	J Wilson
<b>AGENT:</b>	A G Walker

**SITE DESCRIPTION**

The redundant station yard at Dolphinton is located on the north west side of the A702 and is accessed off the minor public road serving the Dolphinton building group, Garvald Quarry and Garvald School. It is situated between the A702 and the new housing development of 4 dwellings. The development site covers an area of approximately 0.4 hectares.

**PROPOSED DEVELOPMENT**

A residential development of five houses is proposed and an indicative layout has been submitted. This has been revised to show only one unit along the initial length of the internal access road. This access road will join the minor road close to the junction with the A702.

As this is an application for planning permission in principle no further details have been submitted.

**PLANNING HISTORY**

The planning history relates to a larger site which includes the current application site. This larger site consists of the areas of land outlined in red and blue on the location plan.

04/01122/FUL – Erection of 12 dwellinghouses refused in May 2005 for the following reason:

The proposal is contrary to Policy 7 of the Tweeddale Local Plan insofar as a satisfactory access cannot be achieved with land controlled by the applicant, the proposal would have an adverse impact on countryside amenity, and the development is of an inappropriate design for the site.

The application was subsequently dismissed on appeal (P/PPA/140/249) on 20 December 2005 on the grounds that the development site lies partly outside the natural building group, and its extension would be harmful to the landscape quality and countryside amenity of the area. The design is poor in terms of siting and general details and these are sufficient to warrant refusal.

07/01379/FUL – Erection of fourteen (low cost) dwellinghouses refused in August 2008 for the following reasons:

- 1 The proposal would be contrary to Policy H9 of the Scottish Borders Structure Plan 2001-2011, Principle One and Policy H1 of the Scottish Borders Local Plan Finalised December 2005 and Policy 10 of the Tweeddale Local Plan 1996 in that the remote location of the site from essential strategic services is not sustainable. The erection of affordable housing on this site would put an excessive strain the existing infrastructure and lead to an unacceptable precedent for other similar developments in the area.
- 2 The proposal would be contrary to Policy N20 of the Scottish Borders Structure Plan 2001-2011 and Policy G1 of the Scottish Borders Local Plan Finalised December 2005 in that it would not be compatible with or respect the character pattern and style of dwellings in the surrounding area. The design and materials proposed for this site would have an adverse effect on the appearance of the group and would set an unacceptable precedent for other housing developments in the area.
- 3 The proposal would be contrary to Policy H5 of the Scottish Borders Structure Plan 2001-2011, Policy 7 of the Tweeddale Local Plan 1996 and Policy D2 of the Scottish Borders Local Plan Finalised December 2005 in that it would not represent a logical expansion of the existing building group leading to an adverse effect on the landscape character and amenity of the area. This would have an adverse effect on the natural group and would set an unacceptable precedent.

Other relevant applications

01/01491/OUT – Outline planning consent granted on 14 December 2001 for the erection of dwellinghouse on the site of the former garages, Station Yard, Dolphinton.

T029/96 – Outline planning consent was refused for the erection of a single dwellinghouse on the site of the former garages, Dolphinton Station Yard on 10 June 1996. The decision was dismissed at appeal on 10 March 1997.

## **REPRESENTATION SUMMARY**

Six letters of representation have been received, five containing objections to the proposals and one containing a general comment in relation to the road junction.

The objections can be summarized as follows:

- Potential drainage and flooding issues
- Site in a poor state of repair
- Additional traffic and road safety issues
- Historical significance of the area should be recognised
- Loss of privacy due to overlooking
- No improvements to infrastructure
- Issues relation to plots 1 and 2 (original plans)
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Comments relating to any discussions or lack of discussions between the applicant and local residents are not material to the consideration of this application.

Tarmac, who have planning permission to operate Garvald Quarry located approximately 500m to the north west of Dolphinton within South Lanarkshire, have a legal agreement with

South Lanarkshire Council that all traffic travelling to and from this quarry will do so using the A702 junction at Dolphinton. Tarmac has also entered into a legal agreement with Transport Scotland to upgrade the junction of the A702 with the minor road. This is adjacent to the application site.

It is anticipated that this route will be used when Garvald Quarry reopens after the reserves at Newbigging Quarry are exhausted in potentially 5-6 years' time. It is anticipated that when the quarry is operational it will result in approximately 100HGV trips per day.

Tarmac therefore request that the Scottish Borders Council considers the implication of a future increase in traffic along the Robertson Back Road when determining the current planning application. The Council should also be satisfied that appropriate visibility splays are available in both directions from the proposed residential development onto the Robertson Back Road. Furthermore, the residential development should not compromise Tarmac's future ability to undertake the junction improvement works, which will require the widening of the A702 adjacent to the application site by up to four metres, installation of new signage, kerbing, drainage etc.

## **APPLICANTS' SUPPORTING INFORMATION**

In support of the application a number of documents have been submitted from the Local Development Plan examination process and which relate to the site.

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

#### **Forward Planning**

In respect to the Proposed Local Development Plan as modified following the Reporter's recommendations, it should be noted that that plan now includes a site at Dolphinton - site ADOLP003 South of Sandy Hill with an indicative capacity for 5 units. It should also be noted that a number of site requirements have also been included and these are listed below:

- Existing landscaping on site to be retained. Landscape enhancement to the south and south east boundaries of the site adjacent to the A702 will be required. Buffer areas for new and existing landscaping will be required. The long term maintenance of landscaped areas must be addressed.
- The site coincides with the former site of Dolphinton Station. Further assessment of archaeology will be required and mitigation put in place.
- Vehicular access to be achieved off the minor road to the south west of the site and the development to be designed so that there is no adverse effect on the safety of the nearby junction between the minor road and the A702.
- Provision of amenity access to the countryside for pedestrians and cyclists.
- Potential contamination on site to be investigated and mitigated.

Whilst it is appreciated that this application is a Planning Permission in Principle and an indicative layout is shown, it should be noted that potential plots 1 and 2 appear tight in comparison to other potential plots on the site as well as neighbouring development elsewhere within the settlement. This is particularly the case when considering the requirement above in relation to landscape and the need for further landscape enhancement as well as the requirement for buffer areas. For that reason it is recommended that the applicant reconsiders the potential layout of the development or alternatively considers reducing the number of potential plots.

Based on the above and subject to reconfiguration of the layout to an acceptable alternative, it is considered that an application for residential development can be supported on the site.

## **Roads Planning**

The principle of housing on this site has previously raised no objections from this service. Whilst outline applications 04/01122/FUL & 07/01379/FUL were refused planning permission, there were no unsurmountable roads issues. In addition, the recently adopted Local Development Plan, includes this site for housing.

Whilst there are no objections in principle to housing on the site, there are some matters which need addressed in terms of the detailed design:

- The maximum number of new builds served by a private road is four. Depending on the layout for the proposed development, this may result in the need for the road to be constructed to an adoptable standard. However if the layout was designed in a manner that the first plot was served via the existing public road, even if it was just a pedestrian link depending on the close proximity of the plot to the public road, then the road serving the remaining four plots could remain private.
- Parking provision would be either 225% for curtilage parking or 175% for communal parking.
- Pedestrian provision to be incorporated into the design.

In summary, no objections to the principle of housing on this site and further comments pertaining to the layout will be dealt with at the detailed planning stage, should this proposal be granted permission.

It is noted that Transport Scotland has raised no objection to the proposal regarding the access onto the A702.

## **Education**

Contributions required for West Linton Primary School and Peebles High School.

## **Archaeology**

There are no known archaeological implications for this proposal.

## **Environmental Health**

The application appears to be proposing the redevelopment and change of use of land which was previously operated as a railway siding and goods yard. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.

Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

## **Other Consultees**

### **Community Council**

No reply

## **Transport Scotland**

The Director does not propose to advise against the granting of permission

## **Scottish Water**

No reply

## **Health and Safety Executive**

The site lies within 1km of Ingraston quarry which although not currently operational has a valid planning consent for the extraction of sand and gravel. Using the PAHDI methodology, HSE has no interest in this development.

## **DEVELOPMENT PLAN POLICIES:**

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

PMD1 – Sustainability

PMD2 – Quality Standards

PMD5 – Infill Development

HD3 – Protection of Residential Amenity

EP5 – Special Landscape Areas

EP13 – Trees, Woodlands and Hedgerows

IS2 – Developer Contributions

IS6 – Road Adoption Standards

IS7 – Parking provision and Standards

IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage

## **OTHER PLANNING CONSIDERATIONS:**

Special Landscape Area: Pentland Hills

Supplementary Planning Guidance:

Privacy and Sunlight Guide

Place Making and Design

Local Landscape Designations

## **KEY PLANNING ISSUES:**

Whether the proposals comply with the Local Development Plan policies for housing development within a settlement boundary and whether the development would result in any significant loss of residential amenity for existing residents.

## **ASSESSMENT OF APPLICATION:**

Policy

As noted elsewhere the site has been allocated within the new Local Development Plan as a housing site with a capacity for 5 housing units. An agent on behalf of the current applicant brought forward this site as part of the Development Plan process and the paragraphs below are the assessment of the site by the Reporter:

‘Dolphinton has no facilities itself, and looks towards West Linton, Peebles and Biggar for the provision of services. This is a disadvantage of allocating the site for

housing. I do not consider that development of the site would have a material impact on the housing land supply figures because this is a small, irregularly shaped site, which is likely to have a limited capacity, and I note that the number of houses presently suggested is 5.

House building has also taken place in the village in recent years, and this points towards it being a reasonably attractive location. I do not believe that development of this site would be likely to have a significant adverse impact on the special landscape area given its small size and its peripheral location. I also do not believe that there would be a significant adverse impact on the setting of the village. Indeed, I consider that a small scale residential development here would be a natural extension between its boundary and the A702, and that it would provide a reasonable visual link between this part of Dolphinton and the part lying on the eastern site of the A702.

Most importantly, it would improve and bring back into beneficial use an unkempt, brownfield site in poor condition. It appears that there has previously been residential accommodation on site. No overriding constraints have been drawn to my attention, which would prevent the site being allocated for housing.

Drawing these matters together, I consider that the advantages of a small residential development on this brownfield site on the edge of the village outweigh the disadvantage of a lack of facilities and services. In the circumstances, I believe that the site should be allocated for residential purposes with an indicative site capacity of 5 houses, and the development boundary changed to accommodate the allocation.

The planning authority has indicated that it accepts that a residential allocation here could be added to the proposed plan. Following a further information request, the planning authority identified 5 site requirements for the allocation. The requirements related to landscaping, archaeological assessment and mitigation, vehicular access, amenity access to the countryside for pedestrians and cyclists, and investigation and mitigation for potential contamination. No comments were received in response. I believe that the list of requirements appears to be reasonable in as far as it goes. Additionally, I believe that there should be a requirement that the development should have no adverse effect on the safety of the junction between the A702 and the minor road because of the proximity of the site access to that junction.'

In relation to the five site requirements, the Council's Archaeologist considers that there are no archaeological implications for this site. Any potential contamination of the site can be covered by a condition if Members are minded to approve the application. The requirement for a detailed landscaping plan to help the development blend into the surroundings and the landscape can also be dealt with by condition. It is considered that this plan should also include a pedestrian link to the existing bus stop on the A 702 and an indication of access to the countryside for pedestrians and cyclists. It is noted that the applicant owns the land immediately to the north and that a track is shown within this ground. It might be possible to utilise this track to provide the required access to the countryside.

Roads Planning nor Transport Scotland have raised any objections to the proposal on road safety grounds. Further details of the internal road layout including the junction with the minor road will need to be considered at the detailed planning stage. They have not requested that there should be any changes to the access on roads safety grounds. It appears that the proposal will not have an impact on any road improvements required in connection with quarry vehicles but it is noted that this will lead to a significant increase in HGVs using the junction on a daily basis.

It is considered that the revised indicative layout demonstrates that 5 houses can be adequately accommodated within the site and that they will not result in overdevelopment.

Subject to the conditions noted above the application complies with the site requirements as noted in the Local Development Plan.

#### Residential Amenity

Issues relating to potential overlooking and loss of privacy for existing residents can be addressed at the detailed planning stage but the indicative layout demonstrates that adequate separation distances between the proposed dwellings and the existing dwellings can be achieved. There is some existing screen fencing and trees/shrubs in place and, if required, these can be enhanced.

#### Landscaping

There is an existing tree belt along the boundary of the site with the A702 trunk road of varying quality. The submitted indicative layout suggests that this will be reinforced as part of the development. Whilst this is both welcome and necessary, there is only a limited area available for this to be provided. Special attention will therefore need to be given to the issue to ensure that the landscaping required to both assimilate the development into its setting and to protect the amenity of the occupants living there is achievable. Landscaping will therefore need to form an integral part of the design of the development.

#### Drainage and Water

Due to the nature of the site along the existing entrance road it is slightly elevated above the existing entrance to the properties to the north at its narrowest section but then appears to be lower where plots 3,4 and 5 are shown. Clearly effective drainage of the site is an important consideration which can be dealt with at the detailed planning stage.

No information has been provided regarding the water supply but at this location it is anticipated that it will be from the public water supply. No response has been received from Scottish Water.

#### Developer Contributions

The proposed development attracts developer contributions towards Education and Lifelong Learning and Affordable Housing. The applicant has agreed to enter into a Section 75 Agreement to secure the required payment

### **CONCLUSION**

In conclusion it is considered that the application complies with the Local Development Plan in that it is for five housing units within an allocated housing site. The applicant has demonstrated that five houses can be accommodated within the site but further details relating to design, layout, landscaping, drainage and any contamination mitigation are required to be submitted for consideration at a detailed planning stage.

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

I recommend the applications are approved subject to the following conditions and informatives and the completion of a legal agreement for development contributions:

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. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:

(a) the expiration of three years from the date of this permission, or

(b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3. 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.

4. The number of houses forming part of the development hereby approved shall be limited to five.

Reason: To ensure a satisfactory form of development, and for the avoidance of doubt.

5. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-



a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

and thereafter

b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.

c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).

d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.

e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

6. The development hereby permitted shall not be commenced before fully detailed design proposals for foul and surface water drainage, demonstrating that there will be no negative impact to public health, the environment or the quality of watercourses or ground water, have been submitted to and approved by the Planning Authority.

Reason: The Planning Authority is aware that drainage issues are likely to arise at this site, that have not been fully addressed in the outline/change of use planning application, which establishes only the land-use principle of the area of land identified in the submitted drawing(s).

## **Informatives**

### **1.Landscaping**

The landscaping scheme to be submitted at the detailed planning stage shall include details of the following:

- 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
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment

- vii. a pedestrian link to the existing bus stop and pedestrian/cyclist link to the wider countryside
- viii. A programme for completion and subsequent maintenance.

## 2. Layout

-The maximum number of new builds served by a private road is four. Depending on the layout for the proposed development, this may result in the need for the road to be constructed to an adoptable standard. However if the layout was designed in a manner that the first plot was served via the existing public road, even if it was just a pedestrian link depending on the close proximity of the plot to the public road, then the road serving the remaining four plots could remain private.

- Parking provision would be either 225% for curtilage parking or 175% for communal parking.

- Pedestrian provision to be incorporated into the design.

### Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

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

### Author(s)

Name	Designation
Dorothy Amyes	Planning Officer



Redundant Station Yard  
And Associated Grounds

Dolphinton  
West Linton  
Scottish Borders

