

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 18/00681/FUL

**APPLICANT :** Mr and Mrs Ewan McCarthy

**AGENT :** Ferguson Planning

**DEVELOPMENT :** Erection of dwellinghouse with detached double garage and artist studio, associated access and infrastructure

**LOCATION:** Site Adjacent No 9  
Caberston Avenue  
Walkerburn  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
1713-L01	Location Plan	Refused
1713-L15	Other	Refused
1713-L02	Block Plans	Refused
1713-L09	Elevations	Refused
1713-L12	Elevations	Refused
1713-L20	Elevations	Refused
1713-L08	Floor Plans	Refused
1713-L10	Floor Plans	Refused
1713-L11	Floor Plans	Refused
1713-L014	Sections	Refused
1713-L07	Sections	Refused
L (90) 001 A	Other	Refused
L (90) 003	Other	Refused
	Landscaping	Refused
1713-L03	Site Plan	Refused

**NUMBER OF REPRESENTATIONS:** 10

**SUMMARY OF REPRESENTATIONS:**

Historic Environment Scotland: No comments to make on proposals.

Archaeologist: No objections subject to a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. There are no significant impacts to the setting of the Scheduled Monument posed by this scheme.

Roads Officer: The officer seeks agreement to junction improvements (A72), road works (Caberston Road), parking provision (on and off site), site access formation and specification, The use of the artist studio would require to be private not commercial use.

EHO: No objection. Conditions recommended in respect of connection to services (water and drainage) and informatives with regard to stove operation.

Contaminated Land Officer: No objection subject to mitigation in respect of land survey. In respect of quarry operations, the nature of the infill materials is not known. 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.

Community Council: Response awaited.

1 general comment and 8 objections have been received in respect of the application, the main issues raised include:

- Development is outwith the settlement envelope
- A housing proposal has been refused on site previously
- Design and layout - development not style/construction of dwellings in the area
- Construction works (noise/dust)
- Construction traffic
- Access and traffic/road safety
- Lack of parking provision
- Poor condition of existing road (subsidence)
- Junction with main A72/road safety
- Impact/damage to services and utilities
- Impact on residential amenity (light intrusion/privacy/overlooking)
- Impact on scheduled monument Purvishill
- Impact on/damage to historic terraces
- Scale of engineering works
- Surface water run off to properties downhill

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016

- PMD1 Sustainability
- PMD2 Quality Standards
- PMD4 Development outwith settlement boundaries
- HD3 Protection of Residential Amenity
- EP1 International Nature Conservation Sites and Protected Species
- EP2 National Nature Conservation Sites and Protected Species
- EP8 Archaeology
- EP13 Trees, Woodlands and Hedgerows
- IS2 Developer Contributions
- IS7 Parking Provision and Standards
- IS9 Waste Water Treatment and Sustainable Urban Drainage
- IS13 Contaminated Land

SPG

- Placemaking and Design (2010)
- Development Contributions (Revised 2018)
- Householder Development (incorporating Privacy and Sunlight Guide) (2006)

**Recommendation by** - Lucy Hoad (Planning Officer) on 22nd November 2018

Site

The application site lies outwith (north) of the settlement boundary of Walkerburn as defined in the Local Plan 2016 and within the Tweed Valley Special Landscape Area. The site (0.27ha) is rectangle in shape and forms part of a hill slope located on the north side of Caberston Avenue. The field is currently used for

grazing purposes. Records indicate the survival of cultivation terraces of likely prehistoric date within the development area, along with post-medieval tracks linked to an old quarry to the north of the development area. The terraces are linked to those to the west of Bellenden House which are Scheduled. The Scheduled Ancient Monument Purvishill Tower (cultivation terraces, enclosure and tower) is of National Significance. The land may be potentially contaminative giving former land use (infilled quarry).

#### History

07/02475/OUT Erection of dwellinghouse Land West Of 9 Caberston Avenue Walkerburn Scottish Borders Refused 28/04/2008. The application for a dwellinghouse on the site was refused for the following reasons:

1 The proposal is contrary to Policy N14 of the Scottish Borders Council Structure Plan 2001-2011, Policies 43 & 44 of the Tweeddale Local Plan 1996, Policy BE2 of the Scottish Borders Local Plan Finalised December 2005 and National Planning Policy Guidelines 5 (Para 17) in that the development would have a significant adverse effect on the scheduled ancient monument at Purvis Hill.

2 The proposal is contrary to Policy G8 of the Scottish Borders Local Plan Finalised December 2005 in that it is located outwith the development boundary of Walkerburn and there are no exceptional circumstances to justify the need for a dwelling at this location.

3 The proposal would be contrary to Policy 2 of the Tweeddale Local Plan 1996 and Policy G7 of the Scottish Borders Local Plan Finalised December 2005 in that the existing vehicular access to the site is inadequate and improvements to the appropriate standard are outwith the application site and could not be readily achieved.

#### Proposal

It is proposed to erect a dwellinghouse and 2No detached outbuildings (artist studio and double garage) on the site. The access is to be taken off Caberston Avenue. The application is accompanied by detailed plans, a design and planning statements. The proposal has raised concerns and objections from local residents in respect of a number of issues to include the principle, layout and design of the development and the potential impact on cultural heritage, road safety, existing services and residential amenity.

#### Principle of development

As the application site lies outwith the settlement boundary of the village the proposal requires to be assessed primarily against the key criteria of PMD4. The aim of policy PMD4 is to ensure that most development is located within defined Development Boundaries. Any development proposals outwith the boundary would have to comply with rigorous exceptions criteria contained within this policy. It is considered that development outwith the Development Boundary should not be seen as an alternative to allocated sites where these are available and therefore, should only be an exceptional occurrence.

The proposals put forward clearly do not comply with the key criteria of the policy for exceptional approvals under Policy PMD4 in that the development is not a job-generating development in the countryside with economic justification, it is not an affordable housing development, nor a development that is considered to offer significant community benefits that outweigh the need to protect the Development Boundary. In respect of housing land supply, in the Local Plan, the settlement profile indicates two housing allocations to the north of the settlement at Caberston Farm (TW200 and AWALK005) as well as a redevelopment opportunity (zR200) in the centre of the village (Caberston Farm and Old Mill Site). In considering the logical expansion of Walkerburn, these allocated sites are regarded as being the most suitable locations for housing expansion in the village. No further areas for growth have been identified.

#### Layout and design

The plans indicate that the dwellinghouse is to be sited in an elevated central position set back to the rear (north) of the site, in between the garage (west) and studio (east). The access is to be sited at the lower east end of the site with 2No drives crossing the hillslope to serve the dwellinghouse and the garage (west). Bin storage is to be provided adjacent to the access.

The dwellinghouse (1.5 storey) is simple in plan and form with use of contemporary materials. The external walls are to be a mixture of timber cladding (larch) and steel sheeting (black) with rendered base course (grey). The pitched roof is to be covered in steel sheeting (black). Windows and doors are to be constructed of timber (stained grey). In terms of design, the dwelling is modest in scale constructed of

materials that would be appropriate for the countryside and visually recede against the rising hill which acts as a backdrop. The proposed garage and artist studio are to be single storey in scale with use of similar materials. The external walls are to be larch cladding with a sedum roof - lean to design.

Whilst acknowledging the fact that the site lies outwith the development boundary of Walkerburn, the applicant considers the site to be an appropriate infill site within an urban townscape setting. The proposed materials would be visually appropriate, akin to an agricultural style of development, within a rural setting, but do not confirm to the construction style or materials of buildings in the immediately locality, which are traditional in design.

#### Street scene

Consideration has been given to the form and pattern of development along this street which shows a higher density of housing. The houses are a mixture of detached and semi-detached properties of a traditional design (stone/slate) set within narrow plots. The proposed development would be at odds with the evolution and style of development within this section of the village, the layout and design of which contributes to the character, visual cohesion and built up edge of the settlement. In terms of the Place-making design criteria of Policy PMD2 the proposals do not demonstrate a clear understanding of the context of place nor would they be sympathetic to the architectural style of the existing dwellings. The development would not be of a scale or density appropriate to its surroundings nor be compatible with or respect the character of the surrounding area and built form. Given the size of the site, a single dwelling would appear isolated within the field and thus not well related to the existing houses within the street scene.

The applicant considers that the scale and density of the development is appropriate for this particular site describing it as an infill site between the terraces and Bellenden House. The applicant advises that "the layout is deliberately not dense in nature in order to respect the graduation towards the more rural context at the western edge of the village". The applicant considers that the provision of outbuildings will be sufficient to provide a visual linkage with neighbouring properties to either side, with the use of landscaping, to include woodland planting, allowing assimilation of the overall development into the wider landscape and townscape setting, thus minimising visual impact.

Taking into account the pattern of development in the immediately locale, the erection of a single dwelling at this site would not reflect the density of its surroundings contrary to the principles within the Placemaking and Design guidance which clearly sets out the role of density in the formation of sustainable places. Whilst consideration of a gradual reduction in density is advisable within transitional areas between town and country, the use of such a large site for 1 dwellinghouse would be at variance with these particular surroundings, where a higher density of development has been established and thus makes more efficient use of land, services and infrastructure.

#### Access and Traffic

Road safety concerns have been raised by local residents in respect of additional housing and associated traffic at this location, taking into account the nature and condition of the access route to the site.

Policy PMD2 requires that developments have a suitable means of access. The site would be accessed off the curved minor road (Caberston Avenue) whose route rises to an elevated position above the main A72 public road (south). The Roads Officer has been consulted on the proposals and advises that whilst there may be potential for 1 No additional dwelling to be served by the approach route, this would be subject to agreement to junction improvements at the A72 and road widening works (between Royston and 1 High Cottages) all with the landowners agreement. The officer has stipulated that the formation of the site access would need to meet his requirements (in terms of gradient and specification) and that parking spaces would require to be provided both on and off site. In addition, the proposed artist studio would require to be restricted to private use rather than commercial use. The officer advises that the road improvement works would require to be undertaken prior to commencement of any development in order that construction traffic could be accommodated.

The applicant has agreed in principle to providing road improvement works and has provided further details of the proposed junction works, however this additional information has not satisfied the Roads Officer's concerns that the necessary junction improvements can be achieved, with the proposals requiring significant earth works and retaining structures.

Should the applicant be able to provide drawings and further details in order to demonstrate that the current situation could be improved to meet a standard of road safety, and address the concerns of the Roads Officer, there may be potential for such matters to be controlled by use of a suspensive condition. These details have not been requested as the principle of a housing development at this location remains at odds with the stipulations of policy PMD4 and has not been accepted. At this stage, therefore, it is not possible to establish that a safe means of access can be achieved and a condition would not be possible.

#### Services

Concerns over potential impact on existing services and field run off have been raised by local residents. Under Policy IS9 of the Local Development Plan (Waste Water Treatment Standards and Sustainable Urban Drainage) development proposals should include satisfactory arrangements for dealing with foul and surface water drainage. SUDS (Sustainable Urban Drainage Systems) principles should be incorporated in the development.

In respect of water supply and drainage provision, it is proposed to connect to the existing public services. The Local Plan settlement profile indicates that Walkerburn has sufficient capacity in terms of waste water treatment works and water treatment works. The applicant would be required to demonstrate that there was capacity for the proposed development to connect to these services were the development to be supported. The Environmental Health Officer has recommended conditions to this regard. Provided the details were secured prior to development there would be no reason to object to the development in terms of service provision. The site layout contains a pond feature as part of a surface water drainage system. A condition can require a detailed scheme of sustainable drainage that ensures that run-off levels are maintained at greenfield levels.

#### Landscaping

This is an exposed site on a hillslope, currently used for grazing of sheep. The applicant has provided an indicative landscape layout suggesting woodland planting throughout the site with the aim of assimilating the development within the wider surroundings. The use of planting can be an appropriate means of embedding new development within a countryside setting.

This particularly hillslope sits adjacent to the edge of the settlement. It is noted that the proposal for a dwelling in an elevated position within the streetscape has been accepted previously as demonstrated with the adjacent terrace, however the proposal for a single dwelling on the hill in this instance would not visually tie in with nor reflect the pattern of development to be found in the immediate environs which is of a much higher density.

#### Protected species

There may be potential for breeding birds to inhabit field margins and consideration of the timing of works to avoid the bird breeding season may be necessary.

#### Cultural Heritage

Locals have raised concerns over the setting of the scheduled ancient monument known as Purvishill Tower, cultivation terraces, enclosure and tower which lies to the north and west of the site. The opinion of Historic Environment Scotland and the council's archaeologist has been sought.

In terms of the scheduled monument, the council's archaeologist has advised that the setting impacts may be justifiable given the earlier developments in the area, to include a quarry and track, and the development of Walkerburn itself, and Bellenden House. The views of Historic Environment Scotland were sought and the agency advised that they had no comments to make on the proposals. Following confirmation of this advice the council's archaeologist has re-confirmed his position that there would be no significant impacts to the setting of the Scheduled Monument posed by the scheme.

In relation to the upstanding archaeological remains of cultivation terraces, the council's archaeologist has sought mitigation in the form of a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The officer requires excavations in advance of any development to allow archaeologists to fully record the terraces and archaeological evidence. Terraces not subject to impacts should be preserved in situ and fenced off with buffer zone during development to avoid accidental impacts.

On balance, taking into account the specialist advice from the heritage professionals, it is considered that there would be no reason to refuse the application on the grounds of impact on the setting of the scheduled

ancient monument (Purvishill Tower and associated works) which in this instance is deemed to be minimal. In terms of terraces within the site, there is potential to seek mitigation through condition to address the concerns raised by the council's archaeologist that finds are evaluated and recorded and undisturbed terraces protected during works.

#### Land contamination

It is noted that there appears to have been a quarry operation in the vicinity of the proposals. The Contaminated Land Officer has advised that the nature of the infill materials is not known. 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. In these circumstances, mitigation in the form of a remediation strategy (informed by a site investigation and risk assessment ) would address the matter of potential contamination and could be covered by condition in this instance.

#### Neighbouring amenity

Neighbouring amenity is afforded protection by policy HD3 of the Scottish Borders Local Development Plan 2016. This is enhanced upon by privacy and amenity standards set out in the adopted Supplementary Planning Guidance on Householder Development. In the case of these proposals there are no significant amenity concerns. The site is of a sufficient size that amenity standards could be achieved through sensitive siting and design considerations.

#### Developer Contributions

The proposed development attracts developer contributions in respect of Education and Lifelong Learning (£1,092). A legal agreement would require to be entered to secure the monies and the applicant is aware of the obligation.

### **REASON FOR DECISION :**

The proposed development would be contrary to Policies PMD2 and PMD4 of the Scottish Borders Local Development Plan (2016) in that the proposed development would lie outwith the settlement boundary of the village, there is inadequate justification for development beyond the settlement boundary and the proposals would not relate sympathetically to the sense of place of the existing streetscape. Furthermore, the means of access to the public road is inadequate and it has not been demonstrated that it is capable of sufficient improvement, contrary to Policy PMD2 of the Scottish Borders Local Development Plan (2016). This would have an adverse impact on road safety.

#### **Recommendation:** Refused

- 1 The proposed development would be contrary to Policies PMD2 and PMD4 of the Scottish Borders Local Development Plan (2016) in that the proposed development would lie outwith the settlement boundary of the village, there is inadequate justification for development beyond the settlement boundary and the proposals would not relate sympathetically to the sense of place of the existing streetscape.
- 2 The means of access to the public road is inadequate and it has not been demonstrated that it is capable of sufficient improvement, contrary to Policy PMD2 of the Scottish Borders Local Development Plan (2016). This would have an adverse impact on road safety.

**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**