

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

11 JANUARY 2021

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 20/01382/PPP

OFFICER: Ranald Dods
WARD: Tweeddale West
PROPOSAL: Residential development comprising five dwellinghouses and associated access
SITE: Redundant station yard and associated grounds
APPLICANT: Mr John Wilson
AGENT: A G Walker

PLANNING PROCESSING AGREEMENT: No processing agreement is in place. The two month determination period expires on 16 January 2021

SITE DESCRIPTION

The former station yard at Dolphinton is brownfield land located on the north west side of the A702, north of the minor public road serving the Dolphinton building group, Garvald Quarry and Garvald School. The development site covers an area of approximately 0.4 hectares and would be accessed directly from the minor public road, south of the access serving Loanend.

PROPOSED DEVELOPMENT

A residential development of five houses is proposed and an indicative layout has been submitted. The proposed access road serving the development would 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.

The application has been referred to has been referred to the Planning and Building Standards Committee for determination under Section 43A (6) of the Town and Country Planning (Scotland) Act 1997. Its referral is required material objections were received from more than five individual households.

PLANNING HISTORY

The planning history detailed below relates to a larger site which includes the current application site. This larger site consists of the area of land outlined in red on the current application site plan as well as land to the north east of the site, out with the settlement boundary.

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:

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.

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.

16/00364/PPP - Residential development comprising of five houses and associated access, granted, 4 May 2017.

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 material grounds of representation can be summarised as follows:

- Drainage and flooding issues;

- road safety;
- impact on historic environment;
- loss of privacy; and
- impact on infrastructure.

Tarmac, who have planning permission to operate Garvald Quarry located approximately 500m to the north west of Dolphinton within South Lanarkshire administrative boundary, objected to the application. In their representation, they noted that they have a legal agreement with South Lanarkshire Council whereby all traffic travelling to and from this quarry will use the A702 junction at Dolphinton. Tarmac has entered into a legal agreement with Transport Scotland to upgrade the junction of the A702 with the minor road. The junction is located adjacent to the application site. It is anticipated that this route would be used when Garvald Quarry reopens after the reserves at Newbigging Quarry are exhausted and that when the quarry is operational, it will result in approximately 100 HGV trips per day. Tarmac requested that the council considers the implication of a future increase in traffic along the Robertson Back Road and whether appropriate visibility splays are available in both directions from the site. They also state that the 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.

APPLICANTS' SUPPORTING INFORMATION

A location plan and indicative site plan were submitted with the application.

Applicant's response to representations, submitted by agent. This does not raise any new issues and is available for Members to view in full on the public access portal.

DEVELOPMENT PLAN POLICIES:

SESplan 2013

The site is not strategic, therefore the policies contained within SESplan are not considered.

Scottish Borders Council Local Development Plan 2016

PMD1 – Sustainability

PMD2 – Quality standards

PMD3 – Land use allocations

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

IS13 – Contaminated land

OTHER PLANNING CONSIDERATIONS:

SPG – Contaminated land inspection strategy 2011;
SPG – Development contributions 2015;
SPG – Local landscape designations 2012;
SPG – Placemaking and design 2010;
SPG – Privacy and sunlight guide 2006;
SPG – Sustainable urban drainage systems 2020;
SPG – Trees and development 2008
SPG – Waste management 2015.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: The comments made in relation to the previous application 16/00634/PPP are applicable to the current submission.

“The principle of housing on this site has previously raised no objections from RPS. 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.

There are some matters however which need to be addressed in terms of the detailed design and layout of the site:

- 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.

There are no objections to the principle of housing on this site and further comments pertaining to the layout will be dealt with at detailed planning stage. RPS note that Transport Scotland have raised no objection to the proposal regarding the access onto the A702”.

Forward Planning: No objection. The application site is located on housing allocation ADOLP003 and sits within the Dolphinton development boundary as shown within the LDP. There is an indicative capacity of five units for the site. The principle of the development complies with policy PMD3 and is considered acceptable. The LDP allocation sets out a number of requirements that must be complied with. Those are: 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.

Housing Strategy: No objection. Contribution for affordable housing required.

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. That land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the proposed use. Although no objection was made, it is recommended that planning permission should be granted on condition that no development should commence 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.

Education & Lifelong Learning: No response

Access Officer: No response

Statutory Consultees

West Linton Community Council: No response

Transport Scotland: Transport Scotland does not advise against the granting of planning permission

Health and Safety Executive: HSE advised that it has no interest in this development.

Scottish Water: No response

Other Consultees

Historic Environment Scotland: No comments. The proposals would not have an impact upon any nearby designated heritage assets.

KEY PLANNING ISSUES:

The key planning issues with the proposal are:

- Whether the proposals comply with the Local Development Plan policies for housing development within a settlement boundary;
- Whether adequate vehicular access can be achieved;
- Whether the development would result in any significant loss of residential amenity for existing residents; and
- Whether there are other material considerations that would justify a departure from the provisions of the development plan.

ASSESSMENT OF APPLICATION:

Principle

The application site is located within the Dolphinton settlement boundary as defined by the LDP. It is an allocated housing site, reference ADOLP003 so the principle of housing on this site has effectively been established. The allocation was included in the current LDP following consideration by Reporter. The Reporter states in his conclusions that

'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'.

The proposed development does not, therefore, conflict with the terms of the LDP.

Policy

As noted above, the site has been allocated within the LDP as a housing site and it has an indicative capacity for five housing units. In relation to the site requirements specific to the LDP allocation, the council's Archaeologist commented on the most

recent application (16/00364/PPP) that there are no archaeological implications for this site. Acknowledging that the Archaeologist was not consulted on the current application, this position is unlikely to have changed in the intervening period and mitigation is therefore not required.

The site requirements also account for the potential for land contamination due to the previous use of the site as a former station yard. Any potential contamination of the site can be covered by way of a condition. The requirement for a detailed landscaping plan to help the development blend into the surroundings can also be dealt with by condition. That landscaping plan should also include a pedestrian link to the existing bus stop on the A702 and an indication of access to the countryside for pedestrians and cyclists.

The indicative layout (which is identical to that approved under the 2016 consent) demonstrates that five houses can easily be accommodated within the site without resulting in overdevelopment.

The principle of development therefore complies with policy PMD3 – Land Use Allocations of the LDP and the site requirements set out in the allocation.

Layout and design

The application seeks planning permission in principle only at this stage so no details other than a location plan and indicative site layout have been submitted. Matters of layout and design would have to be given detailed consideration in further applications.

Residential amenity

The representations made by third parties are noted but as the application is made for planning permission in principle and no details have been provided, the impact on residential amenity cannot be fully assessed at this stage and would be a matter for consideration in further applications. In those, the applicant will be required to demonstrate that any proposed houses would not have a negative impact on the residential amenity of both new and existing housing. The indicative layout plan demonstrates that adequate separation distances between the proposed and existing houses could be achieved. There is some existing screen fencing and landscaping in place and, if required, these could be enhanced as part of any detailed proposals for the site.

Landscaping

There is an existing tree belt of varying quality along the boundary of the site with the A702. The submitted indicative layout suggests that this will be reinforced as part of the development. Whilst this is both welcome and necessary (and a requirement of the site allocation), 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 and will be managed by planning condition.

Roads

Neither the Council's Roads Planning Service nor Transport Scotland 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 be the subject of consideration in further applications. The objections received from third parties relating to road safety are noted but no revisions to the access were suggested by specialist consultees on grounds of roads safety. It appears that the proposal will not have an impact on any road improvements required in connection with quarry vehicles although it is noted that the proposed quarry workings would lead to an increase in HGVs using the junction on a daily basis.

Impact on Special Landscape Area

The site is on the extreme south western edge of the Pentland Hills Special Landscape Area. The proposed development would not be detrimental to the objectives or overall integrity of that landscape designation.

Contaminated Land

The Contaminated Land Officer (CLO) did not object to the proposal but it was noted that there may be contaminants present associated with the historic use of the site as a station yard. As a result, the CLO advised that it would be for the developer to demonstrate that the land is suitable for the proposed use and a condition is recommended. Should Members agree to approve the application, a suitably worded condition would ensure that a contaminated land report, informed by a contaminated land survey is submitted for approval. The development should then proceed in accordance with any mitigation agreed.

Services

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. It then appears to be lower in the area of indicative plots 3, 4 and 5. Matters of site drainage and servicing can be considered in further applications, the precise details of which would be managed through the building warrant process.

The application form indicates that the site will be connected to the public water mains and private arrangements would be made for foul drainage.

There appears to be sufficient space within the site and each plot to enable storage of waste and recycling containers away from the principal elevations of the houses. This can be considered at the detailed application stage.

Development Contributions

The proposed development would attract development contributions towards education provision and affordable housing. The contributions for the previous permission were secured by means of a section 75 agreement but as this permission has lapsed, a new legal agreement would be required should Members approve the application under consideration.

Other matters

It is noted in representations that flooding has been raised as an issue. Fluvial and pluvial flooding has not been identified as a constraint through the application process, however this would need to be addressed through the detailed application process to ensure that pre-development run-off rates are maintained and surface water drainage is managed by way of sustainable urban drainage techniques.

CONCLUSION

In conclusion, the proposed residential development complies with the provisions of the Local Development Plan in that it would be on an allocated housing site with an indicative housing capacity of 5 units. The applicant has demonstrated that five houses can be accommodated on the site but further details relating to design, layout, landscaping, drainage and any contamination mitigation are required to be submitted for consideration in further applications.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject to a legal agreement addressing contributions towards Education & Lifelong Learning and affordable housing, and the following conditions and informatives:

1. No development shall commence until the details of: the layout, siting, design and external appearance of the buildings; the means of access thereto; appropriate parking provision within the site; refuse and recycling bin storage and; the landscaping and boundary treatments 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.
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.
3. The number of houses forming part of the development hereby approved shall be limited to a maximum of five.
Reason: To ensure a satisfactory form of development which contributes satisfactorily to the setting.
4. No development shall commence, unless otherwise agreed in writing with the planning authority, until a scheme to identify and assess potential contamination on site has been submitted to the planning authority for prior written approval. No construction work shall commence until the scheme has been submitted to and approved by the planning authority. Once approved, it shall be thereafter implemented in accordance with the approved scheme.

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 those documents. That 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 planning authority prior to addressing parts b, c, d and, e of this condition;

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 to the planning authority of a validation report (should remedial action be required) which will validate and verify the completion of works;

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

Written confirmation from the planning authority, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required prior to the commencement of development. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the planning authority.

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.

5. No development shall commence until precise details of water supply and of both surface water and foul water drainage have been submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the approved scheme. The surface water drainage arrangements shall be based on sustainable drainage techniques. And surface water run-off rates shall not exceed existing levels

Reason: To ensure an adequate water supply is available and that satisfactory arrangements are made for the disposal of surface and foul water.

Informatives

1. Landscaping

With regards to Condition 1 above, the landscaping scheme to be submitted at the detailed planning stage shall include details of the following, if proposed:

- 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

With regards to Condition 1 above, the maximum number of new builds served by a private road is four. Depending on the layout for the proposed development, that 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 shall be incorporated into the design.

DRAWING NUMBERS

1 of 2 Location Plan
001 Site Plan

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

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

Author(s)

Name	Designation
Ranald Dods	Planning Officer



20/01382/PPP

Redundant Station Yard
And Associated Grounds
Dolphinton

