

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 21/01283/PPP
APPLICANT : Duns Golf Club
AGENT : Andrew Lester Architect
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land South East Of Hardens Hall
Duns
Scottish Borders

TYPE : PPP Application

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 3
SUMMARY OF REPRESENTATIONS:

Two letters of representation (one objection and one general comment) have been received by the Planning Authority. All issues raised have been considered. The key material planning considerations raised have been summarised below as follows:

- o Contaminated land;
- o Impact on trees;
- o Road safety.

Consultations

Community Council has not responded at the time of writing this report.

Economic Development has not responded at the time of writing this report.

Education and Lifelong Learning has not responded at the time of writing this report.

Flood and Coastal Management advises that review of the flood maps shows that the area of the proposed access point is at risk from flooding from the Wellrig Burn during a 1:1000 year event. The access road to the east of the site is also indicated to be at risk of flooding during a 1:200 year flood event. Considering the indicated flood risk they would not object to the proposal on the grounds of flood risk.

They also advise that flooding can occur from other sources including run-off from surrounding land, blocked road drains, surcharging sewers and blocked bridges and culverts. Should multiple dwellinghouses be proposed at the site, details of the proposed drainage, including SuDS should be submitted with a detailed planning application.

Health and Safety Executive has no interest in the development.

Roads Planning Service has previously expressed concerns over the increasing number of dwellinghouses at this location, somewhat detached from the rest of the settlement of Duns. The absence of a footway at this location is a road safety concern and this combined with the detached nature of the site would encourage the use of a motor vehicle for access to local services. The site is close enough to the town that there would be pedestrian movement between the group and the town but with no provision to support it.

A footway between nearby plots and the existing footway at Wellrig Park has previously been raised, although it is considered that the cost of this would be unreasonable to place on a single dwellinghouse. They therefore have no option but to recommend this application be refused in the interests of road safety and sustainable transport.

Scottish Water advises that there is sufficient capacity in the Rawburn Water Treatment Works to service the development. Unfortunately there is no waste water infrastructure within the vicinity of the proposed development and they recommend private treatment options are investigated.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

PMD4: Development Outwith Development Boundaries

ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP13: Trees, Woodlands and Hedgerows

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS8: Flooding

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

IS13: Contaminated Land

Supplementary Planning Guidance

Contaminated Land Inspection Strategy 2001

Developer Contributions 2011 (updated 2021)

New Housing in the Borders Countryside 2008

Placemaking and Design 2010

Trees and Development 2008 (updated 2020)

Waste Management 2015

Recommendation by - Cameron Kirk (Assistant Planning Officer) on 10th March 2022

Site description

The application site relates to the former greenkeeper's yard associated with Duns Golf Club, which is now redundant and it is surplus to the golf club's requirements. The application site is relatively flat, although there is evidence of soil and sand being disposed of on it, forming bunds. The south western half of the application site is planted with trees. The trees relate to a larger tree belt that extends to the south west. A hedge delineates the north east boundary and a high timber fence delineates part of the north east boundary, while the south east and south west boundaries are not delineated by any boundary treatment and they are open to the golf course beyond.

The dwellinghouse, Hardens Hall, lies conterminous with the north west boundary of the application site. There is a further dwellinghouse, Langton Field, approximately 220 metres north west of the application site. The application site is accessed from the public road (C98) via an existing access to the south east.

The application site lies approximately 135 metres to the north west of the development boundary for the settlement of Duns. Wellrig Burn lies approximately 60 metres south east of the application site. The application site is identified as being an area of prime quality agricultural land.

Proposed development

Planning permission in principle is sought for the erection of a dwellinghouse. Vehicular access to the application site would be taken from the public road that flanks the north east boundary of the application site. The proposed dwellinghouse would be connected to the public water supply network. Foul water would be dealt with by a private septic tank and soakaway.

Relevant planning history

Application site:

20/00145/PREAPP - Pre-application enquiry.

Neighbouring property to the north west (Hardens Hall):

21/00115/UNUSE - Enforcement case.

Assessment

Principle of development

Planning permission in principle is sought for the erection of a dwellinghouse. The application has been submitted by Duns Golf Club. Their agent has submitted supporting documentation to justify the reasons for the proposed development in this location.

The agent advises that Duns Golf Club is suffering from the economic downturn and they require a substantial cash injection to carry improvements to the clubhouse and to maintain the course as an 18 hole golf course. The golf club must realise some assets in order to survive in its present form and believes that if they are able to obtain permission for a dwellinghouse on the application site then the sale of the plot would help the club financially.

The agent has also provided planning history for land within the locality of the application site. Most of the permissions referred to were granted under previous policy and guidance. The application site has not previously benefited from any permission. Therefore, the application must be considered against the prevailing Location Development Plan and policies that would be relevant to this particular development.

The application site is located approximately 135 metres north west of the development boundary for the settlement of Duns. The intervening land between the development boundary and the application site relates to Duns Golf Club and agricultural land. Therefore, Policy PMD4: Development Outwith Development Boundaries would be applicable in determining the principle of development. Policy PMD4 states that where development boundaries are defined on proposal maps, they indicate the extent to which towns and villages should be allowed to expand during the Local Development Plan period. Development should be contained within the development boundary and proposals for new development outwith this boundary, and not on allocated site identified on the proposals map, will normally be refused.

Exceptional approvals may be granted provided strong reasons can be given that:

- a) it is a job-generating development in the countryside that has an economic justification under Policy ED7 or HD2, OR
- b) it is an affordable housing development that can be justified under in terms of Policy HD1, OR
- c) there is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply, OR
- d) it is a development that it is considered would offer significant community benefits that outweigh the need to protect the development boundary.

The proposed development would not result in a job-generating development. It would not result in an affordable housing development. It would not provide additional housing through an identified shortfall through the housing land audit. Whilst the sale of the land would benefit Duns Golf Club financially, the proposed development itself would not result in the addition of a dwellinghouse that would not offer significant community benefits. Therefore, the proposed development fails to comply with Policy PMD4.

As the site is not located within the defined development boundary of a settlement and as such would equate to development in the countryside and it may also be considered against Policy HD2: Housing in the Countryside. The dwellinghouse, Hardens Hall, is conterminous with the north west boundary of the application site and there is a further dwellinghouse, Langton Field, approximately 220 metres north west of the application site. The agent suggests that there is a building group of three dwellinghouses as the building associated with the dwellinghouse, Hardens Hall, has been converted into a dwellinghouse. Alterations had been undertaken in the past to convert the building from a garage to habitable accommodation. The Council's Enforcement Department received a complaint in 2021 (21/00115/UNUSE) which alluded to the building was being used as a dwellinghouse. After investigation, the Enforcement Department concluded that the building still remains incidental to the enjoyment of Hardens Hall as a dwellinghouse and a separate dwellinghouse has not been formed. Therefore, there is not an existing building group of at least three or more dwellings within the locality of the site.

The site is not located in the Southern Housing Market Area. At present, the site is currently agricultural land and the proposal would not result in the conversion of the existing buildings to a house, the restoration of an existing house or result in the proposed replacement of an existing house. In addition, no justification has been provided to demonstrate that there is an economic requirement for a house to be built in this location.

Therefore, the proposed development would fail to comply with sections (A) - (F) of Policy HD2 and it would not be possible to establish the principle of development in this particular location.

In consideration of the above, the proposed development at the location identified would have an adverse impact upon the composition and quality of the landscape character as the application site would be visually detached from the settlement of Duns and it would result in an isolated dwellinghouse within the countryside, given the intervening land and trees between the application site and settlement. Accepting a dwellinghouse in this location would erode the integrity of the development boundary for the settlement of Duns.

There are no material planning considerations which suggest that housing development in this location would be acceptable and there are no known extenuating circumstances of other material considerations which indicate that the application should be supported as an acceptable departure from the Scottish Borders Local Development Plan 2016. The principle of development is not considered to be acceptable in this location.

Layout, design and materials

Policy PMD2 aims to ensure that all new development is of a high quality and respects the environment in which it is contained. As the application is for planning permission in principle, aspects such as the layout, siting and design of the proposed dwellinghouse cannot be adequately assessed at this time. Further consideration would be given to layout, siting and design of the proposed development on the submission of a subsequent application. Nonetheless, it is expected that a dwellinghouse could be comfortably accommodated within the application site.

Residential amenity

Policy HD3 aims to protect neighbouring residential properties against inappropriate development that would result in the loss of amenity or privacy. It is not anticipated that the proposed development would adversely affect the residential amenity or privacy of neighbouring properties, having regard to size and location of the application site relative to neighbouring properties. A full assessment would be undertaken on the submission of a subsequent application to detail layout, siting and design for the proposed development.

Roads

At present, the application site is accessed from the public road by an existing access to the south east of the application site. The site plan indicates that the existing access would no longer be utilised and a new access would be formed from the public road approximately 25 metres north west of the existing access.

Roads Planning Service was consulted on the application. They advise that they previously expressed concerns over the increasing number of dwellinghouses at this location, somewhat detached from the rest of the settlement of Duns. The absence of a footway at this location is a road safety concern and this combined with the detached nature of the site would encourage the use of a motor vehicle for access to local services. The site is close enough to the town that there would be pedestrian movement between the group and the town but with no provision to support it.

The provision of a footway between nearby plots and the existing footway at Wellrig Park has previously been raised, although it is considered that the cost of this would be unreasonable to place on a single dwellinghouse. As a result, the Road Planning Service cannot support the application.

Parking and turning for two vehicles would be required within the curtilage of the dwellinghouse, excluding any garages. It is anticipated that this requirement could be met.

Services

The proposed development would be connected to the public water supply network. Scottish Water was consulted as part of the application process and they advise that there is currently sufficient capacity in Rawburn Water Treatment Works to service the proposed development. This approach is welcomed by the Planning Authority.

Foul drainage would be dealt with by private drainage arrangements in the form of a septic tank which would discharge to a soakaway. Drainage would be subject to further consideration at the building warrant stage. Conditions would be attached to ensure that further details are provided in respect of water supply and drainage to demonstrate that they are achievable.

Trees

The south western half of the application is planted with trees. The trees relate to a larger tree belt that extends to the south west of the application site. The existing trees are an important feature within the landscape and they should be largely retained. Their retention would also help to minimise the impact the proposed development would have on the visual amenities of the area.

It is anticipated that a reasonably sized dwellinghouse could be accommodated to the north east section of the application site without adversely impacting upon existing trees. The site plan indicates that the drainage for the proposed dwellinghouse could be located to the south east of the application site. The proposed drainage could potentially impact upon existing trees within that area.

A condition would be required to ensure that a tree survey and tree protection plan is undertaken to ensure that the existing trees are retained and appropriately protected during and after the construction phase of the development.

A section of the hedge to the north east boundary would be lost to accommodate the access. This can be conceded by the Planning Authority. The remaining section of the hedge should be retained. This can be controlled by way of condition.

Flooding

The Council's Flood and Coastal Management department was consulted on the application due to the sites proximity to Wellrig Burn. They advise that review of the flood maps shows that the area of the proposed access point is at risk from flooding from the Wellrig Burn during a 1:1000 year event. The access road to the east of the site is also indicated to be at risk of flooding during a 1:200 year flood event. Considering the indicated flood risk they would not object to the proposal on the grounds of flood risk.

They also advise that flooding can occur from other sources including run-off from surrounding land, blocked road drains, surcharging sewers and blocked bridges and culverts. Should multiple dwellinghouses be

proposed at the site, details of the proposed drainage, including SuDS should be submitted with a detailed planning application. Details of the proposed drainage for the dwellinghouse will be required to be included in any subsequent application.

Prime quality agricultural land

The application site is identified as being an area of prime quality agricultural land. The application site relates to the former greenkeeper's yard associated with Duns Golf Club which is now redundant and it is surplus to the golf club's requirements. Therefore, the proposed development would not result in the loss of prime quality agricultural land.

Contaminated land

Concerns have been raised in a letter of representation regarding the existing use of the site and its potential to be contaminated. Subsequently, the Council's Contaminated Land Officer was consulted on the application. Having received the application they advise that their standard condition should be attached. Their standard condition will require a site investigation and risk assessment to be carried out prior to any works commencing on site, including a mitigation plan if so required.

Developer contributions

Policy IS2 aims to ensure that the cost of new or additional infrastructure required for new development is met by the developer. Developer contributions are sought towards education and lifelong learning, specifically Duns Primary School and Berwickshire High School. The applicant must enter into either a Section 69 or 75 Legal Agreement for the developer contributions sought by the Council.

Waste

There would be sufficient room for a dedicated bin storage area within the application site to serve the proposed dwellinghouse. This should be located in a discreet position within application site. The precise details will be agreed with a subsequent application.

Conclusion

In light of the above, the proposed development would fail to comply with Policy PMD4 and Policy HD2 as it would be located outwith the development boundary for the settlement of Duns and it would not relate to an existing building group in the countryside. The proposal would have an adverse impact upon the composition and quality of the landscape character as the application site would be visually detached from the settlement of Duns and it would not relate to an existing building group within the countryside. A dwellinghouse in this location would erode the integrity of the development boundary for the settlement of Duns.

Furthermore, the proposed development would fail to comply with Policy PMD2 as there is no footway to support pedestrian movements between the application site and the settlement of Duns. This would unduly impact upon pedestrian safety.

There are no material planning considerations which suggest that housing development in this location would be acceptable and there are no known extenuating circumstances of other material considerations which indicate that the application should be supported as an acceptable departure from the Scottish Borders Local Development Plan 2016.

REASON FOR DECISION :

The proposed development is contrary to Policy PMD4 and Policy HD2 of the Scottish Borders Local Development Plan 2016 in that the proposed development, at the location identified would have an adverse impact upon the composition and quality of the landscape character as the application site would be visually detached from the settlement of Duns and it would not relate to an existing building group within the countryside. The proposed development would erode the integrity of the development boundary for the settlement of Duns. Furthermore, the proposed development would fail to comply with Policy PMD2 in that

there is no infrastructure to support pedestrian movements between the application site and the settlement of Duns, which would adversely impact upon pedestrian safety.

Recommendation: Refused

- 1 The proposed development is contrary to Policy PMD4 and Policy HD2 of the Scottish Borders Local Development Plan 2016 in that the proposed development, at the location identified, would have an adverse impact upon the composition and quality of the landscape character as the application site would be visually detached from the settlement of Duns and it would not relate to an existing building group within the countryside. The proposed development would erode the integrity of the development boundary for the settlement of Duns. Furthermore, the proposed development would fail to comply with Policy PMD2 in that there is no infrastructure to support pedestrian movements between the application site and the settlement of Duns, which would adversely impact upon pedestrian safety.

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