Johnston, Charles

From:

John Warren

Sent:

03 March 2014 16:38

To:

localplan

Subject:

Borders LDP

Attachments:

Proposed industrial area - Deanfoot - Road Borders LDP March 2014.doc; local plan inquiry reporter recommendations - west linton 1.jpg; local plan inquiry reporter recommendations - west linton 2.jpg; local plan inquiry reporter recommendations - west linton 3.jpg; local plan inquiry reporter recommendations - west linton 4.jpg; local plan

inquiry reporter recommendations - west linton 5.jpg

Please find attached a representation in respect of the industrial site in West Linton.

Yours sincerely

John Warren Director

Warren Consultants

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www.warrenconsultants.co.uk



SUMMARY

We object to industrial proposal zEL18 in West Linton and seek a residential allocation for the site, or, failing that, it should be changed to a Local rather than a District industrial site in terms of Policy ED1.

We object to the designation on the following grounds:

- A previous Local Inquiry Reporter recommended the deletion of the industrial allocation (see attached) taking into account representations to him by the Community Council, but the Reporter's recommendation was overridden on political grounds by the local councillor making representations to the full Council when it considered the Reporter's recommendations. With the change in planning law, this could not happen now because local authorities, in practical terms, are obliged to follow Reporter's recommendations on LDPs.
- Similarly, and for the same reasons, the planning officers proposed to remove the industrial designation in a previous emerging Local Plan.
- In the 15 years that the land has been considered for industrial purposes, the owner has been approached for only two possibilities. The owner has not resisted these approaches nor made unreasonable demands. For example, one was a motor garage that eventually went to another and better site in the village, but, being Class 5, it would not, in any event, have gained planning consent being surrounded by housing on three sides, and would have been against the terms of a Section 75 Agreement (see below). Another proposal was a nursery school, which got as far as a planning application, but this was not pursued. The nursery school is now in the new school grounds. In any event, a nursery school is not an industrial use.
- It is an inappropriate location for industrial development given its peripheral location on the edge of West Linton and its proximity to housing. The access to the main road to Edinburgh is tortuous for HGV vehicles and runs through a residential area. Residential amenity would be badly affected not just by the industrial area itself but also its traffic along the nearby residential roads. The site is "hidden" in a corner of the village and is not visible from main roads.
- Because of the proximity of housing, and the terms of the Section 75 Agreement, the site would be restricted to Class 4. Some people would no doubt like the village to have a small industrial area to provide for local service industries such as car repairs, panel beating, TV repairs etc., but most of this type of industry will be Class 5 and could not use the site anyway. In any event, there has been very little interest in the site for industrial purposes and what little there has been has not come to anything.



- The site has been allocated for some 15 years for industry and, as such, will have appeared on registers of industrial land marketed by Scottish Enterprise and others. 15 years is a more than reasonable period to "test" the viability of this site for this purpose, particularly as this period included the unprecedented "boom" period before the recession.
- The site is included in the village envelope and it is a matter of agreement that it is a development site. It is surrounded on three sides by housing and the settlement boundary on third side, adjacent to countryside, is marked by a long established tree belt.
- If the site is not developed, in the long run, it will become unsightly and overgrown because it is separated from and does not form part of the farmland to the south. There is an intervening well established tree belt. After 15 years of lack of any serious (or followed through) interest in the site for industrial or employment purposes, one can have little confidence that this industrial site will ultimately deliver. Its industrial designation is actually sterilising the site and its continued lack of use can only lead to a deterioration in the surrounding residential environment in the long run.
- There is, in any event, existing employment in West Linton in the schools, shops and hotel.



History of the site

In a previous Local Plan, after the failure of the site to attract industrial interest after 10 years, the planning officers recommended that the site should be used for residential development in a consultation draft of the Local Plan. This position was later endorsed by the Scottish Government Reporters.

Scottish Enterprise said that the site has been on a schedule of industrial sites in the Borders for many years and they had no record of any interest in it. This may be because it is only suitable for Class 4 uses being close to housing.

The Local Plan Inquiry Reporter recommended that a residential use this site would be more appropriate than industrial. He commented that this particular site was not suitable for local trades and services. He was concerned about the impact on the amenity of the houses adjoining the site.



Development Plan History

Scottish Borders Structure Plan 2001 – 2011

The Structure Plan approved in 2002 made no mention of West Linton and does not identify West Linton as a site for employment land. The long term Structure Plan (and now SDP) strategy for economic development in the Borders focuses on hubs such as Peebles, Galashiels and Eyemouth. Development is also concentrated along the route of the forthcoming Waverley train line development. There was therefore a shift in policy from the 1991 Structure Plan to the 2001 – 2011 Structure Plan where emphasis is now placed on industrial growth hubs rather than widespread, small-scale industrial growth.

Scottish Borders Finalised Local Plan 2005

As there was no mention of industrial land in West Linton and there had been no interest in the land, Scottish Borders Council planners proposed that the land should be considered for housing. The Site Appraisal carried out by the Council stated:

"There have been no planning applications or serious enquiries to develop the land for employment uses. The land has now been submitted for consideration as housing land in the review".

Despite this statement the land was reinstated for industrial use. In our view, residential use is the only logical use because zEL18 is within the settlement, it is bounded by existing housing to the west, north and east and there is a tree screen on the remaining boundary. An industrial use would not be compatible with the adjacent housing and it is difficult to envisage land uses other than residential.

Industrial development in the Borders is centred on three key development hubs. The primary hub is the central hub surrounding Galashiels and the secondary hubs are in East and West Borders at Peebles and Eyemouth The scoring mechanism used to identify the best sites for industrial and business use takes into account factors such as their location in these hubs, market potential for the site, transport and economic impact. The site at West Linton would not look favourable when assessed according to these factors. zEL18 is not located in one of the three development hubs and as noted by Scottish Borders Council there is minimal market potential for the site. In terms of transport, the site is located on narrow rural roads which are unsuitable for HGVs or any other industrial vehicles. The access is poor and such traffic would detract from the amenity of the West Linton area. The scoring mechanism (used in the Scottish Borders Employment Land Review by Rydens) also makes reference to labour markets and physical assessments. The labour pool in West Linton is likely to be limited for the specific types of employment that could take place on the site. Physical assessments in terms of services and infrastructure are not likely to score highly as West Linton is a village with limited facilities.



Any applications on the site for industrial use would have to fall into Use Class 4 whereby the use

"can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit" (1997 Use Classes Order).

The Class 4 requirement would rule out a lot of local service industry such as car repairs. Typical Class 4 business opportunities would be hi-tech industry or research and development work and the location of the site is not suitable for this type of industry. As a result the scope for business or industrial use on EL18 is limited, as argued by the Scottish Government Reporter.

In addition, the dwelling capacity of the site is relatively small and therefore will not have wide implications for the housing land strategy for the whole region. The capacity is approximately 10-12 dwellings.

A Section 75 Agreement (dated 14 April 1999) was signed by the Council, Cala Homes (the developer of adjacent housing to the west of the land in question) and our client Mrs Bell, who owns Robinsland Farm and associated land. This agreement was to ensure that Cala Homes provided the specified number of homes, landscaping and road provision, these aims being the primary purpose. The industrial land was a minor part of the Section 75 Agreement.

The agreement states:

"The Second Party [Mrs. Bell] hereby undertakes that she shall ensure that the area of ground forming part of the Agreement Subjects and shown coloured red in Plan 2 and included in the Tweeddale Local Plan 1996 as zoned for industrial use shall not be disposed of for any purposes other than light industrial use in keeping with Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1989 as amended"

This Agreement forbids Class 5 industrial development and the terms of the agreement have been adhered to by the owner in dealing with the few enquiries that have come forward. There has been minimal interest in the site and nothing has been done to develop the site. No attempts have been made by the Council or Scottish Enterprise to develop the land and promote it for business or industrial use. The Council and the enterprise agencies would have taken greater steps to market and/or develop the site if they felt that the industrial development of the site was important.

In 2006, before the recession, Scottish Enterprise informed us that there had only been two enquiries in 15 years for business land or space in the whole of West Linton and none within the previous three years. Business Gateway



informed us that they could not recall having had any enquiries for land or buildings in West Linton.

If the LDP ultimately shows the site as residential, or if, for other reasons, a residential planning consent is achieved, the Section 75 Agreement may need to be amended.



Local Development Plan

We note that no justification is given in the Local Development Plan for employment land in West Linton.

In the LDP, the site is shown as 0.7 ha for industrial purposes and as such it falls under draft Policy ED1 in the LDP.

Policy ED1 protects strategic industrial sites but not "Local Sites" which although allocated for industry, are sites where alternative uses, such as residential, may be supported provided that other LDP criteria are met. This approach perhaps reflects an over-supply of industrial land in relation to demand and the emphasis now is on protecting the most marketable sites.

We note that the Local Sites in the LDP are nonetheless mostly large sites (relative to the objection site) in bigger centres than West Linton, such as Hawick, Kelso, Selkirk and Coldstream e.g. 2.1 ha at Loch Park Road, Hawick, 8.5 ha at Spylaw Road in Kelso, and also sites at Riverside, Selkirk and Coldstream Workshops. Even the sites in Broughton and Swinton are 2.1 ha and 1.2 ha respectively (compared to 0.7 ha in West Linton) and neither they or Coldstream Workshops are near houses.

In contrast, the site in West Linton is small, close to housing and in a peripheral village and with a long history of lack of interest in industrial or employment development. Nonetheless it is illogically included, in our view, as a higher order "District site". We are seeking a residential designation for the site but, failing that, it should at least be categorised as Local given that it is lower order than even some of the sites already included as "Local" in the LDP.

Recommendation

Extend development boundary to take in objection site.

West Linton: Robinsland area (sites TWL8B, zEL18, zSS9, and additional

Mrs Bell 1995/1/1-7 per Warren Consultants Ltd Objector:

For SBC: MW/TS/LB/AE/DI

Hearing 2nd November 2006 Procedure:

Written Submissions: J Graham Bell, Bailey Homes and others 2811/1/1; Robin Bell

1138/1/1-3

Subject:

Brief summary of objections

These objections embrace a series of matters related primarily to future development of land at Robinsland Farm, on the southeastern fringe of West Linton. Parts of the land are proposed as a new housing site (TWL8B), a new school site (zSS9), and a new employment site (zEL18).

The matters of objection are:

The local plan should take account of the interim review of housing land needs required by 2006 by policy H1 of the structure plan.

Robinsland offers the opportunity for continuing housing development, and should be the subject of additional allocations and a long term master plan to guide development over a period of 10-15 years.

The indicative density for development of the proposed housing site TWL8B should be increased from 20 to 25 units per hectare.

The eastern boundary of allocation TWL8B should be a straight line, rather than indented as shown on the settlement map.

Site TWL8B should be accessed from Robinsland Drive, in the northeast corner.

The school and the industrial sites should not be located on the objector's land, which should be allocated for residential use.

Background

West Linton occupies a hillside location at the foot of the southeastern flank of the Pentland Hills. Newer housing development has extended to the south and east of the historic core onto a large relatively level area. The adjacent farmland at Robinsland consists of a series of rectilinear fields, extending southwest from Deanfoot Road towards Howiesonhall Farm at Station Road.

The settlement profile (page 417) states that West Linton has been subject to significant growth in the past decade. No substantial allocations are proposed. Given the proximity to Edinburgh, any significant expansion would be contrary to structure plan policy.

A small rectangular field on Deanfoot Road, at the eastern extremity of the settlement but within the development boundary, is proposed employment land site zEL18, where the objector seeks a residential allocation.

Other fields within the development boundary are allocated for the school site (zSS9), where the objector is seeking a residential allocation; and for housing (TWL8B: 2.3ha/46 units), where the objector is seeking to increase the density from 20 to 25 units/ha. This would increase the indicative capacity to about 58 units. The indentation of the eastern boundary of the site, which the objector wishes to see removed, provides a setback in the vicinity of Robinsland farm steading.

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The proposed master plan would cover this development area, plus additional fields to the east and south, outwith the development boundary, where further residential allocations and longer term development are sought.

The Council produced a draft planning brief shortly before the hearing (Supplementary Planning Guidance, September 2006), to guide the development on the proposed school and housing sites within the development boundary. The density calculation for the housing site, taking account of landscape and other requirements, including an element of affordable housing at a higher density, indicates that the site could be developed for approximately 43 units. The brief shows the main vehicle access to the residential site from the north through the school site.

Main grounds for the objections

The main points put forward in support of these various objections are:

In relation to additional housing allocations and a long term master plan :

- The local plan should take account of the up to date review of housing land requirements required by the structure plan, or it will be overtaken by the results of that review.
- The local plan should recognise that West Linton is likely to continue to expand, and the flatter land to the east and south presents the best opportunity for expansion.
- This area is flat and featureless. A long term master plan could establish structure planting to define the ultimate boundary of the settlement.
- A master plan for this area would allow a planned approach to the provision and funding of the necessary infrastructure.
- The master plan for this area should make provision for Robinsland Drive to be extended, to the southwest, ultimately to link up with Station Road.

In relation to the proposed employment site zEL18:

- This land adjoins residential development on two sides, so that general industrial activities would not be compatible.
- Any industrial development would have to be restricted to compatible (ie light) industry and business uses, which would reduce the usefulness of the site for local services.
- There is no basis for allocating employment land in West Linton, which is essentially a commuter settlement.
- The site could accommodate about 10 house units.

In relation to the proposed school site zSS9:

- This land was allocated for residential use in the current (adopted) local plan.
- The school should be sited on less expensive agricultural land on the eastern edge of the village at Deanfoot Road, rather than having to pay residential values.
- An eastern location would be closer to most of the new housing, and would give room to expand and provide community leisure facilities.
- It is premature to allocate a site now as the new school is unlikely to be built before 2010.
- The school allocation is larger than necessary, and has led to a reduction in the housing allocation, which should be increased to compensate.

In relation to the proposed density assumption for housing site TWL8B:

- This should be increased to 25 units/ha, similar to what has been approved nearby at Manse Brae, giving a total of about 60 units, which would provide more funding for necessary community improvements.
- To develop only 46 units would be a waste of a scarce land resource.

In relation to straightening out the eastern boundary of housing site TWL8B:

This is assumed to be a graphical error.

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· This is assumed to be a graphical error.

 The area had been reserved for planting to act as a buffer between the housing area and the farm steading, but now that the steading is included within the settlement boundary, it can be developed in conjunction with site TWL8B, without the need for an intervening buffer.

In relation to vehicular access to site TWL8B from the northeast (Robinsland Drive):

 This is the most logical way to access this site, passing through the southeast corner of the proposed school site.

This route was always intended to be the spine route serving this development area.

 Most traffic will wish to go to and come from the northeasterly direction, where there is access onto the Edinburgh Road.

Council roads officials are opposed to access from the west, which would bring extra traffic through residential roads that are tortuous and congested.

 Access from the north from Deanfoot Road would require the use of educational land, might have visibility difficulties, and would encourage more traffic to go through the congested village streets.

The existing Robinsland Farm access track is too narrow to serve the purpose.

Council's responses to the various objections

In relation to additional housing allocations and a long term master plan:

The structure plan housing land requirement has been met in this HMA.

 This HMA is an area of housing restraint in the structure plan strategy, so that further allocations would be contrary to the strategy for North Tweeddale.

 The proposed expansion area extends out into open countryside with no natural or defendable boundaries. Much of this area has a high water table, and is marshy.

 The Council transport officer considers that the roads in the centre of West Linton are inadequate for coping with the additional traffic that would be generated by extensive housing allocations.

In relation to the proposed employment site zEL18:

It is important to provide employment land opportunities throughout the Borders.

Making provision for employment in settlements reduces the need for travel elsewhere.

 Most employment sites are assumed to accommodate all types of industry, but some are reserved for light industry/business uses.

The proposed site would have good access to the trunk road.

In relation to the proposed school site zSS9:

 Site investigations and landscape assessments indicate that this site is suitable for education purposes.

The allocated site broadly reflects the area of the previous housing allocation.

 The boundaries of the housing site have been amended to incorporate additional land to the south, to compensate for the loss of land to the school to the north (previously allocated in Tweeddale plan for housing), and to better follow features on the ground.

The development boundary has been extended to allow for the allocation of housing.

In relation to the proposed density assumption for housing site TWL8B:

 Site investigations and landscape assessment indicate that the proposed capacity is a suitable proposal for this site.

 The site capacity shown in the settlement profile is indicative. The ultimate decision on the number of units will depend on the approval of an acceptable planning application.

 The density of the development should be determined by the site conditions, not to obtain more planning gain.

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- This land has been reserved for a structure planting area to separate the farm steading from the housing area.
- In the new local plan, such structure planting areas are excluded from the housing allocations
 to ensure that they are not regarded as part of the housing land.
- Although the farm steading is now included in the development boundary, it remains in agricultural use so that a buffer area is still required.

In relation to vehicular access to site TWL8B from the northeast (Robinsland Drive):

- · Traffic arrangements should avoid increased traffic in the main street of the village.
- Ideally there should be as many vehicle access points as possible. Site TWL8B could have main accesses from the north (Deanfoot Road) and northeast (Robinsland Drive), and a minor access link from the west.
- It has always been assumed that Robinsland Drive should be extended southwestwards into this site, which appears to be compatible with the development of the school.

Conclusions

In relation to additional housing allocations and a long term master plan for expansion, I note that West Linton is located in the North Tweeddale HMA, where the structure plan strategy is for housing restraint. The structure plan housing land requirement has been met, so that no further land allocations are either appropriate or necessary.

With regard to the argument that the local plan should make provision to take account of an updated review of structure plan housing land requirements, the general issue of the adequacy of the housing land supply is reported elsewhere in this report, including the need to extend the period of coverage of the local plan in anticipation of a delay in bringing the next generation of plans forward. While it may be appropriate to indicate areas for longer term expansion in the growth area of the Central Borders, it would be incorrect to anticipate that the policy restraint on additional housebuilding in the northern part of the Council area will be relaxed. To do so would result in the local plan not conforming to this important component of the structure plan strategy. Such a decision must await the outcome of the review of the housing component of the structure plan.

I accept that where continuing expansion is to take place, it is prudent to provide a longer term framework to ensure that this takes place in an orderly manner, with advance structure planting where appropriate. The same applies to the concept of linking Deanfoot Road and Station Road by a new road that would deflect some traffic away from the centre of the village. However the principle of continuing expansion at West Linton is a matter for a future decision by the Council, in the context of the structure plan review (see above). There are important issues to be considered, and while the concept of easing traffic pressures in the main street is superficially attractive, the completion of the link road would imply considerable further housing development in the southeastern sector of the village, which would in turn generate more local traffic in the centre of the village.

In relation to the proposed employment site zEL18, I agree with the objector that this would not be an appropriate site for general industrial activities (such as car repairs, joinery, etc) because of the probable loss of amenity at the existing residential development on two sides of the site. A restriction to acceptable business uses (ie office based activities) would avoid this problem, but would not provide accommodation for local trades and services. While such provision is probably desirable somewhere in West Linton, I agree that this is not the place, and that residential use would be much more appropriate.

In relation to the proposed school site zSS9, the site appears to be large enough and well located for the purpose. A site further to the east on the edge of the settlement would be an eccentric location, probably requiring more pupils to travel further to reach it and thus discouraging travel on foot or cycle. I discount the arguments about site acquisition costs, as it is my understanding

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In relation to additional housing allocations and a long term master plan for expansion, I note that West Linton is located in the North Tweeddale HMA, where the structure plan strategy is for housing restraint. The structure plan housing land requirement has been met, so that no further land allocations are either appropriate or necessary.

With regard to the argument that the local plan should make provision to take account of an updated review of structure plan housing land requirements, the general issue of the adequacy of the housing land supply is reported elsewhere in this report, including the need to extend the period of coverage of the local plan in anticipation of a delay in bringing the next generation of plans forward. While it may be appropriate to indicate areas for longer term expansion in the growth area of the Central Borders, it would be incorrect to anticipate that the policy restraint on additional housebuilding in the northern part of the Council area will be relaxed. To do so would result in the local plan not conforming to this important component of the structure plan strategy. Such a decision must await the outcome of the review of the housing component of the structure

I accept that where continuing expansion is to take place, it is prudent to provide a longer term framework to ensure that this takes place in an orderly manner, with advance structure planting where appropriate. The same applies to the concept of linking Deanfoot Road and Station Road by a new road that would deflect some traffic away from the centre of the village. However the principle of continuing expansion at West Linton is a matter for a future decision by the Council, in the context of the structure plan review (see above). There are important issues to be considered, and while the concept of easing traffic pressures in the main street is superficially attractive, the completion of the link road would imply considerable further housing development in the southeastern sector of the village, which would in turn generate more local traffic in the centre of the village.

In relation to the proposed employment site zEL18, I agree with the objector that this would not be an appropriate site for general industrial activities (such as car repairs, joinery, etc) because of the probable loss of amenity at the existing residential development on two sides of the site. A restriction to acceptable business uses (ie office based activities) would avoid this problem, but would not provide accommodation for local trades and services. While such provision is probably desirable somewhere in West Linton, I agree that this is not the place, and that residential use would be much more appropriate.

In relation to the proposed school site zSS9, the site appears to be large enough and well located for the purpose. A site further to the east on the edge of the settlement would be an eccentric location, probably requiring more pupils to travel further to reach it and thus discouraging travel on foot or cycle. I discount the arguments about site acquisition costs, as it is my understanding

that the land valuation would be based on the prospects for alternative development, irrespective of the location. If the school is to be constructed around 2010, then it is important that a decision on the location is made now, and not deferred for further consideration.

Regarding the indicative density assumption for housing site TWL8B, I note that this is based on the standard medium density assumption of 20 units/ha, which is borne out in the more detailed analysis in the draft site planning brief. Both figures are guidelines, and not prescriptive, and what the site can reasonably accommodate must await more detailed discussions on layout and design. It would be undesirable to seek to pre-empt such discussions by setting a higher figure.

In relation to the position of the eastern boundary of the housing site, I agree that this safeguarding buffer would become superfluous if the farm steading is redeveloped or converted for residential use. However until the agricultural use of the steading complex is extinguished through residential redevelopment, it is desirable to maintain a degree of separation between the two uses, where some incompatibility can be expected.

In relation to vehicular access to site TWL8B from the northeast (Robinsland Drive), this appears to have the support of the Council transport officer and there appears to be room to include this short link without prejudice to accommodating the school. I agree that this link would serve a useful purpose for trips to and from the Edinburgh direction. It would complement, not replace, the direct northern link to Deanfoot Road envisaged in the site development brief, which would be more convenient for trips to other destinations. However I do not think that the northern vehicle link into the housing site is essential (provided that there is a pedestrian link), as the detour through Robinsland Drive would not be unduly onerous for vehicle trips. The question of making provision for Robinsland Drive to be extended through the housing site in anticipation of continuation to the southwest is a much wider issue (see above).

Recommendations

No change to development boundary at Robinsland, and no additional housing allocations outwith development boundary.

No change to text in West Linton settlement profile on Areas for Longer Term Expansion and Protection.

Delete employment land allocation zEL18 at Deanfoot Road, and replace with a housing allocation for 0.7ha, with an indicative capacity of 10 units.

No change to school allocation zSS9.

No change to indicative capacity of housing site TWL8B.

No change to position of eastern boundary of housing site TWL8B.

Additional entry in section on Information Relevant to Potential Developer Contributions :

Road Access

Housing site TWL8B will require vehicular access through school site zSS9, from Robinsland Drive and probably also from Deanfoot Road. A developer contribution towards road access will be required.

I also recommend that a corresponding change is made to the draft development brief, when it is finalised.

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