

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

6 NOVEMBER 2017

APPLICATION FOR PLANNING PERMISSION

ITEM:	17/00652/FUL
OFFICER:	Paul Duncan
WARD:	East Berwickshire
PROPOSAL:	Change of use from joiner's workshop and alterations to form dwellinghouse
SITE:	Former Joiner's Workshop, The Row, Allanton
APPLICANT:	Mr Alex Spence
AGENT:	IRD Design

SITE DESCRIPTION

The proposed site is located within the village of Allanton, at the end of The Row, a short lane off Allanton Main Street. The property is a single storey joiner's workshop of rubble construction, with a pantile roof and a timber gable and doors on the west elevation. No part of the site is listed but the site is located within Allanton Conservation Area. The site can be viewed, briefly, from the Main Street but is not prominent. Beyond the site to the west, a number of sheds sit adjacent to open fields and a car repair garage operates adjacent to the building to the north. Dwellinghouses sit opposite the site to the south west and south east of the site, and further along The Row.

PROPOSED DEVELOPMENT

The proposal is to convert the joiner's workshop to a single dwellinghouse by altering the existing building and extending it by creating a new box dormer on the roof. The property would change use to class 9 (house).

The existing structure would largely remain intact, but a new door and new windows would be formed on the front (south) elevation. The existing side (west) elevation timber gable would be rebuilt in a more contemporary style with large eaves height windows and a new stone chimney completing the gable. The side elevation corners would be rebuilt in matching stone to replace the existing brickwork. The rear (north) elevation adjacent to the car repair garage would remain unaltered.

A new box dormer would be created on the front elevation roof to accommodate a second bedroom. Velux rooflights would also be positioned on the roof to light an open plan living area with a vaulted ceiling on the ground floor. Solar panels would be placed on the front elevation roof. Parking would be physically separate to the dwelling house, sitting in an area to the rear of the property.

PLANNING HISTORY

There is no planning history on the site and no local planning history which is relevant to the consideration of this application.

REPRESENTATION SUMMARY

Objections were received from seven individual members of the public from 5 separate households. Two letters were from the same household, one letter gave no address and one representation was received after the 21 day period for neighbour notification. The objections can be viewed in full on the Public Access website. A summary of the issues raised by objectors is listed below.

- The site is located within the only part of the village with commercial businesses
- A busy car repair garage operates behind the site
- A conflict of uses would arise as surrounding properties are not residential
- Disruption during the development phase and in installing utilities
- Noise complaints could arise against the adjoining car repair garage even though this is a well-established business
- The development would be detrimental to existing residential amenity, including privacy of neighbouring properties and noise during construction
- The building would be unsuitable as a dwellinghouse as it backs onto the motor mechanic's business, resulting in noise and fume nuisance, and a lack of privacy
- Poor design in a designated Conservation Area
- Loss of building with interesting history and character
- Size of dormer would be out of keeping
- Dormer would result in listed roof being removed
- Dormer would be visible from the main road in a conservation area
- Height of building is not suitable for a 2 bedroom property
- Neighbour has had solar panels refused
- Road safety
- Increased traffic
- Inadequate access
- Inadequate parking
- The Row is a private road
- Poor visibility at the junction to Main Street
- The development would prevent access for emergency services
- The proposed parking arrangement crosses the adjacent car repair garage entrance
- Access to the car repair garage and agricultural field would be obstructed during construction
- Walkers and others who pass by would be affected
- Detrimental to environment
- No site visit
- Inadequate utilities/ services
- Inadequate screening
- Value of property
- Does existing building have sufficient foundations
- The proposal has been refused before
- Five properties would have to agree for disruption to the land for amenities to be put in
- This will be a noisy building, with a lot of glass, that has to be cleaned on a regular basis

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement and 3D imagery were submitted as part of the application. The Design and Access Statement sets out the reasoning for the proposed design, explaining that a simple design was chosen to ensure the proposed dwelling retains the

existing sense of place. The existing roof height and footprint was therefore retained, to avoid a change in the overall massing and scale of the building.

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

PMD1 Sustainability
PMD2 Quality Standards
PMD5 Infill Development
HD3 Protection of Residential Amenity
EP1 International Nature Conservation Sites and Protected Species
EP2 National Nature Conservation and Protected Species
EP9 Conservation Areas
IS2 Developer Contributions
IS7 Parking Provision and Standards
IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

Scottish Planning Policy
Biodiversity Supplementary Planning Guidance
Development Contributions Supplementary Planning Guidance
Placemaking and Design Supplementary Planning Guidance
Privacy and Sunlight Guide Supplementary Planning Guidance

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Heritage and Design Officer: No objection. A condition requiring written approval of the external finishes and colours is recommended. Allanton grew up as a linear settlement around the crossing points of the rivers and was the estate village for the nearby Blackadder Estate, with a number of the buildings in the village displaying this linkage with matching decorative slate roofs from around the 1850s. Whilst the property is within the conservation area it is not listed (a resurvey has taken place of Allanton a number of years ago).

The applicant has submitted a simple Design and Access Statement which provides some background information; the application drawings also include some 3D imagery which is helpful. The intervention proposed to carry out the conversion from store to a small house works within the existing envelope apart from adding a dormer using simple windows and glazed doors and a largely glazed gable. Overall the proposals will not have an adverse impact on the special character and appearance of the conservation area.

In terms of detailed design, careful consideration of the external colours to be used for the joinery is required; in particular it might be sensible to look at painting the exterior timber of the new flat roofed dormer a red / orange colour similar to the pantiles to reduce its visual impact and the new glazed doors and windows might look much better to be a dark colour, say grey or a dark red or blue rather than being finished a brilliant white – this could be covered by an appropriate condition. The proposed solar panels should ideally have black edges rather than silver frames, this will reduce their impact.

Roads Planning Service: No objections provided the area shown for parking is tied to this property and retained in perpetuity.

Ecology Officer: The Ecology Officer provided initial comments which identified the need for a bat survey and breeding bird survey to be undertaken in accordance with the Council Biodiversity SPG. This was undertaken in August. The Ecology Officer has since updated her comments with respect to bats and birds.

The results of a preliminary bat roost assessment in conjunction with one dusk emergence and one dawn swarming survey for bats found no evidence of any current or historic use of the structure by bats, in spite of the moderate suitability of the structure and the surrounding habitat to support bats. Soprano pipistrelle *Pipistrellus pygmaeus* bats were observed foraging in close proximity to the site. In these circumstances, a licence is not required. However, it is possible that bats may use the structure in small numbers during the winter hibernation period. Therefore contractors and anyone working on the building should maintain vigilance in case any bats are encountered during works, and should be aware of procedures to follow. An informative is recommended.

No active bird nests were found, however historic nesting material was found above the garage door on the western elevation. Again, contractors should maintain awareness of what to do in the event of encountering an active nest site and the mitigation plan outlined in the Bat and Breeding Bird Survey should be followed, as recommended. A condition is recommended.

There are no protected sites within 1km that are likely to be impacted by this development.

Environmental Health Service (Amenity and Pollution): Conditions are required with respect to foul drainage, water drainage and water supply. Informatives are required with respect to wood burning stoves and a stove was noted on the submitted plans. So long as it is less than 45kW no further information needs to be provided. If it is greater than 45kW then the applicant needs to declare this and provide additional information so that a screening assessment can be carried out.

Environmental Health Service (Contaminated Land): No comment.

Education and Lifelong Learning: The proposed development is within the catchment area for Chirnside Primary School and Berwickshire High School. A contribution of £2,438 is sought for the Primary School and £3,428 is sought for the High School, making a total contribution of £5,866. This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

Statutory Consultees

Edrom, Allanton and Whitsome Community Council: The road around the workshop is in use for a working garage which requires uninterrupted access for customers and emergency services. Access is also needed at all times to the agricultural land and privately used garages at the end of The Row. It is difficult to see how this proposal could avoid significant disruption to that access, especially during the construction phase. The road is narrow with insufficient room for a pavement as needed for new dwellings and accessed by a sharp turn from the Main Street.

Any parking outside the property needs to be strictly controlled to maintain access for existing residents and users. A minor issue would be access and storage of "wheelie bins" as it is unclear whether the property has any external space.

Having looked at the building it is apparent that this is a rebuild rather than a conversion. The stonework is very likely to require extensive dismantling and reconstruction. This will make the problems even worse as the time for the project would be extended significantly.

The plans on the website also show solar panels which have already been refused for neighbouring properties.

The Community Council is dismayed that there has not been a site visit.

KEY PLANNING ISSUES:

The key planning issues for this application are whether the development would comply with planning policies with respect to:

- infill housing development within a settlement;
- impact on the character and appearance of Allanton Conservation Area;
- placemaking and design;
- protection of residential amenity; and
- access and parking.

ASSESSMENT OF APPLICATION:

Principle

The site is located within the village's settlement boundary but has no allocated use within the Local Development Plan. Whilst formal industrial estates are normally safeguarded for employment uses, no specific policy protection is afforded to this small part of Allanton where a small number of businesses have operated. The appropriate policy to assess the principle of the development against is therefore Local Development Plan policy PMD5 (Infill Development). This policy most commonly applies to undeveloped land within settlements but also applies to the reuse of buildings within settlement boundaries with no allocated use. Policy PMD5 reflects Scottish Planning Policy, which promotes the contribution of infill development can make to the housing land supply. Policy PMD5 is therefore broadly supportive of infill development, subject to the detailed assessment of related considerations and impacts. These are considered and assessed below.

Conflict of uses

Policy PMD5 supports suitable infill development where it does not conflict with the established land use of an area. To assess the proposal against Policy PMD5, a determination as to the established land use of the area is required. In this case, the area is considered to be primarily residential in character. The Row itself is mainly residential, with three existing dwellings to the east of the proposed site, whilst land north of The Row is also in residential use. Dwellinghouses sit to the south east and south west of the proposed site. The areas of the village beyond are also primarily residential in character. The presence of the adjacent car repair garage does not alter this and the nearby sheds have a limited role in characterising the area. The agricultural fields beyond them are outwith the settlement. As the established land use of the area is residential the proposal would represent suitable infill development opportunity in terms of policy PMD5.

Members will note that a number of objectors have raised concerns about a possible conflict of uses between the proposed residential use and, more specifically, with the car repair garage which operates adjacent to the proposed site. These include concerns relating to parking arrangements and disturbance during construction which are addressed later in this report. Perhaps the main concern relating to conflict of uses is the potential for future noise and fume emission nuisance complaints to arise from residents of the proposed new dwelling house against the existing car repair garage. These concerns are acknowledged and appreciated. It is however common within the Borders for workshop spaces such as the

adjacent car repair garage to be situated within primarily residential areas, and indeed, this has been the case at this location where the car repair garage is already operating in close proximity to existing dwellinghouses. Ultimately there is no provision within relevant Local Development Plan policies to assess proposals against potential nuisance complaints by future occupants of proposed developments. It is instead for the developer to conclude whether a dwellinghouse in this location would be attractive for potential future occupants and ultimately a viable proposition.

Neighbouring amenity

Members will be familiar with Local Development Plan policy HD3 (Protection of Residential Amenity) which seeks to protect the amenity of both existing and proposed new housing developments. Members will also be familiar with the Privacy and Sunlight Supplementary Planning Guidance which supplements policy HD3 and outlines the Council's detailed standards in the protection of residential amenity impacts, including loss of sunlight and window to window overlooking. In this instance given the limited alterations proposed there are no privacy or sunlight impact concerns resulting from the proposed development. Whilst the alterations to the building will result in a multitude of new window and glazed door openings, these either face west, where there are no residential neighbours, or face south. The openings facing south do so towards dwellinghouses at Blackadder Gardens which sit over 20m from the proposed site, in compliance with the Privacy and Sunlight SPG. The intervening property boundary is defined by trees and hedging which limit any amenity impact further. The proposal therefore complies with relevant planning policies with respect to residential amenity.

Concerns have also been raised regarding possible noise nuisance resulting from construction work. Given the modest scale of development the developer should be capable of delivering the conversion without significant adverse impact on neighbours. Ultimately if unacceptable nuisance did arise this could be controlled by Environmental Health. It should of course be noted that in this longer term, nuisance would be less likely to arise from a dwellinghouse than the existing workshop use.

Built heritage, placemaking and design

Members will have noted that a number of objections have suggested the building, and particularly its roof, may be listed. This is not the case. The building is not listed, either in part or in full. Whilst a significant number of buildings in Allanton have been listed for their decorative slate roofs, this property has a simple pantile roof. There are no listed buildings in the immediate vicinity of the proposal site and no impact on the setting of listed buildings would result from the proposed development.

The proposed site does sit within Allanton Conservation Area however and must therefore be assessed against Local Development Plan policy EP9 (Conservation Areas) which aims to preserve or enhance the character or appearance of conservation areas.

In assessing the proposal under Policy EP9, it should firstly be noted that it is the conversion of an existing building that is proposed, and that this conversion could help achieve a sustainable long term purpose for the building. The suitability of the existing building for conversion has been questioned by objectors. Whilst not directly applicable for this particular infill development, Policy HD2 (Housing in the Countryside) does set out the Planning Authority's criteria for conversion proposals, which are worth referencing here. These require a building to stand substantially intact, normally to wallhead height, without requiring significant demolition. Conversions in the countryside should relate to buildings with architectural or historic merit which are capable of conversion and be physically suited to residential use. Conversions should be in keeping with the scale and architectural

character of the existing building. Whilst the existing building in this instance has limited historic interest, the remainder of the criteria are considered to be met in this case. A condition would be applied to provide assurance that the development is undertaken as a conversion and not as a newly erected dwellinghouse.

Assessment of the proposal against policy EP9 (Conservation Areas) also requires detailed consideration of the proposed design. Policy PMD2 (Quality Standards) also provides a policy context for consideration of design, and is supplemented by the detailed guidance provided within the Placemaking and Design Supplementary Planning Guidance (SPG) which provides advice for developers and also sets out the Council's expectations in terms of good design. In this instance, the impact of the proposal is limited to the alterations to the existing building which in this case are, principally, the new box dormer, new door and window openings, a new roof, and the new gable end. Of these, the most significant component is the new box dormer, which has been a focus of comments relating to design which have been received from objectors. It has correctly been pointed out that this new box dormer would be visible from Main Street, however it should equally be noted that there is already a more prominent and larger double-width box dormer on The Row. Whilst the new box dormer would be visible from Main Street, it would barely be so. The 3D images and elevation drawings show the dormer having a somewhat heavy appearance, a result of the contrast between the red pantile roof and the proposed black slate of the dormer. This would be improved by use of red or orange painted timber, to match the pantile roof. If members were minded to approve this application, a condition is recommended to control the external material used in the development. The other alterations, including new timber windows and a new timber door are acceptable in principle but further control could be asserted by planning condition. The new gable on the west elevation would make a bold and contemporary feature at one of the least sensitive sides of the building.

Finally, the use of solar panels will not always be appropriate within a conservation area. In this less prominent part of the conservation area however, solar panels will have no detrimental impact to the character and appearance of the conservation area. Contrary to objector comments no planning applications for solar panels have been refused in the immediate vicinity.

In summary, the proposed conversion would ensure a sustainable future use for the building and the proposed alterations, subject to additional control by means of conditions, would not adversely affect the character or appearance of the conservation area and would be suitable in terms of placemaking and design standards. The proposal therefore satisfies Policy EP9, Policy PMD2 and complies with the standards set out within the Placemaking and Design SPG.

Access and parking

The development is to be served from The Row with parking and turning provided to the side and rear of the site. Objectors have identified a number of concerns in connection with the proposed access arrangements, including the visibility at the junction with Main Street and the condition and suitability of The Row. Access proposals have been fully assessed by the Roads section however, who consider the proposed arrangements to be satisfactory. The Row is a private road but the applicant has indicated that the owner has a right of access. In terms of proposed parking arrangements, which are assessed against policy IS7, the Roads section have requested that the proposed parking area be tied to the dwellinghouse and retained in perpetuity. This would be controlled by an appropriately worded condition were members minded to approve the application. Objectors have also raised a concern that the proposed parking arrangements for the proposed new dwelling house could conflict with and disturb the operations of the adjacent car repair garage, given that the parking areas sits across from the garage entrance, and that vehicles are parked in and around the garage. It

is accepted that there is some potential for conflict in this regard, but it is equally noted that this land is already tied to the existing joiners workshop and could be used for parking under the existing use.

Objectors have also raised a concern that the proposal would result in an increase in traffic. The existing permitted use of the property could itself generate vehicle trips however, and a modestly sized dwelling house such as that proposed would not be expected to lead to a substantial increase in traffic.

Whilst there may be some disruption during construction there is no reason to believe access would be obstructed to neighbouring properties, the nearby fields, the general public or to the emergency services as objectors are concerned, as it should be possible to develop the site whilst maintaining access. In any event this would ultimately be a legal matter between the developer and those who have a right of access and the developer should satisfy themselves that the development can be delivered without impinging on neighbouring property or access rights, including those of the adjacent car repair garage.

In summary, it is contended that the proposed change of use will not result in an unacceptable increase in traffic or result in a conflict with the operations of the existing car repair garage. Parking arrangements are acceptable and the Roads Planning Service has confirmed no objections. Taking all the points discussed above into consideration, the proposed change of use is acceptable and in accordance with local development plan policy IS7 covering parking provision and standards.

Development Contributions

Local Development Plan policy IS2 establishes the policy basis for securing development contributions and is supported by the Council's approved Supplementary Planning Guidance on development contributions. The proposed development in this instance is located within the catchment areas for Chirnside Primary School and Berwickshire High School. Currently, a contribution of £2,438 is sought for the Primary School and £3,428 is sought for the High School, making a total contribution of £5,866. These are index linked and subject to annual variation. The developer has indicated a preference to settle this by way of a Section 75 legal agreement, which would allow payment at a later date.

Other matters

The Ecology Officer identified the need for a bat and breeding bird survey to be undertaken prior to the determination of the planning application, in accordance with the Council Biodiversity SPG. This survey was undertaken during the summer and the Ecology Officer has since provided further comments, recommending an informative to advise the developer of their responsibilities with respect to the potential presence of bats, and a planning condition to ensure appropriate mitigation of risks identified in the surveys which were carried out.

Were Members minded to approve this application conditions would be applied to ensure the development is suitably serviced in terms of water supply and drainage. It would be anticipated that waste collection would be dealt with in the normal manner.

As Members may be aware the perceived potential effect of a development on neighbouring property prices – whether positive or negative – is not a material planning consideration.

Finally, objectors have raised a concern that the proposal site was not visited as part of the application assessment process. This is incorrect. The site was the subject of a full site visit and Members should be assured that Planning Officers visit all planning application sites as

part of the assessment process. Not all consultees are able to visit every site, but this is normally acknowledged within responses. This may have been the cause of confusion in this instance.

CONCLUSION

Subject to a legal agreement and compliance with the proposed schedule of conditions, the development would comply with the relevant Local Development Plan policies including PMD5 (Infill Development) and EP9 (Conservation Areas). The proposal would provide a modestly sized dwelling house in an area which is broadly residential in character, achieving the sustainable reuse of an existing building by means of a conversion which would respect the character and appearance of the Conservation Area without adversely affecting neighbouring amenity.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

It is recommended that the application is approved subject to the aforementioned Section 75 legal agreement and the following conditions and informatives:

Conditions

1. This permission shall only permit the conversion and adaptation of the existing structure as a single dwelling unit. It shall not purport to grant permission for the erection of a new dwelling nor for any extensive rebuilding which would be tantamount to the erection of a new dwelling.
Reason: Permission has been granted for the conversion of an existing building to habitable accommodation.
2. Notwithstanding the description of the materials in the application, no development shall commence until precise details of the materials and finishes to be used in the alteration of the building, including details of new windows and doors, have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
3. No solar panels shall be fixed to the building until precise details have been submitted to and approved in writing by the Planning Authority, and thereafter no such panels shall be fixed to the building except in strict accordance with those details.
Reason: The proposed solar panels require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
4. The area shown for parking on the Location Plan shall be used parking of vehicles associated with the dwellinghouse hereby approved and must be properly consolidated prior to the occupation of the dwellinghouse. The parking area shall thereafter be retained and maintained in perpetuity for parking of vehicles ancillary to the use of the property as a dwellinghouse.
Reason: To ensure satisfactory provision of parking.
5. No drainage system other than the public mains sewer shall be used to service the property without the written consent of the Planning Authority.
Reason: To ensure that the development does not have a detrimental effect on public health.

6. Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water drainage network.
Reason: To ensure that the development does not have a detrimental effect on public health.
7. No development shall commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
8. Prior to the commencement of development, the developer shall submit in writing to the Planning Authority confirmation that the development shall be carried out in strict accordance with all the measures outlined in the Species Protection Plan for breeding birds as provided in the Bat and Breeding Bird Survey report (Findlay Ecology Services, August 2017). No development shall commence during the bird breeding season unless the development is implemented wholly in accordance with the SPP.
Reason: in the interests of biodiversity and the mitigation of the impacts of development on protected species.

Informatives

1. In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact SNH (tel: 01896-756652) for further guidance. Works can only recommence by following any guidance given by SNH. The developer and all contractors to be made aware of accepted standard procedures of working with bats at www.bats.org.uk. Further information and articles available at:
http://www.bats.org.uk/pages/bats_and_buildings.html
http://www.bats.org.uk/pages/existing_buildings.html
http://www.bats.org.uk/publications_download.php/1404/Bats_Trees.pdf

2. Stoves and Use of Solid Fuel

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission. Accordingly this advice can assist you to avoid future problems:

- The location of the flue should take into account other properties that may be downwind.
- The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.
- The flue should be terminated with a cap that encourages a high gas efflux velocity.
- The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.
- The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance and the fuel that is approved for use in it:

<http://smokecontrol.defra.gov.uk/appliances.php?country=s>
<http://smokecontrol.defra.gov.uk/fuels.php?country=s>.

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available at:

[http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel. Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

Drawing Numbers

Location Plan
Elevation Plan 17/252-A1-002

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

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

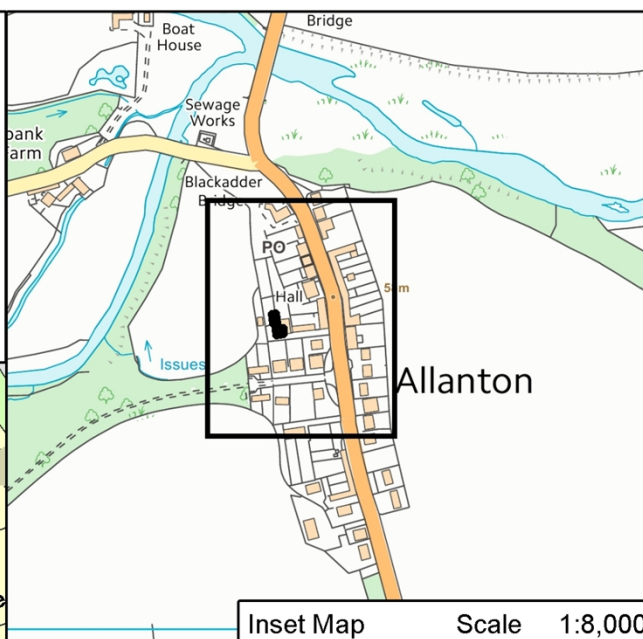
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Name	Designation
Paul Duncan	Assistant Planning Officer



17/00652/FUL

Former Joiner's Workshop
The Row
Allanton



Inset Map Scale 1:8,000



Scale 1:1,250