

## **PLANNING CONSULTATION**

On behalf of: Director of Education & Lifelong Learning

From: Head of Property & Facilities Management  
Contact: Marc Bedwell, ext 5242

To: Head of Planning & Building Standards  
Contact: Lucy Hoad ☎ 01835 825113

Date: 08 May 2018  
Ref: 16/01371/FUL

### **PLANNING CONSULTATION**

**Name of Applicant:** Mr Geoffrey Bain

**Agent:** G53 Design Ltd.

**Nature of Proposal:** Change of use of agricultural buildings to 12 No dwellinghouses

**Site:** Agricultural Buildings South East Of Merlewood Hutton Castle Barns Hutton Scottish Borders

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### **OBSERVATIONS ON BEHALF OF: Director of Education & Lifelong Learning**

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## **CONSULTATION REPLY**

I refer to your request for Education's view on the impact of this proposed development, which is located within the catchment area for Chirnside Primary School and Berwickshire High School.

A contribution of £2438 per unit is sought for the Primary School and £3428 per unit for the High School, making a total contribution of £70,392.

The new Berwickshire High School replaces a previous building that was under severe capacity pressure and with facilities unsuitable for further expansion. Following consultation, the decision was made to replace it and two others in the Borders under the 3 High Schools project with the three new modern schools opened on time for the 2009-10 academic years. Developer contributions for Berwickshire, Earlston and Eyemouth high schools will apply in their respective catchment areas, supplementing Scottish Borders Council's investment in the new facilities.

This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

Please note that the level of contributions for all developments will be reviewed at the end of March each year and may be changed to reflect changes in the BCIS index – therefore we reserve the right to vary the level of the contribution if the contribution detailed above is not paid before 1 April 2017.

If you require any further information, please do not hesitate to contact me.

## PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 7th November 2016

Contact: Lucy Hoad ☎ 01835 825113

Ref: 16/01371/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 28th November 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 28th November 2016, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** Mr Geoffrey Bain

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Hutton Scottish Borders

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### OBSERVATIONS OF: Archaeology Officer

## CONSULTATION REPLY

Thank you for requesting an archaeology consultation. There are implications for this proposal.

The C Listed steading buildings are of local historic interest in their current form. Traditional steading buildings are a finite resource and their alteration removes archaeological information about their previous uses. These buildings date in part from the early 19<sup>th</sup> century, with substantial additions and alterations taking place over the late 19<sup>th</sup> and 20<sup>th</sup> centuries. Their listing relates to their state of preservation as a building group.

Given the local historic significance of the buildings, I recommend that to mitigate the loss of archaeological information an historic building survey is required. This should be to an ENHANCED level (per ALGAO:Scotland guidance). This will preserve by record the buildings in their current state and record the structures and important features (e.g. openings, fireplaces, graffiti etc) pertinent to their collective history.

If the Council is minded to approve this application, I recommend the following condition:

#### **Archaeology: Developer Funded Historic Building Survey**

No development shall take place until the applicant has secured and implemented an approved programme of archaeological work in accordance with a **Written Scheme of Investigation** outlining an **Historic Building Survey**. This will be formulated by a developer contracted archaeologist(s) and approved in writing by the Planning Authority. **Development and archaeological investigation shall only proceed in accordance with the WSI.**

The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation

*Council Headquarters, Newtown St Boswells, MELROSE, Scottish Borders, TD6 0SA  
Customer Services: 0300 100 1800 [www.scotborders.gov.uk](http://www.scotborders.gov.uk)*

working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.

- Historic Building Survey will be in accordance with the ALGAO:Scotland guidance as requested by the Planning Authority.
- In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times.
- Initial results shall be submitted to the Planning Authority for approval in the form of a **Historic Building Survey Report (HBSR)** within one month following completion of all on-site archaeological works.
- Once approved the site archive and HBSR shall also be reported to the National Monuments Record of Scotland (NMRS) via the OASIS system within three months of on-site completion.
- Results will be summarised in *Discovery and Excavation in Scotland* (DES) within one year of on-site completion.
- The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological investigations, reporting and dissemination of results as required. The developer will be expected to fund and implement all further archaeological work.

Reason: To preserve by record a building of historical interest.

**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	16/01371/FUL
<b>Uniform Ref</b>	16/02198/PLANCO
<b>Proposal</b>	Change of use of agricultural buildings and alterations to form 12 No dwellinghouses
<b>Address</b>	Agricultural Buildings , South East Of Merlewood , Hutton Castle Barns
<b>Date</b>	11 <sup>th</sup> November 2016
<b>Amenity and Pollution Officer</b>	Forbes Shepherd
<b>Contaminated Land Officer</b>	Gareth Stewart

**Amenity and Pollution**

Assessment of Application

Noise

Nuisance

Water Supply

**Private Drainage Arrangements**

Condition

*No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition*

*Reason: To ensure that the development does not have a detrimental effect on public health.*

Informative

Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exists for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

Mains Water

*No water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.*

*Reason: To ensure that the development does not have a detrimental effect on public health.*

*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 supply network.*

*Reason: To ensure that the development does not have a detrimental effect on public health.*

### **Construction Noise**

#### **Informative**

The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used.

The following are the recommended hours for noisy work

Monday – Friday            0700 – 1900

Saturday                    0700 – 1300

Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council.

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites.

For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

#### **Recommendation**

Information to be Provided Before Work Commences (see conditions)

### **Contaminated land**

#### **Assessment of Application**

The above application appears to be proposing the redevelopment and change of use of land which previously operated as an agricultural steading and recorded tanks on site. In addition a sheepwash was recorded in the vicinity and was apparently associated with the steadings use. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

It is recommended that planning permission should be granted on condition that development is not be permitted to start 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.

The attached standard condition may be helpful in this respect

#### **Recommendation**

~~Delete as appropriate – Agree with application in principle, subject to conditions / Further Information Required Before Application is Determined / Information to be Provided Before Work Commences (see conditions) / No Comment / Object / Informative Note~~

## Conditions

Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. **No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.**

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, these documents. This 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 Council **prior to** addressing parts b, c, d, and, e of this condition.

and 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 of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

**Written confirmation from the Council**, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, **shall be required by the Developer before any development hereby approved commences**. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

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.

## PLANNING CONSULTATION

To: Ecology Officer

From: Development Management

Date: 7th November 2016

Contact: Lucy Hoad ☎ 01835 825113

Ref: 16/01371/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 28th November 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 28th November 2016, it will be assumed that you have no observations and a decision may be taken on the application.

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**OBSERVATIONS OF: Ecology Officer**

## CONSULTATION REPLY

*It is recognised that a formal recommendation for a decision can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Management service in respect of heritage and design issues (biodiversity).*

Adopting the Council's Supplementary Planning Guidance for biodiversity

[https://www.scotborders.gov.uk/directory\\_record/7432/biodiversity/category/28/approved\\_planning\\_guidance](https://www.scotborders.gov.uk/directory_record/7432/biodiversity/category/28/approved_planning_guidance) the proposed development and type of structures involved conforms to the type of development requiring a bat survey and breeding bird survey.

The local landscape is characterised by regular patterns of arable fields and scattered pastures divided by mature hawthorn hedgerows. Trees are few and confined to small broadleaf, mixed or coniferous woodlands and shelterbelts (Borders Landscape Type 16 – Rolling Lowland Margin).<sup>1</sup>

A site visit was undertaken on 15/11/16. The proposed development site is surrounded by mature trees and adjacent to large arable fields. Local Biodiversity Sites (LBS) within 2km of the proposed development include Edington Mill, Pear Bank (170m), Bite-about Wood (300m), and Allanton Bridge, Whitehall, Bluestoneford (905m). The Whiteadder Water, a tributary of the River Tweed, is located 255m north of the site.

The River Tweed is designated an SAC under the EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna (the "Habitats Directive"), for its biological interest, including river lamprey, brook lamprey, sea lamprey, European otter, Atlantic salmon and as a watercourse characterised by water crowfoot species. The River Tweed is also designated as a SSSI,

which is regulated by the Nature Conservation (Scotland) Act 2004, and is notified for Atlantic salmon, sea, river and brook lamprey, flies, beetles, vascular plants and trophic range river/stream.

Statutory protected species recorded within 2km of the development site include badger *Meles meles*, red squirrel *Sciurus vulgaris*, common pipistrelle *Pipistrellus pipistrellus* and a variety of bird species.

Bats and otter are protected under The Conservation (Natural Habitats &c.) Regulations 1994 (as amended). It is illegal to intentionally or deliberately kill or injure them, intentionally, deliberately or recklessly damage, destroy, or obstruct access to any place used for shelter or protection including resting or breeding places (all roosts, whether occupied or not), or deliberately, intentionally or recklessly disturb them. In accordance with guidance from the Scottish Government, surveys and any subsequent licensing requirements for European Protected Species (EPS) will need to be resolved before the planning application is determined. Impacts on EPS will be assessed against the three key tests.

Badgers and their setts are protected by law in the Protection of Badgers Act 1992 (as amended).

Red squirrels are listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Offences under this Act include intentionally or recklessly killing, injuring, or taking a red squirrel; damaging, destroying or obstructing access to any structure or place a red squirrel uses for shelter or protection (a drey) and disturbing a red squirrel when it is occupying a structure or place for shelter or protection. According to Scottish Natural Heritage (SNH) guidance, it is advisable that a suitably qualified and experienced person undertakes a survey if red squirrel or their dreys are likely to be found in or close to the proposed development site, in order to determine the likely impacts of the proposal and whether proposed works could result in an offence.

All wild birds are afforded protection and it is an offence to deliberately or recklessly kill, injure and destroy nests and eggs of wild birds. Additionally for those species protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any bird whilst it is nest-building or at or near a nest containing eggs or young, or to disturb any of its dependent young.

Proposed works include alteration of the existing agricultural buildings to form 12 dwelling houses with parking spaces for 26 vehicles. Drainage is proposed via a new septic tank with discharge to a large soakaway within the curtilage of the development and surface water is to be treated via SUDS arrangements.

#### **Recommendation:**

- Prior to determination, a Preliminary Ecological Appraisal (PEA) <http://www.cieem.net/guidance-on-preliminary-ecological-appraisal-gpea-> shall be undertaken, to identify the scope of further surveys for ecological interest that may be required. A mitigation plan for the protection of breeding birds, badger and other protected species and habitats as appropriate shall be included and submitted to and approved in writing by the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved mitigation plan.

I will comment further once the PEA has been submitted.

Liz Hall MSc  
Assistant Ecology Officer  
30/11/2016

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<sup>i</sup> ASH Consulting Group 1998. The Borders Landscape Assessment. SNH Review No. 112



# REGULATORY SERVICES



To: **Development Management Service**  
**FAO Lucy Hoad**

Date: 5 Dec 2016

From: **Roads Planning Service**  
Contact: **Keith Patterson**

Ext: 6637

Ref: 16/01371/FUL

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**Subject: Change of use of Agricultural Buildings to 12 No Dwellinghouses, South East of Merlewood, Hutton Castle Barns, Hutton.**

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Whilst I have no objections in principle to the redevelopment of these buildings I do have some concern over the minor road network leading to the site and also the proposed parking layout for the dwellings. The concerns with the minor road can be somewhat overcome by increasing the number of passing places on the network. The parking layout submitted will result in vehicles utilising the two accesses furthest west having to reverse significant lengths to access the public road as no turning provision has been provided. I will require the proposal to be amended to allow vehicles to enter and exit the site in a forward gear.

The amended plans, as well as taking the above on board should incorporate the following points:

- Six passing places generally to diagram DC-1 or DC-1a to be provided on the public road network leading to the site. Three between the site and Hutton and three between the site and the B6460, all at agreed locations.
- Engineering details of the new and upgraded access onto the public road, showing the proposed geometry, surface water drainage and verge construction to the specification shown below.
- A service layby as per DC-3 is required to cater for refuse vehicles and other associated vehicles. The can be incorporated into the access to the parking court or on the verge close by.

**Specification:**

40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.

It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

DJI

**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	<b>16/01371/FUL</b>
<b>Uniform Ref</b>	<b>16/02198/PLANCO</b>
<b>Proposal</b>	<b>Change of use of agricultural buildings and alterations to form 12 No dwellinghouses</b>
<b>Address</b>	<b>Agricultural Buildings , South East Of Merlewood , Hutton Castle Barns</b>
<b>Date</b>	<b>10<sup>th</sup> March 2017</b>
<b>Amenity and Pollution Officer</b>	<b>Lynn Crothers</b>

**Amenity and Pollution**

Assessment of Application

Further to the consultation reply on 11 November 2016, the application has been reviewed in light of additional information received from the applicant and also the neighbouring land users.

The proposed site is located within close proximity of an agricultural building. This building can potentially be used for a number of agricultural activities without the need for planning permission. This exposes the development to potential nuisance form such activities relating to noise, odour, dust and insects. Whilst legislation exists in terms of section 79 of the Environmental Protection Act 1990 to protect the public from the impacts of statutory nuisance, I am of the opinion that from loss of amenity should the neighbouring building be used for an agricultural activity that involves the rearing of livestock, the existing legislation will not protect residents.

I am therefore unable to support this application and would recommend its refusal.

**Recommendation**

Application is refused
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Lucy Hoad  
Planning Officer  
Planning Department  
Scottish Borders Council  
Newtown St Boswells  
Melrose  
TD6 OSA

Chesterfield Farmhouse  
Paxton  
Berwickshire  
TD15 1TJ

December 5th 2016

Planning Application 16/01372/LBC

Proposal : Internal and external alterations to form 12 dwelling houses  
at Hutton Castle Barns, Berwickshire

Dear Lucy

Thank you for your letter inviting comment from Hutton & Paxton Community Council regarding the above application.

Residents at Hutton Castle Barns, whom we represent are, in the majority, very much in favour of the proposal. They are supportive towards the addition of a small number of further homes and subsequent population to their small yet vibrant community. Small communities such as this are the heart and soul of rural Berwickshire and the Borders, and as such, should be supported.

Conversely, we note that the source of a number of objections are not from Hutton Castle Barns itself and although some may appear to be in line with reason, it seems doubtful that they are strictly valid.

The proposal will transform a group of derelict farm buildings in the hamlet into active use and in doing so will address, at least in part, the already identified need for housing by Scottish Borders Council in Berwickshire and the Borders, including, importantly, a shortfall of homes of a size which are popular and in demand.

The challenges when building and making alterations to buildings on what is a brownfield site are understandable, but the eventual outcome of a cohesive group of well designed homes in former farm buildings as proposed, is very much better than what currently exists. From every point of view they are well worth the effort.

Hutton & Paxton Community Council fully supports this application and would urge approval.

Yours faithfully

Alex McGregor  
Hutton & Paxton Community Council

