

## PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 24th October 2018

Contact: Paul Duncan ☎ 01835 825558

Ref: 18/00961/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 14th November 2018, 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 14th November 2018, 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:** Mrs Suzanne Currie

**Agent:** Smith And Garratt Rural Asset Management

**Nature of Proposal:** Erection of dwellinghouse with detached garage

**Site:** Plot 3 Land North East Of The Old Church Lamberton Lamberton Scottish Borders

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**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Officer Name and Post:</b>	<b>Contact e-mail/number:</b>
	Archaeology Officer Dr Christopher Bowles	<a href="mailto:archaeology@scotborders.gov.uk">archaeology@scotborders.gov.uk</a>
<b>Date of reply</b>		<b>Consultee reference:</b>
<b>Planning Application Reference</b>	18/00961/FUL	<b>Case Officer:</b> Paul Duncan
<b>Applicant</b>	Mrs Suzanne Currie	
<b>Agent</b>	Smith And Garratt Rural Asset Management	
<b>Proposed Development</b>	Erection of dwellinghouse with detached garage	
<b>Site Location</b>	Plot 3 Land North East Of The Old Church Lamberton Lamberton Scottish Borders	

***The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.***

<b>Background and Site description</b>	<p>The proposal is for a single dwellinghouse, detached garage and access in a green field site north and east of No 3 Lamberton. While the site is listed as Plot 3, based on an earlier withdrawn scheme (under 06/01022/OUT), there is an existing consent for a single house (16/00947/FUL) only with the former plots 1 and 2 in the paddock to the north remaining undeveloped.</p> <p>I have reviewed the case history for this site; all relevant consultations from my predecessor, myself, Historic Scotland (and later Historic Environment Scotland); and both the decisions of a Government Reporter for a refused application (08/00022/OUT) and the approval of the existing consent by the Local Review Body.</p> <p>The site is within an area of archaeological potential. As outlined in previous consultations within the site's case history, the plot lies in an area where there is a suspicion that the medieval village of Lamberton existed. The exact extent or layout of Lamberton during the Medieval period is unknown. For this reason, the existing consent includes a condition for archaeological evaluation prior to development.</p> <p>The site is also within 50 metres of the Scheduled medieval Lamberton Church and churchyard. The Church is Scheduled both for its inherent archaeological survival and for its importance to Scottish and Northern English history. Since the 2008 application, the issue of impacts to the Monument's setting has been a factor in decision making.</p> <p>The 2008 application included a house approximately 20 metres to the west of the currently proposed house occupying what was effectively Plot 2 of the original 2006 outline proposal. It included a detached garage within the western edge of the Plot 3 site near the existing belt of broadleaf trees. The 2008 application saw a refusal from the Council partly on the basis that the setting of the Church would be significantly impacted by development in that the scale of the house would diminish the appearance of the churchyard particularly on approach from the north-east along the Right of Way BB53 (which extends through the application area; I understand this will be maintained in the current application). This was upheld by a Government Reporter on appeal who specified that the setting is significantly</p>
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	<p>impacted by adding a house to the east side of the tree belt, thereby removing the agricultural appearance of the land on the north and east sides of the churchyard when viewed from the north-east. He further added that the 2008 proposal would reduce ‘to insignificance’ the stone walls of the churchyard and the knoll on which they sit. He emphasised the policy tests as set out in then policy N14 which included a requirement for assessing alternative means of meeting a development’s need. In this instance, he saw that development on the south-west edge of the building group was more in keeping with the settlement and the setting of the Scheduled Monument.</p> <p>In 2016, an application for a single dwelling within Plot 3 was approved by the Local Review Body. This overturned the decision of the planner who refused the application again partly because of the setting impacts to Lamberton Church and churchyard. In this, the planner was responding to my comments that, while not objecting, there was a setting impact and the scheme was on the margins of acceptability (given the case history and comments by Historic Environment Scotland). I recommended that she apply the policy tests set out in LDP EP8a, and in doing so she felt the proposal would not be acceptable under the policy. In reversing the planner’s refusal, the LRB did not comment on the issue of setting.</p>
<p><b>Key Issues (Bullet points)</b></p>	<ul style="list-style-type: none"> <li>• There are significant impacts to the setting of a Scheduled Monument: Lamberton Church and Churchyard</li> </ul>
<p><b>Assessment</b></p>	<p>In reviewing the previous decisions for the site, comments from statutory bodies and prior archaeology consultations, I conclude that this development proposal is contrary to Policy EP8a of the Local Development Plan.</p> <p>The proposal sits in the landscape approximately 15 metres further to the north of the consented development, and 20 metres east of the refused 2008 application (see the overlay below showing all 3 site plans). This has the effect of marginally increasing from the 2016 consent the ‘wrap around’ appearance of the settlement encroaching beyond its eastern edge as emphasised by the tree belt. This was a concern of previous consultations, and the Reporter’s 2008 decision in particular. It also moves the building into 2008 appeal area and on a similar alignment to the outline building proposed in 2008.</p>  <p>Showing 2008 and 2016 decisions relative to 2018 application</p>

In commenting on the current application, Historic Environment Scotland note that there *will* be impacts to the setting of Lamberton Church. They note that the development will be seen through the trees and in views to the site, but that these impacts do not raise issues of national significance. I agree with these comments, but it should be noted that in Scottish Planning Policy it is solely the Planning Authority that determines setting impacts with HES's role narrowly restricted to governing direct impacts to Scheduled Monuments and determining whether there are setting impacts that may affect their national significance. Thus, while their views are to be taken into account, the Planning Authority must make its own judgement on setting. In terms of Policy EP8a, this acknowledgement of setting impact by HES places the onus on the Planning Authority to determine the level of impact, at national, regional or local scale, and whether the application meets the following criteria of acceptability:

- The development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and
- There are no reasonable alternative means of meeting the development need

In order to assess these criteria, we first need to determine if the impact will meet the level of national, regional or local significance. I agree with HES's current assessment that there are no nationally significant impacts such that the nationally important cultural value of the setting will be lost. The Reporter in 2008 noted that views of the development at that time to and from Lamberton Church, particularly from the north-east along an existing Right of Way, would dominate and diminish the setting of the monument. This was, and would still be, a nationally significant impact. The 2016 application, as noted above, was in my opinion on the margin of acceptability and HES at the time also felt there was a setting impact that fell below the threshold of their narrow remit. Ultimately this application was refused on setting grounds by the planner, but approved by the LRB without reference to setting issues.

The current proposal for a larger house than currently consented 15 metres further to the north, and 20 metres west of the refused house site, effectively moves development into an area that would not be acceptable. It is my view that the Reporter's 2008 decision clearly set out why that scheme did raise issues of national significance in that the 'reduction to insignificance' of the setting when viewed from the north-east met the threshold of unacceptable impacts. My 2016 recommendations, while not explicitly stated at the time, implied that the development would impact the setting of the monument but could be justified through the policy tests. Its impact would be locally significant in that, while it would be viewed from the north-east along with Scheduled Monument, the scale and distance between the two mean that the Scheduled Monument would be maintained within an appropriate setting. The 2016 house would also be better read with the linear (and possibly medieval) arrangement of the existing building group than the 2008 application.

This current proposal 'bridges the gap' between the two decisions. It places a larger building further north of the existing consent, away from the line of the road, and on a similar alignment to the 2008 refusal. The detached garage also increases the 'wrap around' effect of the settlement boundary into the church's setting in relation to the tree belt. While not as close to the Scheduled Monument as the 2008 house would have been, in views from the north and east, the current proposal would dominate the views of the church site and churchyard and diminish the appearance

	<p>of the upstanding enclosure walls. It would also be more difficult to read the knoll on which the churchyard stands as a key landscape element of the site (the reason for its high visibility and attraction in the medieval period). When travelling along the Right of Way, a visitor's sense of place and location of the historic church (and important events that took place therein) would be significantly distracted by a large house sitting in the foreground of the tree belt that effectively hides the existing settlement from view, and highlights the churchyard and its landscape position. This amounts to a regional impact in that while the church and churchyard benefits from some separation from the house, and can still be understood, the appreciation and experience of the church's setting will be diminished <i>almost</i> to the point of insignificance.</p> <p>As there are no regional or national benefits offered by this proposal, and an alternative means of meeting development need is established in the existing consent, I recommend that this application be refused as contrary to Policy EP8a of the Local Development Plan.</p> <p>However, should the application ultimately gain consent I recommend the following condition below to cover the mitigation of potential below ground impacts to buried archaeological features or deposits.</p> <p>I would be happy to review any changes in the development footprint, particularly if these are more in line with the existing consent.</p>			
<b>Recommendation</b>	<input checked="" type="checkbox"/> <b>Object</b>	<input type="checkbox"/> <b>Do not object</b>	<input type="checkbox"/> <b>Do not object, subject to conditions</b>	<input type="checkbox"/> <b>Further information required</b>
<b>Recommended Conditions</b>	<p>No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.</p> <p>Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.</p>			
<b>Recommended Informatives</b>				