



By email to:
dcconsultees@scotborders.gov.uk

Scottish Borders Council
Council HQ
Newtown St Boswells
Melrose
TD6 0DF

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our ref: AMH/2391/10
Our case ID: 300031944
Your ref: 18/00681/FUL
25 October 2018

Dear Sir/Madam

Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013

Site Adjacent No 9 Caberston Avenue, Walkerburn, Scottish Borders - Erection of dwellinghouse with detached double garage and artist studio, associated access and infrastructure

Thank you for your consultation which we received on 17 October 2018. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

Ref	Name	Designation Type
SM2391	Purvishill Tower, cultivation terraces, enclosure and tower	Scheduled Monument

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Richard Heawood who can be contacted by phone on 0131 668 8624 or by email on Richard.Heawood@hes.scot.

Yours faithfully

Historic Environment Scotland

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



Comments provided by	Archaeology Officer Officer Name: Dr Christopher Bowles	Contact e-mail/number: archaeology@scotborders.gov.uk
Date of reply	9 July, 2018	
Planning Application Reference	18/00681/FUL	Case Officer: Lucy Hoad
Proposed Development	Erection of dwellinghouse with detached double garage and artist studio, associated access and infrastructure	
Site Location	Site Adjacent No 9 Caberston Avenue Walkerburn Scottish Borders	
<i>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.</i>		
Background and Site description	<p>I have reviewed the application against our HER and historic mapping. I previously spoke with the applicants about the archaeological potential within the site. There are known archaeological implications for this proposal.</p> <p>A previous proposal for this site contained an archaeological impact assessment. This was revised in 2011 and a laser scan of the site produced by AOC Archaeology. This highlighted the survival of cultivation terraces of likely prehistoric date within the development area, along with post-medieval tracks linked to an old quarry to the north of the development area. The terraces are linked to those to the west of Bellenden House which are Scheduled. The report flagged that development proposals at the time posed a 'Moderate-Major' impact to both the terraces and the setting of the nearby Scheduled Monument area. Ultimately an application in 2011 was not taken forward.</p>	
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Direct impacts to known heritage of local to regional significance • Potential indirect impacts on the setting of a Scheduled Monument 	
Assessment	<p>In assessing the application, I noted that the Planning Statement discusses Scheduled Monument only with no reference to undesignated heritage within the site. However, helpfully the Design Statement does mention this and suggests an agreement to mitigation.</p> <p>There is a potential through development to impact on the setting of the Purvishill Scheduled Monument. Given this, I recommend that Historic Environment Scotland be consulted for their views. I believe the setting impacts may be justifiable provided that the area has already seen impacts from a quarry and track, and well as the development of Walkerburn and Bellenden House more generally. However, I will reserve full judgement until I understand the position of HES.</p> <p>The primary issue with the site is that there will be unavoidable direct impacts to the upstanding archaeological remains of cultivation terraces. These are linked to the larger terraces west of Bellenden House which are of National Significance. The undesignated terraces within the site in themselves are not as well preserved as those to the west and are partly truncated by the later access track to the quarry. Nevertheless they will contain archaeological evidence pertaining to the development of the terraces and possibly paleoenvironmental remains pertaining to ancient cultivation.</p>	

	<p>While I am pleased to see acceptance of the archaeological issues on the site, the proposal for mitigation via a watching brief would not in my view be wholly sufficient. The site plan shows the new access will cut across the terraces on site. Outside this area, in ground not previously disturbed by quarry activities, may be evidence of further terracing or associated activities.</p> <p>In those parts of the site where there will be impacts to the known terraces, the areas of impact should be fully excavated in advance of development. Sufficient time should be given to allow archaeologists to fully record the terraces and any other archaeological evidence. The results may be worthy of post-excitation analysis and publication which would also be required through the recommended condition below. The remaining evidence of the terraces not subject to impacts should be preserved in situ and fenced off during development to avoid accidental impact. The fencing should be done by an archaeological contractor who is able to identify the full scale of the remains and a suitable buffer around these to protect.</p> <p>For those areas where there are no known assets there remains a moderate to high potential for encountering buried remains. In these areas it is appropriate for there to be a precautionary watching brief on excavations to sub-soil or archaeologically sterile soil depth.</p>			
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input checked="" type="checkbox"/> Further information required
Recommended Conditions	<p>While I can support the principle of development, I would request a consultation with HES on the issue of potential impacts to the setting of the Monument. I am unable to provide a final judgement on the scheme until I have seen their consultation.</p> <p>However, if the Council ultimately approves this scheme I recommend the following conditions:</p> <ul style="list-style-type: none"> 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-excitation assessment, reporting and dissemination of results are undertaken per the WSI. <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>			

Recommended Informatives	
-------------------------------------	--

From:Bowles, Christopher
Sent:Thu, 8 Nov 2018 14:42:35 +0000
To:Hoad, Lucy
Subject:RE: 18/00681/FUL

Lucy,

I've now read HES's comments and I can confirm that I can support the development but maintain the recommendations set out in my consultation. There are no significant impacts to the setting of the Scheduled Monument posed by this scheme.

All the best,

Chris

Dr Christopher Bowles

BA, Msc, PhD, MCIfA, FSA(Scot)

Archaeology Officer

Regulatory Services

Scottish Borders Council

01835 826 622 (direct dial)

Direct e-mail: christopher.bowles@scotborders.gov.uk

Service e-mail: archaeology@scotborders.gov.uk

Web: <https://www.scotborders.gov.uk/info/20013/environment/603/archaeology/1>

[Web](#) | [Twitter](#) | [Facebook](#) | [Flickr](#) | [YouTube](#)

How are you playing [#yourpart](#) to help us keep the Borders thriving?

All the best,
Chris

From: Hoad, Lucy
Sent: 05 November 2018 16:37
To: Bowles, Christopher
Subject: 18/00681/FUL

Hello Chris

Please note that the HES response for above proposals is available to view on iDOX – do you have any further comments on the application please? Thanks Lucy

Regards Lucy

Lucy Hoad

Assistant Planning Officer

Regulatory Services

Scottish Borders Council

Tel 01835 825113

Email lhoad@scotborders.gov.uk

[Web](#) | [Twitter](#) | [Facebook](#) | [Flickr](#) | [YouTube](#)

How are you playing [#yourpart](#) to help us keep the Borders thriving?

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	18/00681/FUL
Uniform Ref	18/01446/PLANCO
Proposal	Erection of dwellinghouse with detached double garage and artist studio, associated access and infrastructure
Address	Site Adjacent No 9 Caberston Avenue Walkerburn Scottish Borders
Date	12th June 2018
Amenity and Pollution Officer	Forbes Shepherd
Contaminated Land Officer	Gareth Stewart

Amenity and Pollution

Assessment of Application

*Water Supplies
Nuisance*

Mains Drainage

Condition

*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.*

*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.*

Mains Water Supply

Condition

*No development is to 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.*

No water supply other than the public mains shall be used to supply the Development without the written agreement of the Planning Authority.

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.

Wood Burning Stoves

I note from the plans that a wood burning stove is to be installed as part of the development and 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.

Informative

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 <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on - [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.

Recommendation

Agree with application in principle, subject to conditions

Contaminated land

Assessment of Application

The above application appears to be proposing the redevelopment of land which is adjacent to quarries which appear to have been infilled. The nature of the infill materials is not known. 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.

CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION

Comments provided by	Roads Planning Service	Contact e-mail/number:
Officer Name and Post:	Paul Grigor Roads Planning Officer	pgrigor@scotborders.gov.uk 01835 826663
Date of reply	17 th July 2018	
Planning Application Reference	18/00681/FUL	Case Officer: Lucy Hoad
Proposed Development	Erection of dwellinghouse with detached double garage and artist studio, associated access and infrastructure	
Site Location	Site Adjacent to No.9 Caberston Avenue, Walkerburn	
<i>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.</i>		
Background and Site description	An application for developing a dwelling on this plot was refused in 2007 (07/02475/OUT). Part of the refusal was that <i>“the existing vehicular access to the site is inadequate and improvements to the appropriate standard are out with the application site and could not be readily achieved.”</i>	
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Access • Construction traffic 	
Assessment	<p>The road which leads from the A72 to the development site is far from ideal due to the constraints along its length. Whilst we would normally recommend against any further development served by this road, the Roads Planning Service were prepared to support one more dwelling in 2007, providing certain junction improvements were carried out where Caberston Avenue meets the A72. This was very much an on balance decision but it was decided that the road improvements required would be a road safety benefit to all users of this road by improving visibility and turning manoeuvres.</p> <p>As with the 2007 application, the same road improvements would be required as part of this submission in order for us to look more favourably upon the proposal. I would also note that the current submission includes an artist’s studio. This would have to be restricted for private use and not for commercial purposes, as I would not wish to encourage more traffic movements over and above that of the single dwelling.</p> <p>I have copied below the road improvements requested in 2007 and these matters should be satisfactorily addressed as part of a scheme of details which should be submitted for approval prior to the determination of the application. The applicant will also have to demonstrate that they have ownership of the land required to undertake the works or the written approval of any third party. These works would have to be undertaken prior to work commencing on the development due to the temporary increase in traffic the construction period would bring.</p> <p>2007 Comments;</p> <ul style="list-style-type: none"> • <i>The access altered and widened by approximately 3m to the west, with</i> 	

	<p><i>improved junction radii and visibility to the west improved so that an emerging driver can see the junction warning sign from a distance of 2.4m back from the edge of the A72. A detailed scheme to be agreed at 'full' application stage.</i></p> <ul style="list-style-type: none"> • <i>Carriageway widening on parts of the road between Royston and 1 High Cottages.</i> • <i>An extra on street parking bay to be marked at the start of the existing parked bays, along with hatching to prevent further parking.</i> • <i>Two parking spaces, not including any garage, to be included within the curtilage of the site.</i> • <i>The new access into the site must be at a gradient of no greater than 1:18 over the initial length rising out to a gradient of no greater than 1:8 thereafter before flattening off again to 1:18 for the parking and turning area.</i> <p>In addition to the above, the first 5 metres of the new private access must be surface to the following specification "75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1."</p> <p>Given the constraints of the road and the temporary intensified use of this road during the construction period, I will require a pre-commencement and post construction condition survey of the route. Any defects identified through this process must be rectified to the satisfaction of the Council at the expense of the applicant within 3 months of the dwelling becoming habitable, unless otherwise agreed in writing with the Council. Any emergency repairs must be carried out within an agreed timescale relative to the severity of the situation.</p> <p>Until I receive the additional information, I am unable to support this application.</p>			
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input checked="" type="checkbox"/> Further information required
Recommended Conditions				
Recommended Informatives				

Signed : Alan Scott