

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 16/01460/PPP  
**APPLICANT :** Mr Ian Liddell-Grainger  
**AGENT :** Savills  
**DEVELOPMENT :** Erection of dwellinghouse  
**LOCATION:** Land South East Of West Flemington House  
Eyemouth  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
	Location Plan	Approved

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

Director of Education and Lifelong Learning: The development triggers a contribution of £2438 is sought for the Primary School and £3428 per unit is sought for the Secondary School, making a total contribution of £5866.

Roads Planning Service: No objection provided two parking spaces (not including a garage) and a turning area is provided prior to occupation of the house and retained in perpetuity.

Heritage and Design Officer: The proposal will not have an adverse impact on the setting of the listed farmhouse of farm steading. The steading has been on the Buildings at Risk Register since 2002 and the condition of the steading has continued to deteriorate. This development may stimulate the redevelopment of the steading but there is no guarantee of this and it is recommended that this new development should be seen to enable works at the steading which forms part of the building group. A condition to seek for safeguarding works to be undertaken before occupation of the house is suggested.

Environmental Health (Contaminated Land Officer): Proposals involved the development of land which may have been contaminated by its previous agricultural use. Further investigation and agreement of any mitigation where required is recommended by way of condition.

**PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016:  
PMD2 - Quality Standards  
HD2 - Housing in the Countryside  
HD3 - Protection of Residential Amenity

EP7 - Listed Buildings  
IS2 - Developer Contributions  
IS7 - Parking Provision and Standards  
IS9 - Waste Water and Sustainable urban Drainage

Supplementary Planning Guidance on;  
New Housing in the Borders Countryside 2008

Circular 4/1998 - Use of Conditions

**Recommendation by** - Scott Shearer (Planning Officer) on 7th February 2017

The application site is located on a parcel of flat grass land in-between West Flemington Farmhouse and a property known as The Cottage. An access road bounds the site to the north east and a combination of drystone dyke, post and wire fencing and planting enclose the remaining site boundaries. The steading range to the north east is largely disused. The steading and Farmhouse are separately listed Category B with the steading featuring on the Buildings at Risk Register because of its poor physical state. This PPP application seeks approval for a single dwellinghouse.

The application has been supported by site, elevation and floor plans but these are for indicative purposes only as this is a PPP application. The application has followed preapp discussions with the department and I have taken over the application from my colleague. The key determining issues are whether the development represents a suitable addition to a building group and respects the setting of the neighbouring listed buildings.

The plot sits in-between two residential properties. The two properties which lie further west are concentrated around the road confluence at West Flemington in a manner where the four identified properties are sufficiently well related to one another so that they represent a building group. The application site is located within the definable boundaries of the building group which is set by the field boundaries which extend around the edges of this part of the building group. The positioning of the site and its density relates well to the location and character of other sites within the group. Presently there are no other implementable or extant planning permissions for any new housing associated with this group therefore the group has capacity to accept this proposal as one of its potentially two approvals which would be permissible under this LDP period. In light of the above assessment the proposal is judged to satisfy each requirement under Category A of Policy HD2 of the LDP and concludes that the development represents a suitable addition to the building group.

The site is located away from both listed buildings so the principle of the development is not viewed to impact on either of their settings and satisfies this requirement of Policy EP7 of the LDP. The detailed design of the site will have to ensure it respects the setting of these buildings and the approach suggested in the plans provided does not necessarily appear controversial. Fundamentally, the siting, scale and design remains to be determined under an AMC application. To avoid any future confusion the detailed site and elevation plans should not be stamped approved under this permission as consent is in PPP terms only.

The part dilapidated state of the listed steading range opposite the site means that it has been included on the Buildings At Risk register since 2002. The steading is within the ownership of the applicant. The suggestion of the H&DO to facilitate safeguarding or enabling works to the steading as a result of the relationship of this application is acknowledged because of the state of these designated buildings. The Steading is related to this site by location and ownership, however seeking for the works to be undertaken to this building which does not form part of this application site is not viewed to be material to the development of this PPP approval and would not uphold each of tests for conditions listed within Circular 4/1998. It is recommended that an applicant informative is attached to this permission to raise the applicant's awareness to arrest the physical decline of these buildings and we understand that it is their intention to pursue the redevelopment of this steading once again.

The principle of developing a house in this site does not raise any significant residential amenity concerns whereby the proposal would not fail to comply with policies covering residential amenity. The impact on residential amenity will require further consideration at AMC stage.

The site is already served by an existing access and Roads Officers are not seeking any upgrades. Parking and turning requirements can be controlled by condition.

It is indicated that the site may have been previously used for agriculture. This use may have contaminated the site. Investigation into this and any required mitigation can be agreed as an obligation for AMC.

The developer has accepted our policy provision for developer contributions and agreed to enter into a Section 75 Legal Agreement to conclude the financial contributions towards local schools which are triggered by this development.

To ensure that the development is serviced appropriately the AMC process can agree the precise means of foul and surface water drainage as well as water supply.

All other material planning matters which could be raised by this proposed development have been considered and there are no reasons where the application fails to comply with the provisions of the development plans.

### **REASON FOR DECISION :**

Subject to a legal agreement and compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

### **Recommendation:** Approved - conditions, inform & LA

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:  
(a) the expiration of three years from the date of this permission, or  
(b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.  
Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 4 Two parking spaces, not including any garage, and turning must be provided within the curtilage of the site and shall be properly consolidated before the dwellinghouse is occupied. The parking and turning shall be made available in perpetuity thereafter.  
Reason: To ensure parking and turning are made available within the site.

5 No development shall commence until precise details of the water supply and of both foul water and surface water drainage have been submitted to and approved in writing by the local planning authority. Thereafter no development shall take place except in strict accordance with the approved details. The surface water drainage shall be handled by way of sustainable urban drainage techniques.

Reason: To ensure the site is adequately serviced.

6 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.

### Informatives

It should be noted that:

1 The Category B listed Farm Steading has been included on the Buildings at Risk Register since 2002 and remains in the ownership of the applicant. The physical condition of the buildings continues to deteriorate. To arrest any further decline, which may eventually help to enable any future conversion of the steading buildings, it may be in the applicants interest to undertake works to safeguard these buildings. If the buildings are deemed to be unsafe under or dangerous then Health and Safety or Building Regulations legislation may intervene to resolve any issues.

**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**