

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 17/00104/FUL

**APPLICANT :** Mr Roddy And Mrs Rachel Jackson

**AGENT :** Keith Renton, Architect

**DEVELOPMENT :** Re-instatement, alterations and extension of former dwellinghouse and erection of detached garage

**LOCATION:** Folly Cottage  
Woodside Farm  
Kelso  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
812P-01	Location Plan	Approved
812P-04	Existing Elevations	Approved
812P-05	Existing Elevations	Approved
812P-7B	Floor Plans	Approved
812P-08	Floor Plans	Approved
812P-09B	Elevations	Approved
812P-10A Garage	Planning Layout	Approved
812P-02A	Landscaping	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

An advert was placed in the Southern Reporter for neighbour not known and on the PINS website. No neighbours received statutory notifications.

Consultations:

Education: Catchment area for Yetholm Primary School and Kelso High School. A contribution of £2,718 is sought for the High School.

Archaeology: The proposal to alter, extend and construct a new garage will potential damage, obscure and destroy archaeological information in the buildings and below ground. It is judged to be of regional archaeological significance, with there being a moderate to high potential of encountering significant archaeological information. Mitigating this should include an historic building survey of the existing structures to an ENHANCED standard (per ALGAO:Scotland guidance; more detailed recording may be required as necessary) and a watching brief on all associated groundworks to sterile sub-soil or the first archaeological horizon. These are required to be secured by condition.

Ecology: Proposed works include septic tank drainage to soakaway and SUDS for surface water. Care should be taken to follow SEPA Pollution Prevention Guidelines (E.g. PPG5) to avoid potentially polluting substances entering the water environment. Statutory protected species recorded within 2km of the proposed site include badger (700m), kestrel, sparrowhawk, barn owl, peregrine falcon, oystercatcher and lapwing. Barn owl are known to have nested within the structure to be developed, following a previous bird survey (10/00655/FUL). Mitigation measures, approved in an earlier response from the SBC Ecology Officer, were put into place for barn owl including a permanent compensation site and ongoing monitoring has taken place on an ongoing annual basis since barn owl nest boxes were installed. The new owner of the property is to be provided with a copy of the barn owl strategy and informed of the importance of maintaining the permanent compensation nesting site and temporary nest boxes (if not already removed/deteriorated to at state beyond use) in order to safeguard the nesting site(s) available to barn owl.

Given the presence of barn owl and the fact that the structure has been completely open at a gable end, which would create an unstable temperature, there is no requirement for a bat survey.

An Informative is requested: Proposed works include septic tank drainage to soakaway and SUDS for surface water. Care should be taken to follow SEPA Pollution Prevention Guidelines (E.g. PPG5) to avoid potentially polluting substances entering the water environment.

Environmental Health: Potential nuisance. Conditions are sought to demonstrate private drainage and to ensure mains water is used (as opposed to a private supply). An informative is requested for the woodburning stove.

Landscape Architect: No objection.

First Response: Requests for changes to be covered by condition.

Second response: Proposed planting is acceptable in amended scheme. Condition should seek applicant to "notify the Planning Authority when the approved works have been completed and are available for inspection."

Roads Planning: No objection. Parking/ turning, road drainage and access track specification are all matters required to be secured by condition on any approval.

Yetholm Community Council: No response.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016

PMD2: Quality Standards

HD2: Housing in the Countryside

HD3: Protection of residential amenity

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

EP5: Special Landscape Areas

EP8: Archaeology

EP13: Trees, woodlands and hedgerows

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Placemaking and Design 2010

New Housing in the Borders Countryside 2008

Landscape and development, 2008

Developer Contributions, April 2016

Guidance on Householder Developments, July 2006

**Recommendation by** - Euan Calvert (Assistant Planning Officer) on 21st March 2017

Full planning permission is sought for re-instatement, alterations and extension of a former dwellinghouse and erection of detached garage.

**Site and Location**

The site has recently been enclosed in agricultural steel net stock fencing and a mixed species hedgerow has been planted along the northern boundary. The service layby and entrance bellmouth have also been formed in bitmac, as was requested by a planning condition on 10/00655/FUL. The site is in the Bowmont valley, 3 miles south of Town Yetholm, on the lower eastern slopes of Crookedshaws Hill, overlooking the Bowmont Water. A track leads uphill from the roadside (the eastern boundary), where the building sits is on an elevation above The Folly Hope Burn, which forms the western boundary of this site. The southern boundary rises and is laid to improved grass, enclosed in a stock fence.

**Planning History**

Full planning permission has been granted (9th September 2010) and development commenced under 10/00655/FUL for reinstatement, alterations and extensions to the derelict farmhouse. Documentary evidence is on the case file demonstrating purification of conditions and undertaking road junction improvements, as required by condition.

A material planning consideration is the magnitude of change between these proposals. Consideration will be given whether there have been any changes to Policy in this intervening period and the implications this may have on the outcome of the decision.

**Proposal**

1. New gable roofed porch, in bay 2 of the principal, north, elevation.
2. Alterations to the main building to house a sitting room, utility, 2 bedrooms and en suites, dressing room, hall and stair within a 4-bay building.
3. A west wing to house bedroom three (4.3m x 4.5) stepped back from main building line and featuring its own shower room under its own roof 3.3m x 2.7m, set to the rear of the property.
4. East wing to house a kitchen and sitting area (9.5m x 8m) under a large x-planned intersecting roof with glazed gables. Heavy glazing would feature above dado height walls. Elements of glass and timber infill would stretch up under the eaves.
5. A timber garage and store constructed of timber, with a slate clad gable roof and timber clad walls, (9.5m x 6.5m) is proposed to be sited north of the house. It would be aligned with the boundary fences and form a gravel turning area with the house frontage to the north.

**Assessment**

**Principle**

The principle of residential accommodation was established by permission 06/00992/FUL and vindicated in the previous permission, which has commenced.

Policy HD2, Part C, of the Local Development Plan 2016 supports conversions which fit the following criteria:

- I. The Council is satisfied that the building has architectural or historic merit or is physically suited.
- II. The building stands substantially intact and the structure require no significant demolition.
- III. The conversion is in keeping with the scale and architectural character of the existing building.

New housing in Borders Countryside Supplementary Planning Guidance, December 2008, guide conversions and stipulates that it is only appropriate without recourse to significant extension. Principles laid out in this document describe:

1. The building must be deemed worthy and capable of conversion.
2. Extensions ancillary to conversion schemes will only be accepted where it can be demonstrated that it is necessary to secure the restoration of the existing building, without adversely affecting its character.
3. They should be subordinate in scale and should also relate to the character of the farmstead group.

4. Extensions after conversion will be discouraged. Removal of permitted development rights should be considered.
5. Where acceptable extension or alteration is proposed to the steading, it is preferable if these are accommodated on 'private' elevations.

I find these proposals to be largely in accordance with policy HD2 (C). Conversion and extension has been demonstrated and accepted in a previous application and size and mass of this previous approval is a material consideration.

This proposal is linear in plan with smaller subservient single storey elements (west wing and east wing). A ground floor layout supporting this development displays downtakings in red broken lines which demonstrates removal of the southern L-shaped ruined wing.

I determine that these proposals will appear slightly more modest in size than the previous approval. The wallheads are again proposed to be raised and the roof lifted to allow for two well-proportioned bedrooms at first floor but this had previously been permitted therefore the proposal must be accepted. These bedrooms would be accommodated within wallhead piend roofed dormers featuring double windows. The building reads as being 1 and 3/4 storey in height.

The previous approval (U-shaped layout featuring two perpendicular northern wings) was for a 1.5 storey dwelling which, although being smaller in scale, would have been larger in footprint. It was to feature 5 single window dormers, which were to include revealed timbers, king, queen posts and finials, giving a very traditional appearance.

#### PMD2 and SPG: Placemaking and Design

There is less traditional timber detailing being offered in the roofs of these proposals however I consider the massing, design and composition of the various roofs to be appropriate for a rural location, in accordance with policy PMD2 and the SPG on Placemaking and Design. The proposal will retain elements of country cottage styling including apex chimneys, slate roofed dormers, stone mullioned windows, vertical emphasis to windows (divided by transom bars at half height) and a gable roofed entrance porch. These features are married with modern features such as wide expanses of glazing, full height window units and fully glazed French doors.

The walls are to be finished in render rather than bare rubble appearance. Window dormers would be formed in cream stone while lintols and cill dressings of the main building would be exposed and finished in a similar cream colour.

No detail is given as to the finish or colour of the proposed render. I will seek traditional harl (wet dash) as a condition and invite the supply of colour to be a condition of approval. The use of a flat/ smooth render (K-rend) would not be appropriate in appearance for a conversion in this isolated location, which is a special landscape area. While I accept that a modern flat finish can be appropriate for modern construction, this renovation must appear as rehabilitation of a former building. The present masonry rubble construction displays elements of lime harl or slaster in a characteristic grey colour. This building has a long established presence in the landscape and local vernacular is harl in this rural and isolated valley. This traditional appearance should be retained. I am well aware of the modern preference for white/ off white/ cream or vanilla masonry colours and any proposal should be in a mute colour and tone, to ensure appropriate appearance.

Timber tilt and turn windows are proposed and these details are acceptable.

#### HD3 Protection of residential amenity

There is no potential recourse to amenity. There are no nearby residential receptors.

#### EP2: National Nature conservation sites and protected species

#### EP3: Local Biodiversity

The Ecology Officer is aware of previous studies related to the previous permission. It is understood that the building was suitable habitat for barn owl and consequently mitigation measures were put into place. A permanent compensation site and ongoing monitoring has taken place on an ongoing annual basis since barn owl nest boxes were installed.

As an informative I will note this barn owl strategy and the importance of maintaining permanent compensation nesting site and temporary nest boxes (if not already removed/deteriorated to at state beyond use) in order to safeguard the nesting site(s) available to barn owl.

Presence of barn owl and the fact that the structure has been completely open at a gable end, which would create an unstable temperature, there is no requirement for a bat survey. I am satisfied that both Policy EP2 and 3 have been fulfilled.

**EP5: Special Landscape Areas**

Sensitivity of the Cheviot Foothills SLA is acknowledged. This is a former dwelling therefore I do not consider its rehabilitation to harm the landscape setting: its presence has long been established and accepted in this rural and isolated valley. Appropriate landscaping will ensure that, throughout time, the appearance will not be overly prominent. The design is traditional in form therefore in keeping with vernacular.

**EP8: Archaeology**

The archaeologist notes the site is of regional archaeological significance, with there being a moderate to high potential of encountering significant archaeological information. A historic building survey and a watching brief is requested and I find it appropriate to make these a subject of condition on any approval granted, to ensure the potential for encountering buried archaeology is mitigated and recorded.

**EP13: Trees, Woodlands and Hedgerows**

The Council's Landscape Architect has offered comments requiring revised plans. These have been duly provided ahead of determination and a condition is required to ensure landscaping is implemented and maintained for 3 years after completion, and notification for inspection thereafter.

**IS2: Developer Contributions**

Contributions were identified for Kelso High School in a consultation response from Education however it would not be equitable to pursue this request for school contributions. The burden on services and infrastructure was already accepted in 2006 and, crucially, permission granted in 2010 is implementable (10/00655/FUL). I am satisfied that policy IS2 has been complied with.

**IS7: Parking Provision and Standards**

The Roads Planning Officer has identified the requirement of planning conditions to ensure parking and turning on site. The bell mouth and service layby have already been constructed under the previous permission and in relation to these works,

**IS9: Waste water Treatment Standards and Sustainable Urban Drainage**

The Ecologist warns of issues regarding new septic tank drainage to soakaway and surface water drainage system. An informative has been placed to ensure the avoid potentially polluting the water environment.

No response has been received from Yetholm Community Council and no third party representations have been received.

**REASON FOR DECISION :**

Subject to 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 & informatives

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The walls of the building shall be finished in a wet dash harl.

Reason: To ensure the building appearance is appropriate in character for the landscape setting.

- 3 The development hereby approved shall only be carried out in strict accordance with details of the materials (and colour of these materials) to be used on the external walls and roof of the proposed building(s) which shall first have been submitted to and approved in writing by the Planning Authority.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting

- 4 Parking and turning for two vehicles, excluding garages, must be provided within the site before the dwellinghouse is occupied and retained in perpetuity.

Reason: To ensure sufficient in-curtilage parking within the site, the interests of road safety.

- 5 No development shall commence until road design details have been submitted to and approved in writing by the Planning Authority demonstrating:

i. Measures to prevent surface water flowing from on to the public road.

ii. Design details of an access track capable of taking a 14 ton axle load and be free-draining.

The development then to be completed in accordance with the approved details before the dwellinghouse is occupied. The works only to be undertaken by a Council approved contractor.

Reason: To ensure an adequate access onto the public road is provided, in the interests of road safety.

- 6 No development shall 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.

- 7 Prior to occupation of the property hereby approved, 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.

- 8 The landscaping plan, as approved, shall be implemented within the first planting season after development commencing, unless otherwise agreed in writing by the Planning Authority. These landscaping works will be maintained for a period of three years upon habitation, during which time, all failed planting shall be replaced. The applicant shall notify the Planning Authority after this three year period, and make it available for inspection, at which point the approved landscaping plan shall have been implemented and landscaping established.

Reason: To ensure effective assimilation of the development to its surroundings.

- 9 No development shall take place until the applicant has secured a programme of archaeological work in accordance with an approved Written Scheme of Investigation (WSI) outlining a Watching Brief. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

o The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.

o If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.

o Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.

o If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).

o Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion

o The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

- 10 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:

- o The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- o Historic Building Survey will be in accordance with the ALGAO:Scotland guidance as requested by the Planning Authority.
- o In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times.
- o 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.
- o 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.
- o Results will be summarised in Discovery and Excavation in Scotland (DES) within one year of on-site completion.
- o 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.

### Informatives

It should be noted that:

- 1 The Council's Ecology Officer notes:
  - i. A barn owl strategy and the importance of maintaining permanent compensation nesting site and temporary nest boxes (if not already removed/deteriorated to at state beyond use) in order to safeguard the nesting site(s) available to barn owl.
  - ii. Proposed works include septic tank drainage to soakaway and SUDS for surface water. Care should be taken to follow SEPA Pollution Prevention Guidelines (E.g. PPG5) to avoid potentially polluting substances entering the water environment.
- 2 The use of a flat/ smooth render (K-rend) would not be appropriate in appearance for a conversion in this isolated location. The harl should be through colour or painted in a mute colour and tone, if any, avoiding bright white, or yellow (vanilla) toned colours, to ensure an appropriate appearance.

- 3 The EHO advises of burning solid wood 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.

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.

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.

- 4 No water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.
- 5 Private drainage systems often cause public health problems when no clear responsibility or access rights exist 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.

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