

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/01113/PPP
APPLICANT : Mr J H Reddihough
AGENT : Robert J Hales
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land North West Of Town O Rule Farmhouse
Bonchester Bridge
Hawick
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
1302/15/01	Site Plan	Approved
1302/15/02	Location Plan	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

There are no representations.

CONSULTATIONS:

Roads Planning Service: I have no objections in principle to the above proposal. However I have concerns over the road serving the site and I would require the following works to be carried out should these proposals be approved to cater for the additional traffic:

- A passing opportunity to be provided on the road between the site and the B6357 prior to the occupation of the dwelling. This can either be in the form of a passing place or localised widening. The exact location of this should be agreed with the Council prior to works commencing on the site and the works thereafter carried out to an agreed timescale.
- Parking for a minimum of 2 vehicles, excluding garages, and space for turning to be provided within the curtilage of the site prior to occupation and thereafter retained in perpetuity.
- The access onto the D63/3 public road from the site must incorporate a service lay-by to accommodate service vehicles. A typical layout for a service layby is shown in our detail DC6.
- The initial 6m of the access must be constructed to our specification.
- The proposed gates must be hung so as to open into the site.

It should be borne in mind that all work carried out within the public road boundary must be carried out by a contractor first approved by the Council.

Environmental Health: There is an indication within the application that the site has had agricultural use. I therefore recommend that the applicant complete and return the questionnaire providing information relating to the previous use of the site. Once the questionnaire has been returned I will advise you on whether further assessment of potential contamination issues at the site is necessary.

If the applicant does not return the questionnaire, it is important that the potential for contamination is considered when issuing the Planning Permission. I recommend that if the questionnaire is not returned, a condition regarding potential contamination is attached to the Planning Permission in order to ensure that the site is suitable for its proposed use.

Director of Education and Lifelong Learning: The proposed development is located within the catchment area for Hobkirk Primary School and Jedburgh Grammar School. There are no contributions sought for this application.

Archaeology Officer: While I can support the principle of development, there are potential archaeological implications. The name 'Town O' Rule' reflects the location of a medieval village or town that was likely destroyed in the 16th century by the Earl of Hertford. It is difficult to place where exactly the town was located in the valley. Blaeu's Atlas of the 17th century suggests a settlement called 'Tou of Rule' between Hallrule Farm and Billerwell well to the north of this site. The present farmstead only appears on maps from the late 18th century. Historical evidence suggests the town was sited to the 'left' of a cleft, which may reflect the location of Town O' Rule Farm in relation to the Hallrule Burn. The disparity in the historical sources therefore suggests two possible locations for the town, at Town O' Rule Farm itself or at some unknown location between Hallrule and Billerwell to the north. There is nothing I can find in aerial photos or other evidence to suggest that either location is more likely than the other.

In addition to this our Historic Environment Record contains reference to a possible prehistoric settlement in the vicinity of Town O' Rule farmhouse, though states that nothing now remains.

Given the two potential archaeological sites, the medieval 'Tou of Rule' and a prehistoric settlement, within the development area it is important to identify and mitigate the loss of archaeological deposits during development. I recommend that this can be achieved by an archaeological watching brief to take place following all demolitions on site and during excavations for the new build secured by a condition.

Ecology Officer: The existing timber framed, steel and timber clad structure proposed for demolition is unlikely to support bat roosts but is likely to support breeding birds such as barn swallow and house sparrow. Mitigation for breeding birds is required. Demolition of the existing structures should occur outside of the bird breeding season (March-September). If demolition works are to be carried out during the breeding season, supplementary surveys for breeding birds and mitigation will be required as appropriate.

Landscape Architect: No comments (verbal response).

Hobkirk Community Council: No response.

APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement:

- The proposed building is to occupy a similar footprint to existing corrugated metal clad timber frame structures which currently occupy the site and sit within the immediate vicinity of other buildings that form part of the farm steading of Town O' Rule Farm, which is located 1.2 miles north of Bonchester Bridge.
- There are three entrances into Town O Rule from the public road.

- The original development at Town O' Rule is arranged around a courtyard setting. The buildings are single and two storey random rubble stone with slate roofs. The farmhouse is rendered. Later timber frame additions are attached to these earlier structures, with some being detached and built outwith the original development curtilage to the west. These structures are of simple timber frame construction, open at the front, with corrugated profile sheeting or open boarded timber.
- The existing farm buildings no longer fulfil their functions and are surplus to requirements. Some buildings are used occasionally and others are becoming dilapidated.
- The site is an unkempt field in which single storey, open fronted sheds are located, clad in corrugated metal sheeting and located within an L shape plan. The boundary to this field consists of a post and wire fence with a short section of dry stone walling along the section which lines the road at the south west of the field.
- The proposal is to demolish the existing shed within the site. The existing access would be removed and a new access formed. This will reduce the amount of access junctions along the highway.
- The proposed dwellinghouse is orientated towards the views available to the north west and to the south west while taking consideration of the sun path. The siting reflects the existing L shaped footprint, whilst reflecting the courtyard portrayed within Town O Rule Farm. This idea of an open courtyard responds to the scale of the steading and the sense of connection as a whole while the other elevation and area is more about a sense of the private and the open countryside in which it is connected.
- The dwellinghouse aims to reflect the rectilinear unconnected blocks of the original Town O Rule steading but aims to create a connection between the two parts of the farm.
- The proposed dwellinghouse follows the footprints of the existing structures and is to be arranged at right angles to the Town O Rule steading in order to create a stronger link between the developments as a whole.
- The proposed dwellinghouse is to have pitched roofs with gables to reflect the existing traditional buildings. The materiality and type of structure is important in order to reflect and compliment the architectural language. It is possible that the proposed may be constructed from a frame type structure and clad in a sheet or timber cladding with the emphasis on the vertical, in which a varied size of openings will penetrate the skin in order to reflect those later additions. Larger openings at ground floor would reflect the openness of the existing structures and farms traditionally. Masonry maybe used to match that of the original buildings or the structures maybe rendered to match the farmhouse.
- The courtyard is to be hard landscaped to reflect the idea of a working farm, for practicality and flexibility and will consist of shared and private surfaces which will be defined by a condition within the hard landscaping. No fence type structures would be constructed within this courtyard.
- Boundaries outwith the courtyard are to be defined by post and rail or post and wire fences. Large timber gates will allow access to the garden ground. The existing wall is to be built up and continued to the access where timber gates will form an entrance. A hedge is proposed to provide an amount of screening for the plot while mirroring that existing to the right of the entrance in order to create a unified development. A small amount of tree planning will reflect that of its surrounding context while creating a shallower visual depth of sight.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan Adopted 2011

G1: Quality Standards for New Development

G2: Contaminated Land

G5: Developer Contributions

BE2: Archaeological Sites and Ancient Monuments

NE3: Local Biodiversity
NE4: Trees, Woodlands and Hedgerows
EP2: Special Landscape Area
H2: Protection of Residential Amenity
Inf4: Parking Provision and Standards
D2: Housing in the Countryside

Supplementary Planning Guidance:

New Housing in the Borders Countryside December 2008
Placemaking and Design January 2010
Local Landscape Designations August 2012

Recommendation by - Julie Hayward (Lead Planning Officer) on 6th November 2015

Site and Proposal

Town O Rule Farm is situated to the north of Bonchester Bridge accessed by a minor public road from the B6357 Bonchester Bride to Jedburgh road. It comprises of a two storey rendered farmhouse and a number of traditional stone and slate and more modern corrugated metal farm buildings.

The site is unused land situated to the north west of the main steading. There are corrugated metal sheds on the site and an access onto the public road. There are fields to the north and east and the modern agricultural complex is to the north west. There is a stone wall on the western boundary with the road and access track to the modern steading.

The farmhouse and a modern house, Town O Rule House, are situated to the south east and there are three farm cottages on the opposite side of the public road to the south east. The site is within the Teviot Valleys Special Landscape Area.

This is a Planning Permission in Principle application for the erection of a dwellinghouse on this site. The indicative site plan shows an L shaped dwelling situated adjacent to the south west boundary of the site adjacent to the access to the modern steading. The existing farm buildings would be demolished. The existing access would be closed off and a hedge planted along the road boundary. A new access onto the public road would be formed to the south east.

Foul drainage would be via a septic tank discharging to open ground and the proposed dwellinghouse would connect to the mains water supply.

Planning History

12/01209/FUL: Change of use from agricultural building and alterations to form dwellinghouse. Disused Agricultural Building North West of Town O Rule Farmhouse Bonchester Bridge. Withdrawn.

12/01210/PPP: Erection of two dwellinghouses. Land North West of Town O Rule Farmhouse Bonchester Bridge. Withdrawn.

Planning Policy

Policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 requires that the site is well related to an existing building group of at least three houses or buildings capable of conversion to residential use. Any consents for new build granted under the building group part of the policy should not exceed two houses or a 30% increase in addition to the group during the Local Plan period. No further development above this threshold will be permitted. Calculations on building group size are based on the existing number of housing units within the group at the start of the Local Plan period. This will include those units under construction or nearing completion at that point. The cumulative impact of the new development on the character of the building group, landscape and amenity of the surrounding area will be taken into account in determining applications.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

A Planning Permission in Principle application (12/01210/PPP) was approved by the Planning and Building Standards Committee in December 2012 for two dwellinghouses on a larger that includes this current site, together with an application to convert the agricultural building into a dwellinghouse. These applications have now been withdrawn as the Section 75 Agreement to secure the relevant developer contributions was never completed. Therefore, the principle of residential development on this site has been supported by the Council in the past and policies on housing in the countryside have not changed since that decision.

It is accepted that there is a building group at Town O Rule comprising of the farmhouse, Town O Rule House to the south east of the farmhouse and the three Town O Rule Cottages. Planning permission for additional housing in this building group has been granted in the past; permission was granted for Town O Rule House in 2005 as it was considered then that there was a building group in this location and the site for the proposed house was midway between the cottages and farmhouse.

It is considered that this site is well related to the existing building group, being part of the existing steading, and within the area defined by the sense of place. There are no significant boundaries between the existing houses and the site. The proposed dwellinghouse would be within a reasonable distance of the farmhouse. The proposal would represent an appropriate addition to the building group.

There have been no other approvals for dwellinghouses within or adjacent to this building group in the current Local Plan period, as the previous application for two dwellinghouses has been withdrawn, and so there would be no conflict with this aspect of the policy.

Design and Impact on Visual Amenities

Policy G1 of the Scottish Borders Consolidated Local Plan Adopted 2011 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the scale and siting of new development should reflect and respect the character and amenity of the existing building group.

This is an application for Planning Permission in Principle and so no details of the design of the dwellinghouse have been submitted. The indicative site plan shows an L shaped building designed to reflect the buildings within the traditional steading. The Design Statement advises that the proposed dwellinghouse would have a pitched roof with gables to reflect the original buildings and may have timber cladding with a vertical emphasis to reflect later additions to the steading or be rendered to match the farmhouse.

It is considered that with appropriate design, materials, boundary treatment and landscaping the proposal would not harm the visual amenities of the area.

Landscape Impacts

The site is within the Special Landscape Area, as designated in the Council's Supplementary Planning Guidance: Local Landscape Designations August 2012.

The proposal would involve the removal of the redundant agricultural buildings on the site, which have no architectural merit, and their demolition would improve the appearance of the site. The plot is well related to the existing traditional farm buildings to the north east. These would act as a backdrop and a screen. It is considered that the development would not be unduly prominent in the landscape. It is considered that with

appropriate scale, design and materials the proposal would not harm the special characteristics of the Special Landscape Area.

Residential Amenities

Policy H2 of the Scottish Borders Consolidated Local Plan Adopted 2011 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The existing farmhouse is 20m from the site separated by agricultural buildings and so the residential amenities of occupiers of this property would not be affected by this proposal.

It is considered that provided that the steading buildings adjacent to the site are no longer used for agricultural purposes an adequate residential environment can be achieved for the future occupants of the new dwellinghouses. These buildings are no longer in use and the main farm complex is now to the north west.

Access and Parking

Policy Inf4 requires that car parking should be provided in accordance with the Council's adopted standards.

The Roads Planning Service has no objections to this application provided the detailed proposal addresses their concerns regarding the standard of the access, parking, the provision of a service lay-by, the position of gates at the access and a passing place or road widening on the public road. These issues can be controlled by planning conditions and agreed at the detailed application stage.

Contaminated Land

Policy G2 refers to developments proposed on contaminated sites and the need for site investigations to identify any risks to public health, safety or the environment and remedial proposals.

Environmental Health has advised that the application site has been in agricultural 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. A condition is proposed to ensure that the site is investigated for any potential contamination and appropriate mitigation measures carried out.

Archaeology

Policy BE2 states that where there is evidence of archaeological remains the Council may require and archaeological evaluation to provide clarification of the potential impact of a development.

The Council's Archaeologist advises that the proposal will have archaeological implications; the name 'Town O' Rule' reflects the location of a medieval village or town, though the exact location is not known. In addition, the Historic Environment Record contains reference to a possible prehistoric settlement in the vicinity of Town O' Rule farmhouse, though states that nothing now remains.

Given the two potential archaeological sites within the development area it is important to identify and mitigate the loss of archaeological deposits during development. An archaeological watching brief is required following all demolitions on-site and during excavations for the new build. This will be secured by a condition.

Developer Contributions

Policies G5 of the Scottish Borders Local Plan Adopted 2008 states that where a site is acceptable but cannot proceed due to deficiencies in infrastructure or due to environmental impacts the Council will require developers to make contributions towards the cost of addressing such deficiencies.

No contributions are required towards education or affordable housing.

REASON FOR DECISION :

It is considered that the proposal complies with policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 as the site is well related to an existing building group. Appropriate siting and design will ensure that the proposal would not affect the residential amenities of occupants of neighbouring properties or the visual amenities of the Special Landscape Area. Adequate access and on-site parking can be achieved.

Recommendation: Approved subject to conditions

- 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 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
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 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.

- 4 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:

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

- 5 Demolition of the existing built structures must occur outside of the bird breeding season, to be carried out between October and February. No demolition works to commence during the breeding bird season (March-August) without the express written permission of the Planning Authority. A supplementary breeding bird survey and subsequent mitigation may be required if works are to commence during the breeding season.

Reason: To protect breeding birds within the site.

- 6 All agricultural activities shall cease and all redundant buildings shall be removed from the site prior to any development commencing.

Reason: To avoid conflict with agricultural activities.

- 7 The roofing materials to be natural slate.

Reason: To safeguard the visual amenity of the surrounding area.

- 8 If a private water supply is to be used, no development to be commenced until a report by a qualified person has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of water to the development in terms of the quantity, quality and impacts on other supplies in the vicinity.

Reason: To ensure that the site is adequately serviced.

- 9 Details of the surface and foul water drainage for the site to be submitted to and approved in writing by the Planning Authority before the development commences. The approved scheme then to be completed as part of the development.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

- 10 No development shall take place except in strict accordance with a scheme of soft landscaping works which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:

- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
- ii. location of new trees, shrubs, hedges and grassed areas
- iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
- iv. programme for completion and subsequent maintenance of all existing and proposed planting.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

- 11 No development shall be commenced until precise details of the boundary treatment around the site and the proposed gates have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.

Reason: The boundary treatments require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

- 12 Parking and turning for a minimum of two vehicles, excluding any garages, must be provided and retained in perpetuity within the curtilage of the property. These parking spaces must be provided prior to the dwellinghouse being occupied.

Reason: To ensure adequate on-site parking is provided within the plot.

- 13 One passing opportunity to be provided on the road between the site and the B6357, either in the form of a passing place or localised widening, before the dwellinghouse is occupied in accordance with a scheme that has been submitted to and approved in writing by the Planning Authority before the development commences.

Reason: To ensure that the local road can cater with the traffic generated by this development, in the interests of road safety.

- 14 The access onto the D63/3 public road from the site to incorporate a service lay-by as per detail DC6 (attached) before the dwellinghouse is occupied.

Reason: To accommodate service vehicles, in the interests of road safety.

- 15 The initial 6m of the access must be constructed to the following 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 before the dwellinghouse is occupied. All work within the public road boundary to be carried out by a contractor first approved by the Council (list attached).

Reason: To ensure that the site can be safely accessed, in the interests of road safety.

- 16 The proposed gates to be hung so as to open into the site and not out over the public road.

Reason: To prevent any obstruction of the public road in the interests of road safety.

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