

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING
AND REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 13/00776/PPP

APPLICANT : Mr And Mrs S Corrigan

AGENT : Derek Scott Planning

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Paddock And Redundant Stable North Of Station House
Cowdenburn
Lamancha
Scottish Borders
EH46 7BD

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
L(-)001 REV A	Location Plan	Refused
SUPPORTING STATEMENT		Other Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

Consultation Responses
Roads Planning

No objections provided the existing access is widened to 6m with 8m radii and surfaced to the specification below. The junction twill also need to be kerbed using 125 x 255 splay precast kerbs with a 75mm upstand.

All parts of the shared drive between the existing and proposed property shall be formed in a bituminous surface.

All work must take account of surface water drainage as appropriate.

It should be borne in mind that only contractors on the councils approved list, DC-8, may work within the public road boundary.

Junction 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 bottoming blinded with sub-base, type 1.

Education and Lifelong Learning

The proposed development is located within the catchment area for Newlands Primary School and Peebles High School. A contribution of £1213 is sought for the High School.

Environmental Health
No comments

Community Council - No response

Coal Authority

The site lies within the Coal Authority Consultation Area - Carlops/Greenacres. It is identified as being on the boundary of a 'High Risk Area' and there may be a requirement to submit a desk based Coal Mining Area Risk Assessment. Therefore, it is appropriate that the standing advice from The Coal Authority should be placed as an informative on any decision notice.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Structure Plan 2011

G1 - Quality Standards for New Development

D2 - Housing in the Countryside

H2 - Protection of Residential Amenity

G5 - Developer Contributions

Inf 4 - Parking Standards

SPG - New Housing in the Borders Countryside

Recommendation by - Dorothy Amyes (Planning Officer) on 20th August 2013

The application site is a former ammunitions store located to the west of Station House, Cowdenburn, Lamancha. It is located adjacent to the former railway line and is currently used for stabling horses.

In 2008 an application (08/00781/FUL) for the change of use of the building was refused on the following grounds:

The proposal would be contrary to Policy H4 - Housing in the Countryside - Conversion or Rebuilding of the Scottish Borders Structure Plan 2001-2011 and Policy D2 - Housing in the Countryside (Conversions) of the Scottish Borders Local Plan 2008 in that the building is not physically suited for residential use and has no architectural or historic merit that would make it worthy of retention. In addition, the proposed alterations are not in keeping with the architectural character of the existing building. Conversion of this building to a dwellinghouse would set an unacceptable precedent for this type of development in the countryside.

The current application proposes the demolition of the building and the erection of a dwellinghouse on the site. It is acknowledged that the existing buildings has little architectural merit and, in the supporting statement, it is stated that the building detracts from the rural ambience, character and appearance of the area and that this will increase as the building ages and the condition deteriorates further. The building is two storeys and is constructed of brick and corrugated sheeting. This is a planning permission in principle application and no details of the proposed house are required to be submitted with the application. However, an indicative site layout has been submitted which shows that the proposed dwellinghouse is not to be located on the site of the building to be demolished but further east within the site and closer to the existing properties.

Any application for a dwellinghouse in the countryside must be assessed against the prevailing policies and, in this case, it is mainly Local Plan policy D2- Housing in the Countryside and Supplementary Planning Guidance New Housing in the Borders Countryside.

There are two houses close to the application site and to satisfy the requirements for a building group there must be at least three properties. In the supporting statement it is argued that there is in fact a building group of seven houses at Cowdenburn, with five houses being located to the north on the opposite side of the A701 and that this site is well related to this building group. The site is located to the east of the Old Station and Station House and it is considered that the existing building is not particularly well related to

these two properties and would not contribute to any sense of place that exists at this location. Furthermore, it is considered that the two properties are not well related to the properties on the eastern side of the A701 and that the building group comprises these properties which form a compact and easily identified group. Given the above, it is considered that the proposals do not satisfy D2 (A) Building Groups or the definition of a building group given in the SPG.

The site is not located within the Southern Housing Market area and it is therefore not appropriate to consider it as being part of a dispersed building group where a lower threshold of two houses might be acceptable. The existing building does not appear to be suitable for conversion and the applicant does not contest the reasons for the previous refusal of a proposed change of use. The existing building was previously an ammunitions store and has never been a dwellinghouse and therefore D(D) Rebuilding does not apply. No information has been submitted with the application to indicate that there is an economic requirement for an additional dwellinghouse at this location.

Whilst it is acknowledged that the existing building is of no architectural merit and that a new building, of an appropriate design, might be an improvement in terms of the appearance of the area, this is not a sufficient reason to support the application and it is considered that the application should be refused as it is not located within an existing group of at least three houses.

It should be noted that, if the application were to be approved it would attract development contributions of £1213 towards Education and Lifelong Learning.

The site lies within the Carlops/Greenacre Coal Mining Area and it would appear to be on the boundary of the Development High Risk Area and it is likely that before any further development can take place on this land a desk based assessment will be required by the Coal Authority. Although this current application cannot be supported, it is considered appropriate to draw the applicant's attention to this issue through an informative on the decision notice.

REASON FOR DECISION :

The proposals are not acceptable as they do not comply with Scottish Borders Local Plan policy D2 Housing in the Countryside and Supplementary Planning Guidance New Housing in the Borders Countryside as the site is not located within a building group of three or more houses and there are no overriding economic needs or benefits to the local community that would justify approval.

Recommendation: Refused with informatives

- 1 The proposal for a dwellinghouse at this location is contrary to Scottish Borders Local Plan policy D2 Housing in the Countryside and Supplementary Planning Guidance New Housing in the Borders Countryside as the site is not located within a building group of three or more houses and there are no overriding economic needs or benefits to the local community that would justify approval.

Informatives

It should be noted that:

- 1 It should be noted that:

- 1 The Coal Authority
The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development

taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

This Informative Note is valid from 1st January 2013 until 31st December 2014

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