

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 16/01368/FUL

**APPLICANT :** Mrs Stephanie Jones

**AGENT :** Jefcoate Anderson Architects

**DEVELOPMENT :** Erection of dwellinghouse

**LOCATION:** Land East And North East Of Westwater Cottage  
Bogsbank Road  
West Linton  
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>
(GA)010 B	Location Plan	Approved
(GA) 013 A	Block Plans	Approved
JONE014	Elevations	Approved
JONE011	Floor Plans	Approved
JONE012	Floor Plans	Approved
1602-13-510 B	Other	Approved
JONE013	Roof Plan	Approved
(GA)300 B	Sections	Approved
(GA) 014 B	Site Plan	Approved
54.0 (GA) 1200	Report	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Consultation Responses  
Roads Planning

The previous application (15/00674/FUL) for a change of use on this site, raised no objections providing certain matters were addressed with regards to the access onto the public road and the private track serving the site.

The current application is now for a new build dwellinghouse due to the existing building being unsuitable for conversion. As such I have no objections to the current proposal, which is largely similar to the previous application.

It should be noted that the previous requirement for improving the visibility has been undertaken. The upgrading of the private track to provide a smooth, free draining running surface capable of withstanding a minimum axle loading of 14 tonne, is still applicable to the current submission.

In addition to the above, the existing access onto the public road has been widened to accommodate construction traffic. The surface of the widened bellmouth is currently unmade and not to the standard I would accept. The new bellmouth should be a minimum of 5.5 metres wide over the first 7.5 metres, with 6 metre radii and surfaced 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."

Providing the above points are satisfactorily addressed, I will not object to this application.

All work within the public road boundary must be undertaken by a contractor first approved by the Council.

#### Environmental Health

The above site was subject to site investigation and risk assessment under planning application 15/00674/FUL, the revised application is understood to amend the existing consent which has been initiated.

Information has been provided by the developers who have concluded the site can be rendered suitable for its proposed use following the implementation of identified remedial measures.

Remedial measures should be employed as detailed within the submitted remediation strategy (Evolve - 2449 Old Barn West Linton Ground Remediation Strategy Rev C 160226). Should the development be subject to alterations then if appropriate a revised remedial strategy and validation plan shall be required to identify the remedial measures necessary to render the site suitable for its use.

Following implementation of remedial recommendations a validation report should be submitted by the developer which will validate and verify the completion of works to the satisfaction of the Council.

#### Recommendation

Agree with application in principle, subject to conditions

#### Conditions

No development should 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.

No water supply other than public mains water shall be used for human consumption 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 supply network.

Reason: To ensure that the development does not have a detrimental effect on public health.

Community Council  
Support the application

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016  
PMD1 - Sustainability

PMD2 - Quality Standards  
HD2- Housing in the Countryside  
HD3-Protection of Residential Amenity  
IS7 - Parking Provision and Standards

Supplementary Planning Guidance  
New Housing in the Borders Countryside

**Recommendation by** - Dorothy Amyes (Planning Officer) on 18th December 2016

In 2013 a planning application (12/00298/FUL) was approved for the change of use of the former agricultural building to a single dwellinghouse as the proposals complied with the Local Plan Policy D2 and the SPG for New Housing in the Borders Countryside. The principal of the change of use has been established. The consent was issued in June 2014 following the completion of a Section 75 Legal Agreement for Developer Contributions towards Education and Lifelong Learning.

The building was a single skin brick structure, with a shallow corrugated roof with steel trusses. It had been extended in the past and had a series of internal divisions that form stall divisions and storage rooms.

In 2015 a new application was submitted for a change of house style and this was considered to be acceptable and the consent was issued in early February 2016. Work commenced on the conversion but due to the deterioration of the condition of the building it was not been possible to use the building and what remained required to be demolished. This means that the application to convert the building is no longer valid and the current application has been submitted for a new dwellinghouse on the site. A supporting statement outlining the reasons why the conversion could not take place has been submitted with the application.

The current application is for a dwellinghouse on the same footprint and of a design almost the same as that previously approved in 2016. There are minor design changes which do not have a significant affect on the appearance of the new building. In terms of siting and design there are no issues.

The main issue is whether the application complies with the housing in the countryside policy and, if not, whether it is appropriate in this instance to allow an exception.

When the initial application for the conversion of the barn was submitted it was considered by planning officers that there was no building group at this location. In 2015, the Local Review Body took the view that there was a building group and an application for a dwellinghouse south of the Lodge was approved (14/01182/FUL). This building group included Westwater House (now rebuilt), the Lodge and Boggsbank farm which is located on the opposite side of Boggsbank Road. The old barn site is contained within this building group.

In July this year an application for planning permission in principle for a new dwellinghouse on the site between the barn and Westwater House was approved (16/00459/PPP). This had the effect that one new dwellinghouses had been approved during the previous Local Plan period and one new dwellinghouse approved in the current Local Plan period which started in May this year. This would mean that the proposed dwellinghouse on the old barn site would be the second house to be approved during the Local Plan period and that this would comply with the policy. However, no building work has commenced on the site south of the lodge and, as the consent is still valid, it is considered appropriate to count this as one of the two consents which can be approved during the new local plan period.

If the current application is to be supported that would mean that there would be consents for three new dwellinghouses within the same local development plan period which would be contrary to policy.

The issue therefore is whether or not it is appropriate to make an exception in this instance. When the original application for the conversion of the barn was submitted one of the main considerations was whether the building was capable of conversion. A structural survey was submitted which demonstrated that the building could be converted. However, it is accepted that what remained of the building has deteriorated over time and that it was the intention of the current applicant to comply with the conditions of their original

consent. It is noted that what was finally approved only contained small elements of the existing building and that the design reflected the original building with additions at both gable ends. The proposed newbuild will still reflect the original building and for the most part will be as previously approved.

It is accepted that the current site is well related to the existing build group of three houses and that it will not have a significant adverse impact on the character or landscape or the surrounding area. Indeed, it will provide a reminder to the former agricultural use of the site.

In relation to Local Development Plan policy HD2 (A) Building Groups states that:

'c) any consents for new build granted under this part of the policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.'

also 'the calculations on building group size are based on the existing number of housing units within the group at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point'.

Whilst the advice is that extant consents should be carried over into new Local Development Plan periods this advice is not directly specified in the policy documents. Furthermore, there is no guarantee that either of the two current consents will be constructed during the current local plan period. With the potential for renewals of these consents when they come toward expiry dates this could have the effect of blocking any further development within the building group for many years to come.

The current proposal is acceptable in all other matters (subject to the conditions placed on the previous consent or amended to reflect current situation)) and there is a section 75 legal agreement in place for developer contributions to wards Education on Lifelong Learning. Given the circumstances noted above, it is considered that an exception should be made to the policy and the application should be approved. The Section 75 agreement will require to be varied to reflect the new consent.

## **REASON FOR DECISION :**

It is considered that an exception should be made to the Local Development Plan policy for Housing in the Countryside as the principle of a dwellinghouse at this location has been established, it is accepted that the existing building is no longer capable of conversion and the site lies within an existing building group and is well related to it.

The scale, design and materials of the revised scheme are acceptable in the rural location and the immediate surroundings. There are no nearby properties that will be affected by this development in terms of loss of residential amenity.

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

- 1 No development should 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.
- 2 Remedial measures should be employed as detailed within the submitted remediation strategy (Evolve - 2449 Old Barn West Linton Ground Remediation Strategy Rev C 160226). Should the development be subject to alterations then if appropriate a revised remedial strategy and validation plan shall be required to identify the remedial measures necessary to render the site suitable for its use.  
Following implementation of remedial recommendations a validation report should be submitted by the developer which will validate and verify the completion of works to the satisfaction of the planning authority.  
Reason: The site has previously been used for agricultural purposes and remedial work is required to make the site suitable for residential use.

- 3 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.
- 4 The development hereby approved shall only be carried out in strict accordance with details of the 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
- 5 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
  - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
  - iii. location and design, including materials, of walls, fences and gates
  - iv. soft and hard landscaping works
  - v. existing and proposed services such as cables, pipelines, sub-stations
  - vi. other artefacts and structures such as street furniture, play equipment
  - vii. A programme for completion and subsequent maintenance.
- Reason: To ensure the satisfactory form, layout and assimilation of the development.
- 6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.  
Reason: To ensure that the proposed landscaping is carried out as approved.
- 7 Public access along the access track from Boggsbank Road should be maintained during and after the house has been constructed and occupied and no gates should be placed across this track without the prior written approval of the planning authority.  
Reason: To ensure that public access is maintained at all times
- 8 The new bellmouth should be a minimum of 5.5 metres wide over the first 7.5 metres, with 6 metre radii and surfaced 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." This work should be completed to the satisfaction of the planning authority prior to the occupation of the dwellinghouse.  
All work within the public road boundary must be undertaken by a contractor first approved by the Council.  
Reason: To ensure that there is an acceptable access onto the public road in the interests of public safety.
- 9 Two parking spaces and a turning area shall be provided within the site before occupation of the dwelling and maintained in perpetuity.  
Reason: To ensure that there is adequate off road parking in the interests of public safety.
- 10 No water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.  
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 supply network.  
Reason: To ensure that the development does not have a detrimental effect on public health.

## Informatives

It should be noted that:

### 1 Private Drainage System

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.

### Solid Fuel Use

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.

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