

**SCOTTISH BORDERS COUNCIL**  
**BERWICKSHIRE AREA COMMITTEE**  
**28 NOVEMBER 2006**  
**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** **REFERENCE NUMBER:** 06/00956/OUT & 06/00957/FUL

**OFFICER:** Karen Hope  
**LOCAL MEMBER:** Councillor Elliot  
**PROPOSAL:** Change of use to form six dwellinghouses and erection of three dwellinghouses  
**SITE:** Land to north east and north west of Steading and Steading Buildings, Old Cambus West Mains, Cockburnspath  
**APPLICANT:** Dunglass Estate  
**AGENT:** Sale & Partners

**SITE AND APPLICATION DESCRIPTION:**

This report relates to two separate planning applications for Old Cambus West Mains, near Cockburnspath, submitted by the same applicant. Application ref. 06/00957/FUL seeks full planning consent to change the use of existing steading buildings at Old Cambus West Mains to six dwellinghouses. Application ref. 06/00956/OUT seeks outline planning consent for the erection of three dwellinghouses on land to the north east and north west of the aforesaid steading buildings.

In respect of the outline planning application for the erection of three dwellinghouses, the plots are located within the confines of the existing steading area. Existing modern agricultural buildings within the vicinity of the three plots would be demolished. The existing steading buildings at Old Cambus West Mains, which the applicant proposes to change to six dwellinghouses, are constructed of natural stone and slate. An existing vehicular access to the south would be improved and utilised to serve both the proposed conversions and the new builds. Two of the proposed new builds (plots 7 and 8) would be located to the north of the steading buildings and a further dwellinghouse is proposed to the west of the steading buildings (plot 9).

There is an existing farmhouse to the south of the application sites and a row of cottages to the south east.

**PLANNING HISTORY:**  
None.

**DEVELOPMENT PLAN POLICIES:**  
**Scottish Borders Structure Plan 2001 - 2011**  
Policies H4, H5 and H6 apply which state:

**POLICY H4 - Housing in the Countryside - Conversion or Rebuilding**

Proposals for the conversion of existing buildings to residential use and the rebuilding of existing dwellings in the countryside outwith defined settlements' will normally be supported where they are in accordance with the provisions of the policy guidance 'New Housing in the Borders Countryside'.

### **POLICY H5 - New Housing in the Countryside - Building Groups**

Proposals for new housing in the countryside outwith defined settlements<sup>1</sup> but associated with existing building groups will normally be supported where they are in accordance with the provisions of the policy guidance 'New Housing in the Borders Countryside'. Favourable consideration is more likely where development proposals:

- (i) are readily accessible to the strategic public transport network,
- (ii) employ energy efficient and/or innovative design principles,
- (iii) incorporate employment-generating uses appropriate to a countryside setting.

### **POLICY H6 - New Housing in the Countryside - Isolated Housing**

Proposals for new housing in the countryside, outwith defined settlements<sup>1</sup> and unrelated to building groups, will only be supported where:

- (i) the house can be shown by the developer to be essential at that location for the needs of agriculture or other uses currently occupying or requiring an appropriate rural location, and
- (ii) the requirement for a house cannot be satisfied by Policy H5.

### **Berwickshire Local Plan 1994**

Policies 7, 8, 9 and 83 apply which state:

#### **Policy 7**

Outwith the settlements identified in policies 2, 3 and 6, new housing development will be encouraged within or adjacent to the preferred building groups listed below. In addition, limited development may also be permitted within or adjacent to other building groups. All development should meet the following criteria:

1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. Satisfactory access and other road requirements;
3. Satisfactory public or private water supply and drainage facilities;
4. No adverse effect on countryside amenity, landscape or nature conservation;
5. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
6. Appropriate siting, design and materials in accordance with Policies 63 and 64.
7. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

#### **Preferred Building Groups**

Abbey St Bathans; Auchencrow; Chirnside Station; Cove; Cranshaws; Cumledge Mill, Preston; Edrom; Fogo; Hoprig, Cockburnspath; Horndean; Houndslow; Houndwood; Hume; Ladykirk; Polwarth; Spottiswoode.

#### **Policy 8**

There will continue to be a presumption against single houses in the countryside which are not within or adjacent to existing building groups. Development will be permitted if an economic need can be clearly substantiated. Any development should meet the following criteria:

1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. Satisfactory access and other road requirements;
3. Satisfactory public or private water supply and drainage facilities;
4. No adverse effect on countryside amenity, landscape or nature conservation;
5. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
6. Appropriate siting, design and materials in accordance with Policies 63 and 64.

<sup>1</sup> Defined settlements are those identified in Local Plans and Village Plans  
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7. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

#### **Policy 9**

The Regional Council will encourage the conversion of appropriate existing buildings, including agricultural and other non residential buildings, to residential use, the rebuilding for residential purposes of derelict residential buildings, and new residential building on derelict residential sites. Any developments in the countryside should meet the following criteria:

1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. Satisfactory access and other road requirements;
3. Satisfactory public or private water supply and drainage facilities;
4. In the case of conversions, the building is structurally sound, in a reasonable state of repair and capable of conversion without substantial rebuilding;
5. In the case of conversions, the building can be converted without alterations to its external appearance which would detract from its character and attractiveness;
6. In the case of conversions, the existing building makes a positive contribution to the landscape and has no adverse effect on countryside amenity or nature conservation;
7. In the case of rebuilding of derelict residential buildings or of new building on derelict residential sites, the new building would make a positive contribution to the landscape and have no adverse effect on countryside amenity or nature conservation;
8. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
9. Appropriate siting, design and materials in accordance with Policies 63 and 64.

N.B. Conversions of redundant buildings to non-residential uses are covered by Policy 25

#### **Policy 83**

The Regional Council will ensure that all development in the countryside, including major developments such as overhead power lines, industrial buildings and tourism related projects, will meet the following criteria:

1. No adverse effect on countryside amenity, landscape or nature conservation;
2. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
3. Appropriate site services and access available;
4. Any new building must be of sympathetic design and materials;
5. Any new building must be well sited in terms of location and landscape setting.
6. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

N.B. The particular case of development by telecommunications operators is subject to Policy 103A

### **Scottish Borders Council Local Plan: Finalised December 2005**

Policy D2 applies which states:

#### **POLICY D2 – HOUSING IN THE COUNTRYSIDE**

The Council wishes to promote appropriate rural housing development:

- (a) in village locations in preference to open countryside, and
- (b) in dispersed communities in the southern Borders that are experiencing depopulation in preference to areas under significant commuter pressure in the Northern Borders, Central Borders and Berwickshire.

These general principles will be the starting point for the consideration of applications for housing in the countryside which will be assessed against the Council's Policy Guidance Note "New Housing in the Borders Countryside" 1993, as amended 2000 and 2004 and Structure Plan policies H5 and H6.

This policy should be read in conjunction with these other policy statements which give more detailed guidance on siting, design and interpretation.

Housing in the countryside may be approved provided that:

**EITHER**

**(Building Group)**

1. The Council is satisfied that the site is well related to an existing group of at least three houses or building(s) capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented.
2. In a small number of areas of the Borders where there are few building groups comprising 3 houses and a more dispersed pattern is the norm, a lower threshold may be appropriate. A lower threshold may also be accepted in instances where the development would bring tangible environmental benefits. In these cases the existence of a sense of place will be the primary consideration.
3. Any consents for new build granted under this part of this policy should not exceed 100% of the existing number of housing units in the group. No further development above this threshold should be permitted.
4. The cumulative impact of new development on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts on the landscape or the natural heritage, unless it can be shown that development is merited through other criteria as set out below.

**OR**

**(Anchor point)**

The Council is satisfied that the site lies within a recognised "dispersed community" that functions effectively as an anchor point in the southern Borders. These dispersed communities are to be found in areas of rural depopulation and comprise the Ettrick and Yarrow valleys and southern Borders as indicated on Policy Maps P0-P5. Any consents granted under this part of this policy will not normally exceed 100% of the existing number of housing units in the dispersed group. The design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

**OR**

**(Economic Requirement)**

The Council is satisfied that:

1. the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside; such could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
2. the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing

**AND**

3. no appropriate site exists within a building group, and
4. there is no suitable existing house or other building capable of conversion for the required residential use, and

**EITHER**

5. a) it is for a worker predominantly employed in an enterprise which is itself appropriate to the countryside and the presence of that worker on-site is essential to the efficient operation of the enterprise,

OR

- b) it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.

The applicant and, where different, the landowner, may be required to enter into a Section 75 agreement with the planning authority: to tie the proposed house (or, in the case of 5b) above, any existing house) to the business for which it is justified and to restrict the occupancy of the house to a person solely or mainly employed, or last employed, in that specific business, and their dependants.

A Business Plan, supported by referees or independent business adjudication, may be required in some cases.

OR

**(Conversion)**

The proposed development is a change of use of a building to a house, provided that:

1. the Council is satisfied that the building has architectural or historic merit or is physically suited for residential use; and
2. the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion; and
3. the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

OR

**(Rebuilding)**

The proposed development is the rebuilding or restoration of a house, provided that either:

1. the existing building makes a positive contribution to the landscape
2. the walls of the former residential property stand substantially intact (normally at least to wallhead height), and
3. no significant demolition is required (A structural survey will be required where it is proposed to fully demolish the building, showing that it is incapable of being restored); and
4. the restoration/rebuilding and any proposed extension or alteration is in keeping with the scale, form and architectural character of the existing or original building,
5. Significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a more sustainable and energy efficient design

or:

6. the proposal relates to an established policy/parkland setting, not normally comprising part of a designed landscape, and
7. there is evidence of the existence of the building in terms of criteria 1-3 above, or, alternatively, sufficient documentary evidence exists relating to the siting and form of the previous house and this evidence is provided to the satisfaction of the Council, and
8. the siting and design of new buildings reflects and respects the historical building pattern and the character of the landscape setting, and
9. the extent of new building does not exceed what is to be replaced.

In **ALL** instances there shall be compliance with the Council's Policy and Guidance Note on 'New Housing in the Borders Countryside' and must not negatively impact on landscape and existing developments. The cumulative effect of applications under this policy will be taken into account when determining impact.

**OTHER PLANNING CONSIDERATIONS:**

New Housing in the Borders Countryside Policy and Guidance Note 1993 as Amended April 2000 and August 2004.

SPG on Affordable Housing June 2005

SPG on Developer Contributions June 2006

**CONSULTATION RESPONSES:**

**Council Departments**

**Director of Technical Services (Roads):** *(Response relating to 06/00957/FUL)* Although I have no objections in principle to this application or the other application that this development will form part of the drawings provided do not show how each plot is to be accessed, this may be critical and I therefore request more detailed plans showing this element. In addition: the following must be included in the proposals:

- Forward visibility to the north across the bend when entering the unclassified road that serves this development from the A1107 must be increased to 100 metres by the setting back of gorse hedges;
- The other application that runs along side this one must include a bitmac surface into the steading. If that application does not meet with approval and this one does then the existing road surface must be repaired to provide a smooth running surface for domestic vehicles;
- Parking and turning for two vehicles must be included within each plot; and
- A total of four passing places must be provided between this application and that of the other application at this site regardless of whether the other is given consent or not.

I look forward to receiving amended plans reflecting the above but in the mean time it should be borne in mind that only contractors on the Council's approved list can work within the road boundary and that a road opening permit must be completed and returned to this office before any works commence. I have attached copies of both these documents.

I have also attached copies of two passing place construction detail either or both of which must be adhered to if this application is given consent, constructed at agreed locations.

*(Response relating to 06/00956/OUT)* Although I have no objections in principle to this application or the other application that this development will form part of, the following must be included at the full application stage if I am to support it fully:

- Forward visibility to the north across the bend when entering the unclassified road that serves this development from the A1107 must be increased to 100 metres by the setting back of gorse hedges;
- A suitable bitmac surface must be laid on the steading access road that will serve these new dwellings to the point where it no longer serves 2 new houses;
- Parking and turning for two vehicles must be included within each plot;
- One passing place per unit must be provided on the narrow public road between the site and the A1107.

**Director of Education and Lifelong Learning:** The development of these nine new homes lies within the catchment areas for Cockburnspath Primary and Eyemouth High School. Cockburnspath Primary

Berwickshire Area Committee

School has capacity to accept further pupils and we will not therefore be seeking a developer contribution for this school.

However the High School in Eyemouth is at capacity and in line with Council policy we will require a contribution towards the new High School we will be building at Gunsgreen. We will therefore be looking for a contribution of:

3 units x £3,940 for the High School - £11,820  
6 units x £3,940 for the High School - £23,640

Making a total of £35,460.

Payments would be required upon receipt of either planning consent or a completion certificate for each home.

#### **Statutory Consultees**

**Cockburnspath Community Council:** Only observation would be does this development fit in with the surrounding area.

**Scottish Environment Protection Agency:** SEPA has no objection to this development proposal, however, comments relating to sewage disposal, surface water and landscaping will apply.

**Scottish Water:** No objections subject to compliance with the conditions noted below:

If the connection to the public water main requires to be laid through land outwith the applicant's ownership, then the applicant must provide evidence of formal approval from the affected landowner(s) through whose ground the connection to the public water main must pass.

The applicant must make a separate application to Scottish Water Planning and Development Services team for permission to connect to the public water network at the appropriate time. It is important to note that the granting of planning permission does not guarantee a connection to Scottish Water's assets.

There are no known public sewers in the vicinity of the proposed development. It is advisable that any septic tank should be sited in such a manner as to allow easy access for emptying by tanker.

Scottish Water's water network infrastructure is not affected by this proposal at this time, however, I do advise that a supply from the public water network is dependent on the spare capacity at the time of application for a water connection.

#### **Other Consultees**

None.

#### **OTHER RESPONSES:**

A total of four letters have been received (copies attached) which raise a number of issues/concerns/objections, including the following:

- The proposals would alter the attractive scenery in one of the most picturesque areas of Berwickshire;
- Concerns relating to building slippage question the suitability of this site for development. There is clear evidence of cracks in the walls and land slippage;
- There appears to be little provision for parking;
- The proposals may lead to overlooking and overshadowing;
- Concerns relating to drainage;

**PLANNING ISSUES:**

The main planning issues with these applications are whether or not the proposals comply with the terms of the Council's Housing in the Countryside policy.

**ASSESSMENT OF APPLICATION:**

The proposed conversions at Old Cambus West Mains must be assessed against Policy H4 of the Approved Structure Plan, Policy 9 of the Berwickshire Local Plan 1994 and Policy D2 of the Scottish Borders Finalised Local Plan 2005 which encourages the conversion of appropriate existing buildings to residential use provided a number of criteria can be met. The Housing in the Countryside policy allows for the conversion of substantial agricultural buildings to residential use.

There is evidence of a number of cracks within the steading buildings and subsequently a structural report has been submitted. This confirms that the buildings are in relatively good condition for the most part although some degree of underpinning will be required and the front wall of units 1, 2 and 3 will require to be taken down and rebuilt off new suitable foundation formations. It is considered that with these improvements, the buildings could be converted to residential use.

The Housing in the Countryside policy seeks to ensure that any new housing development does not conflict with existing agricultural activities. Given that this farm steading would become redundant no such conflict would arise. Overall, the reuse of these farm buildings for residential purposes is regarded as acceptable and appropriate in planning policy terms.

The application for the proposed three new dwellinghouses at Old Cambus West Mains must be assessed against Policy H5 of the Approved Structure Plan 2001-2011, Policy 7 of the Berwickshire Local Plan 1994 and Policy D2 of the Scottish Borders Finalised Local Plan 2005. The Council's Housing in the Countryside policy requires the existence of a building group which normally consists of residential buildings comprising at least three dwelling units, including existing buildings capable of conversion to residential use.

It is accepted that there is an established building group within the vicinity of the site. There is an existing farmhouse to the west and cottages to the south. In terms of location it is accepted that the sites relate well to existing properties within the vicinity.

Neighbouring residents have raised concerns relating to land slippage. This is not a material planning consideration.

The Roads Officer has raised no objections to the proposals in principle provided a number of conditions are attached to the consent. In addition, the Roads Officer has requested the submission of a detailed drawing showing how each plot is to be assessed. This has been provided and a detailed response is awaited from the Director Of Technical Services.

An appropriate contribution towards addressing affordable housing in accordance with Scottish Borders Council's Supplementary Planning Guidance on Affordable Housing would be required for this development. Any decision to approve this application would therefore require to be subject to the conclusion of a Section 75 or alternative agreement securing the appropriate contribution / affordable housing provision. A contribution of £35,460 would be required towards education.



## RECOMMENDATION BY HEAD OF PLANNING AND BUILDING STANDARDS:

### **06/00956/OUT (Erection of three dwellinghouses)**

I recommend that this application is approved subject to the following conditions and subject to the conclusion of a Section 75 or alternative legal agreement securing the appropriate developer contribution towards affordable housing and education:

1. The subsequent approval by the Planning Authority of the means of access, the layout of the site, the design and siting of any buildings and the landscape treatment of the site.  
Reason: Approval is in outline only.
2. The means of water supply and of both surface water and foul drainage to be submitted to and approved by the Planning Authority before the development is commenced.  
Reason: To ensure that the site is adequately serviced.
3. A vehicle turning area and two parking spaces to be provided within the site, for each dwellinghouse.  
Reason: In the interests of road safety.
4. Forward visibility to the north across the bend when entering the unclassified road that serves this development from the A1107 must be increased to 100 metres by the setting back of gorse hedges to the satisfaction of the Planning Authority before any dwellinghouse is occupied.  
Reason: In the interests of road safety.
5. A bitmac surface must be laid on the existing steading access road that will serve this development to the point where it no longer serves two new dwellinghouses to the satisfaction of the Planning Authority before any dwellinghouse is occupied.  
Reason: In the interests of road safety.
6. No development of the new build plots to commence before a minimum of 4 of the conversions consented under reference 06/00957/COU have been substantially completed to the satisfaction of the Planning Authority.  
Reason: To maintain effective control over the development

### **06/00957/FUL (Change of use to form six dwellinghouses)**

It is recommended that this application is approved subject to the following conditions and subject to the conclusion of a Section 75 or alternative legal agreement securing the appropriate developer contribution towards affordable housing and education:

1. A vehicle turning area and two parking spaces to be provided within the site, for each dwellinghouse.  
Reason: In the interests of road safety.
2. The means of water supply and of both surface water and foul drainage to be submitted to and approved by the Planning Authority before the development is commenced.  
Reason: To ensure that the site is adequately serviced.
3. The prior consent of the Planning Authority to be obtained for any extensions or alterations affecting the external appearance of the buildings.  
Reason: To safeguard the visual amenity of the area.

4. Forward visibility to the north across the bend when entering the unclassified road that serves this development from the A1107 must be increased to 100 metres by the setting back of gorse hedges to the satisfaction of the Planning Authority before any dwellinghouse is occupied.  
Reason: In the interests of road safety.
5. The surface of the existing access to be improved to the specification of the Planning Authority.  
Reason: In the interests of road safety.
6. Four passing places at agreed locations and to the specification of the Planning Authority to be provided prior to the start of construction work.  
Reason: In the interests of road safety.

*Original copy of report signed by  
BRIAN FRATER (Head of Planning and Building  
Standards)*