



Officer Lucy Hoad
01835 825113
E-mail lhead@scotborders.gov.uk

Application Ref : 14/00996/PPP

Date : 16th September 2014

NAME OF APPLICANT: G Drummond
NATURE OF PROPOSAL: Erection of dwellinghouse
SITE: Plot A Chimside Station Chimside Scottish Borders
GRID REF Easting: 385183 Northing: 656643

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

REQUEST FOR OBSERVATIONS OF: Development Negotiator

Your observations are requested on the above noted planning application. I shall be glad to have your response not later than 7th October 2014. If no reply is received by this date it will be assumed that you have no observations and a decision may be taken on the application.

The following constraints have been highlighted in determining which external consultees need to be consulted, some of which may not be directly relevant to your organisation:

Affordable Housing Contribution AFFORD: Berwickshire - £5,500 @ 25% for residential developments 2-16 units
High School Catchment Area - Non Den HIGHND: Berwickshire
Prime Quality Agricultural Land PQAL: SBC Prime Quality Agricultural Land
Primary School Catchment Area - Non Den PRIMND: Chimside Primary School

Development Type:- 3b. Housing - Local

All documents relating to this application can be viewed by following this hyperlink:
<http://eplanning.scotborders.gov.uk/online-applications/>

To activate the hyperlink, place your cursor at the end of the line and press the return key.

Please create your consultation response in a MS Word document and email it to dcconsultees@scotborders.gov.uk

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Yours faithfully

Brian Frater

Service Director – Regulatory Services

Consultation Response

I can provisionally advise that this application would appear to generate the following Development Contribution requirements. Official Consultation Responses providing definitive advice will be forthcoming in due course.

E & LL – Berwickshire High School

£4,205 x 1 = £4,205

E & LL – Chirnside Primary School

£2,990 x = £2,990

Please note:

- Waverley and E & LL contributions will be the subject of indexation on an annual basis with effect from 1 April and as per policy provision. The amount requiring to be paid will be derived from the relevant contribution rate in force at the point of settlement requirement.
- These contribution assessments are provisional and may be subject to change pending formal consultation with the relevant Service Providers and/or in the course of determination.

Whilst I am aware that this application comprises a renewal of 07/00577/OUT and for which a S75 Legal Agreement already exists, the new requirement for the Primary School extension, this not being reflected in the extant S75, precludes the re-assignment of the existing agreement. Consequently a fresh one require to be concluded.

I have written to the applicant with confirmation of this provisional contribution requirement and subsequently discussed the position with them. This will enable the instruction of a draft Legal Agreement when I receive a full response to my email dated 17/09/14.

Jon Bowie
Development Negotiator

PLANNING CONSULTATION REPLY



Brian Frater
Service Director Regulatory Services

To: Head of Planning and Building Standards
F.A.O. Lucy Hoad
From: **Built & Natural Heritage**
Contact: Mike Marsh Ext. 6509 Ref: 14/00997/PPP Date: 22/09/14

PLANNING CONSULTATION

To: Rights Of Way Officer
From: Development Management Date: 16th September 2014
Contact: Lucy Hoad ☎ 01835 825113 Ref: 14/00996/PPP

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 7th October 2014, if further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 7th October 2014, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: G Drummond

Agent: N/A

Nature of Proposal: Erection of dwellinghouse
Site: Plot A Chirside Station Chirside Scottish Borders

OBSERVATIONS OF: Rights Of Way Officer

CONSULTATION REPLY

ACCESS OFFICER REPLY:

Thank you for your request to receive an outdoor access consultation response. You should note the following:

LEGISLATION

National Access Legislation

It is the duty of local authority to uphold access rights, under the *Land Reform (Scotland) Act 2003*, in doing so, to protect and keep open and free from obstruction or encroachment any route, waterway or other means by which access rights may reasonably be exercised.

Rights of Way are specifically protected by law under the *Countryside (Scotland) Act 1967* sec. 46 'It shall be the duty of a, planning authority to assert, protect, and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area.'

COMMENTS

According to our records, as outlined on the enclosed plan, there are no known Core Paths / Promoted Paths / Rights of Way that are directly affected by this proposal.

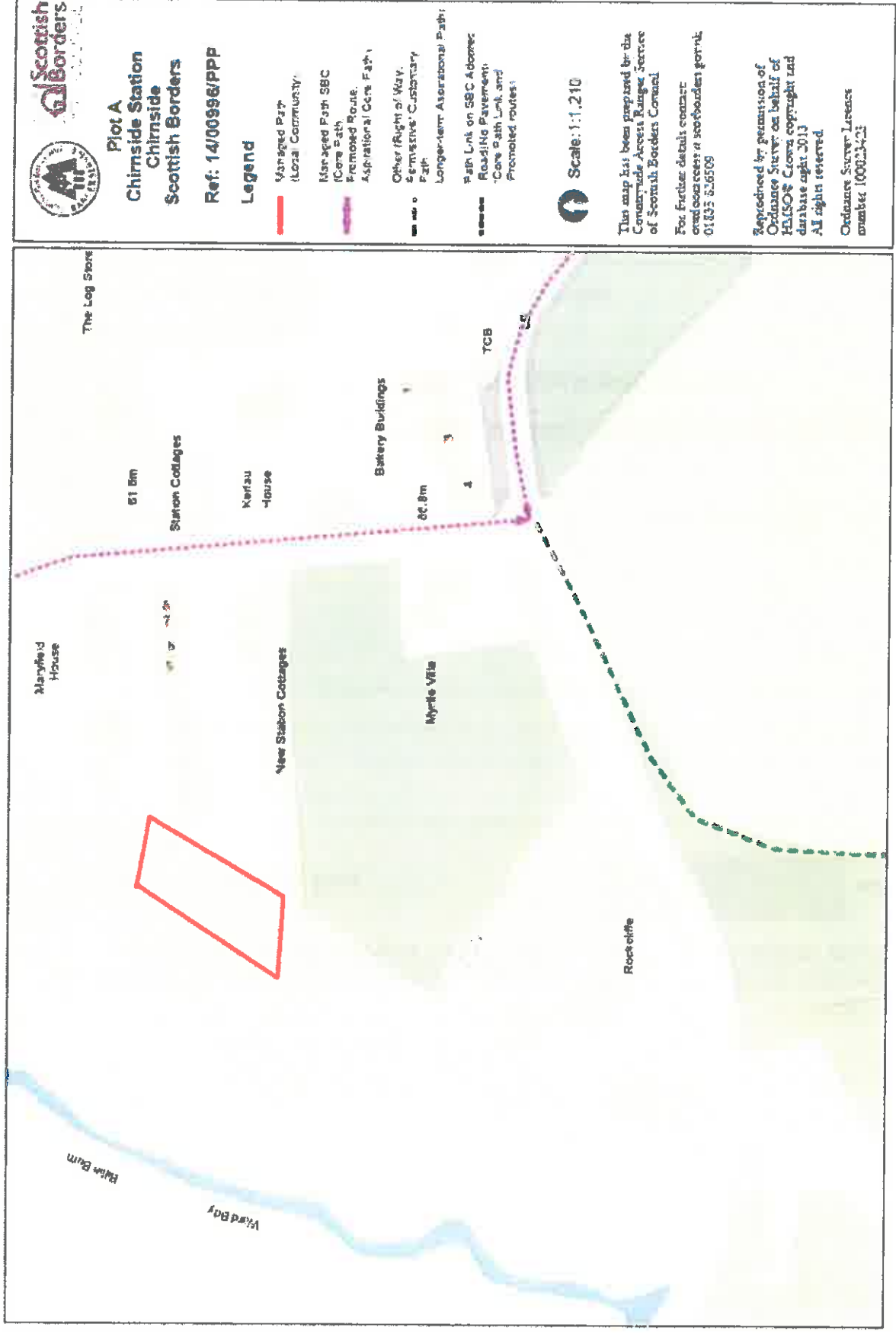
Core Path 88 (CHIR/88/12) utilises the public roadway that passes to the east and route DUNS/asp/3 to the south. It should be noted that both these routes form part of the promoted route known as the David Hume Walk.

Please also note that further consultation should be sought from the relevant officer regarding Local Plan Policies: Safeguarding Former Railway Routes, and Green Networks.

The Access Team have no objections to make regarding this proposal. However the following condition should apply:

Both pathways, as indicated above must be maintained open and free from obstruction in the course of development and in perpetuity and shall not form part of the curtilage of the property (*as outlined in this application*).

Reason: To protect general rights of responsible access.



Council Headquarters, Newtown St Boswells, MELROSE, Scottish Borders, TD6 0SA
 Customer Services: 0300 100 1800 www.scotborders.gov.uk

Officer Lucy Hoad
☎ 01835 825113
Our Ref : 14/00996/PPP

Date : 16th September 2014

NAME OF APPLICANT: G Drummond
NATURE OF PROPOSAL: Erection of dwellinghouse
SITE: Plot A Chirnside Station Chirnside Scottish Borders

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

REQUEST FOR OBSERVATIONS OF: Chirnside Community Council

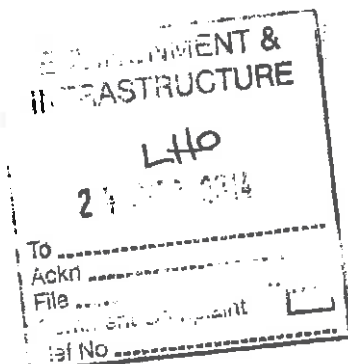
No objection to this application

Signed:



Reply Date: 21-9-14.

PLEASE RETURN TO PRS@SCOTBORDERS.GOV.UK OR REGULATORY SERVICES, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, MELROSE, TD6 0SA



Council Headquarters, Newtown St Boswells, MELROSE, Scottish Borders, TD6 0SA

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Visit <http://eplanning.scotborders.gov.uk/online-applications/> to view Planning Applications online

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	14/00996/PPP
Uniform Ref	14/01848/PLANCO
Proposal	Erection of dwellinghouse
Address	Plot A Chirside Station, Chirside, Scottish Borders
Date	18 September 2014
Amenity and Pollution Officer	Graham Drummond
Contaminated Land Officer	Gareth Stewart – See Comments Below

Amenity and Pollution

Assessment of Application

The application refers to proposed erection of a dwellinghouse on plot A at Chirside station near Chirside. The land forms part of a disused railway line and lies to the north of Allstrom Paper Mill. There could be potential for periodic odour nuisance associated with emissions from the paper mill which could impact upon the proposed development, however, there are other similarly located dwellings in the vicinity.

Recommendation

Agree with application in principle, subject to conditions.

**Condition : The means of water supply and of both surface water and foul water drainage to be submitted for the approval of the Planning Authority.
Reason: to ensure the site is adequately serviced.**

Contaminated land

Assessment of Application

The above application appears to be proposing the redevelopment of land which previously operated as railway land and formed a cutting for running lines, this cutting may have been infilled. 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.

It is therefore recommended that planning permission should be granted on condition that development is not permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.

Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

The attached standard condition may be helpful in this respect

Recommendation

Delete as appropriate – Agree with application in principle, subject to conditions /~~Further Information Required Before Application is Determined / Information to be Provided Before Work Commences (see conditions) / No Comment / Object / Informative Note~~

Conditions

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.

PLANNING CONSULTATION

On behalf of: Director of Education & Lifelong Learning

From: Head of Property & Facilities Management
Contact: Marc Bedwell, ext 5242

To: Head of Planning & Building Standards
Contact: Lucy Hoad ☎ 0300 100 1800 Ext. 5375

Date: 06 November 2015
Ref: 14/00996/PPP

PLANNING CONSULTATION

Name of Applicant: G And R Drummond

Agent: N/A

Nature of Proposal: Erection of dwellinghouse
Site: Plot A Chirside Station Chirside Scottish Borders

OBSERVATIONS ON BEHALF OF: Director of Education & Lifelong Learning

CONSULTATION REPLY

I refer to your request for Education's view on the impact of this proposed development, which is located within the catchment area for Chirside Primary School and Berwickshire High School.

A contribution of £2990 is sought for the Primary school and £4205 is sought for the High School, making a total contribution of £7195.

Rolls over 90% place strain on the school's teaching provision, infrastructure and facilities and reduce flexibility in timetabling, potentially negatively effecting quality standards within the school environment. Contributions are sought to raise capital to extend or improve schools, or where deemed necessary to provide new schools, in order to ensure that over-capacity issues are managed and no reduction in standards is attributed to this within the Borders Area.

The new Berwickshire High School replaces a previous building that was under severe capacity pressure and with facilities unsuitable for further expansion. Following consultation, the decision was made to replace it and two others in the Borders under the 3 High Schools project with the three new modern schools opened on time for the 2009-10 academic years. Developer contributions for Berwickshire, Earlston and Eyemouth high schools will apply in their respective catchment areas, supplementing Scottish Borders Council's investment in the new facilities.

This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

Please note that the level of contributions for all developments will be reviewed at the end of March each year and may be changed to reflect changes in the BCIS index – therefore we reserve the right to vary the level of the contribution if the contribution detailed above is not paid before 1 April 2015.

If you require any further information, please do not hesitate to contact me.

PLANNING CONSULTATION

To: Forward Planning Section

From: Development Management

Date: 10th October 2014

Contact: Lucy Hoad ☎ 01835 825113

Ref: 14/00996/PPP

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 31st October 2014, if further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 31st October 2014, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: G Drummond

Agent: N/A

Nature of Proposal: Erection of dwellinghouse

Site: Plot A Chirside Station Chirside Scottish Borders

OBSERVATIONS OF: Forward Planning Section

CONSULTATION REPLY

Three separate applications have been submitted on adjoining areas of land at Chirside Station. All applications raise a number of similar issues collectively and it is therefore suggested that they should all be considered at the same time.

The applications are as follows :

14/00995/PPP Residential development Land South Of New Station Cottages (renewal of previous consent 07/02424/OUT. Approved 21.10.2011. There is a condition which limits the number of houses to a maximum of 10 units)

14/00996/PPP Erection of dwellinghouse Plot A Chirside Station (Renewal of 07/00577/OUT Approved 21.10.2011)

14/00997/PPP Erection of dwellinghouse Plot D Former Railway Line (renewal of previous consent 07/01914/OUT Approved 21.10.2011)

In normal circumstances renewals of planning consents are straightforward but such renewals can never automatically be considered to be fait accomplis. On proposals to renew planning approvals consideration must be given as to whether or not there has been a change in policy or circumstances.

The original approvals were granted at a time when policy D2 - Housing in the Countryside within the approved consolidated Local Plan 2005 (finalised) was in place and was the determining policy. In essence this policy sought to establish in the first instance whether or not there is an existing building group within the area of at least 3no buildings, and if so, what would be an acceptable addition to the group. The policy stated that any addition to a building group should not exceed 100% of the existing building group. Each application was dealt with on a case by case basis. It is noted ultimately all three applications were considered in compliance with the policy in the finalised Plan and all were approved with an overall total number of 12no units which was considered an appropriate extension to the building group.

When the next Local Plan was being considered an issue raised to be addressed related to the concern that some building groups had been extended significantly to a degree whereby the existing building group had become saturated and had lost its identity due to excessive new build additions to the group. Consequently it was agreed that a tangible upper limit to any extension should be laid down within the new policy which effectively gave some control as to what extent a building group could be extended.

Ultimately the consolidated Local Plan 2011 was adopted stating that any recognised building group could be extended by 2no houses or 30% of that building group, whatever was the greater. Consequently these 3no planning applications must be considered under this Housing in the Countryside policy currently in force.

It is understood that the current building group at Chirnside Station is 28no houses. In keeping with the requirements of policy D2 in the consolidated Plan 2011 this would allow an extension of a maximum 8 no new houses. This is obviously less than the overall number approved initially.

How to decide how and where these approvals should be allowed will ultimately be down to Development Management's consideration of what are the most appropriate plots. Such consideration should include taking cognisance of what is considered to be the outer limits of the building group defined by any definitive boundary on the western side of the site plus any other material consideration.

However, if I could give some advice it would appear that application ref 14/00995/PPP is more within the core of the building group and consequently relates better to it. Significantly, there is an issue with applics 14/00996/PPP and 14/00997/PPP in that they are on the route of the former railway line. Whilst I am aware they've previously had planning consent as well as a proposal also on the line to the north (ref 05/01042/REM which it has apparently been considered that the consent has been partly implemented and is therefore live) there is an issue with safeguarding former railway routes. Policy EP12 of the proposed Local Development Plan 2013 relates to Green Networks. This policy identification includes the Former Railway Network which can be viewed on the second policy map at the beginning of Volume 2 of the plan which incorporates the route in question. Policy EP12 in essence seeks to protect these routes for potential future walking, cycling or recreational purposes (or future potential rail). Although the proposed Plan is currently subject to Examination by Independent Reporters, no objections have been raised to this particular policy and therefore it is consequently a material consideration to the development management process.

Consequently I would suggest that the 8no units are approved within application ref 14/00995/PPP and that applications 14/00996PPP and 14/00996/PP are refused. Whilst I obviously have sympathy with the applicants in that there have been previous consents issued with set numbers of approved houses, the applications must be judged on current policy and considerations. Ultimately the determination of these applications cannot be made on the interests of the individual applicants, but as an overview as to what is considered the most appropriate development which complies with current relevant policy.

13/11/14

REGULATORY SERVICES



To: **Development Management Service**
FAO Lucy Hoad

Date: **22 Oct 2014**

From: **Roads Planning Service**
Contact: **Paul Grigor**

Ext: **6663**

Ref: **14/00996/PPP**

Subject: Erection of Dwellinghouse
Plot A, Chirnside Station, Chirnside

My comments on the previous application (07/00577/OUT) are still applicable and I have copied them below for your information:

Although I have no objection to this application in principle, I would request that the detailed design of the site includes parking and turning for a minimum of two vehicles, not including any garage. This must be provided and retained in perpetuity within the curtilage of the property.

In addition, the means of accessed to be agreed at detailed design stage.

DJI