

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
SERVICE DIRECTOR REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 14/00488/FUL

APPLICANT : TD Tree & Land Services Ltd

AGENT : A McGill Architectural Services

DEVELOPMENT : Conversion, alterations and extensions to form six dwellinghouses

LOCATION: Steading Buildings
Old Cambus West Mains
Cockburnspath
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
LOC-02	Location Plan	Approved
LOC-01	Location Plan	Approved
EX-01	Existing Layout	Approved
EX-02	Brochures	Approved
PL-01	Site Plan	Approved
PL-02	Floor Plans	Approved
PL-03	Existing Layout	Approved
PL-04	Elevations	Approved
PL-05	Elevations	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Consultees;

Roads Planning: No objection in principle due to previous approval of scheme. Recommend that the following points are addressed;

- All site boundary walls must not exceed 900mm in height where they may block driver visibility at corners
- The surface road must be constructed to support an axle load of 14 tonnes with its construction specification agreed before development
- A phasing plan to agree construction timetable ensuring parking is provided at the correct time

Community Council: No objection

Ecology Officer: Satisfied with bat and bird survey provided in response to 1st consultation.

Recommend that;

- A European protected Species licence for bats will be required. An informative should be used to make the developer aware of this.

- Additional to requirements of a bat licence to bat boxes are needed
- No works to the buildings should be carried out unless confirmation is provided that a bat licence has been issued or corroboration from SNH that a licence is not needed
- Specific nest cups/ledged and boxes are provided across the redeveloped site for breeding birds

Archaeology Officer: The development is within an area of archaeological sensitivities, these highlighted during previous application. None of the recommended archaeology conditions attached to the approval. Direct back to response of 2009 where following conditions were recommended and are sought for imposition this time;

- A written scheme of investigation outlining evaluation of the development area through trial trenches with a recourse for mitigation pending discoveries
- A photographic and measured Historic Building Survey of the existing structures to be carried out before development

Berwickshire Civic Society: No response received.

Director of Education and Lifelong Learning: This development would trigger contributions of £4205 per residential unit toward the Eyemouth High School.

Development Negotiator: Confirm that contributions for this development have previously been settled as part of approval 06/00957/FUL and no fresh contributions requirements have arisen in the intervening period.

Environmental Health: Recommend that a condition is used to investigate any ground conditions and agree mitigation should any land contamination be discovered.

Access Ranger: There is no representation to confirm if the farm track passing through the steading is a right of way. Recommend that the Berwickshire Coastal Path (as indicated on the annotated plan) is kept open and free from obstruction during development and retained in perpetuity thereafter.

Housing Section: No issue, provided affordable housing contributions are handled.

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Local Plan 2011:

G1, G2, G5, BE2, EP2, EP4, H1, H2, Inf2, Inf4, Inf5, Inf6, D2

Supplementary Planning Guidance on;
 Biodiversity 2005
 Privacy and Sunlight 2006
 New Housing in the Borders Countryside 2008

Recommendation by - Scott Shearer (Planning Officer) on 30th October 2014

The application site is a range of disused steading buildings at Old Cambus West Mains which is located within north eastern Berwickshire. Planning permission is sought for alterations and extension to these buildings to form six dwellinghouses.

The buildings form a quadrangle round the farmhouse with a cartshed opposite. The farmhouse is now in third party ownership. Full planning consent for the change of use of these buildings to form six dwellinghouses was originally granted in 2008 under application 06/00957/FUL. In 2009 a detailed permission was issued for the conversion of these buildings. This latest application was received 5 days prior to expiry of the 2009 consent. This proposed development is identical to the scheme approved in 2009.

The current development plan was adopted in February 2011, it must be considered if this proposal still meets the requirements of prevailing planning policy, the most relevant is Policy D2 and the SPG which considers residential development within the countryside. The updated local plan did not change the criteria

which conversion proposals are determined against and the SPG has not been amended since the previous determination. Current planning policies therefore remain to look favourably upon the conversion of rural buildings in the countryside to houses. This coupled with the weight of the extant permission establishes that the principle of this proposal still exists.

Given that the buildings are a further 5 years older since they were last considered for development in addition to their particularly exposed location near the coast, we have to make sure that the buildings are still structurally sound and appropriate for conversion. The buildings remain to stand intact. A Structural Survey was undertaken in April 2014 by an accredited person. This survey confirmed that the buildings are in suitable enough condition for conversion.

The physical works proposed to the buildings include the raising of wall heads and introduction of dormers. Generally both these alterations are discouraged from conversion proposals. These changes were however previously supported on the basis that, the raised heights would not diminish the hierarchy of building at Old Cambus and the dormers are being added to internal elevations. There has been no change to the surrounding built area since the last approval. Given that these exact works were supported against identical Local Plan Policy and SPG criteria, to ensure a consistent approach these changes remain to be suitable in this context.

In terms of other matters, recommendations from the Councils Contaminated Land Officer and Archaeologist seeking for conditions to be attached to tackle possible site contamination and archaeological sensitivities could not be attached to the last consent. This was because the principle of the development was accepted in the 2006 approval and the 2009 application could only assess alterations and extensions to the building. The 2009 consent is now no longer implementable. This means any fresh material planning matters must be considered, with a decision taken in accordance with development plan policy. To allow this application to meet requirements of Policy G2 (Land Contamination) and BE2 (Archaeology) weight must be attached to the recommendation of the specialist council officers. To enable this development to meet requirements of these policies, the following points now remain to be addressed;

- i. archaeological scheme of written investigation outlining evaluation of the development area through trial trenches with a recourse for mitigation pending discoveries
- ii. a photographic and measured Historic Building Survey
- iii. a land contamination investigation and potential mitigation

Each of these requirements can be handled through appropriately worded conditions, therefore enabling compliance with the development plan.

It should be noted that the applicants have also submitted a retrospective planning application for a timber processing and storage plant. This business is run by the applicants. Machinery is stored in a building flanking this site with timber chips evident around the steading buildings. It is understood that this is only intended to be a temporary operation. If this forestry operation were still on-going when any of these proposed dwellings were occupied, conflict would arise between these uses. To avoid this occurring it is recommended that a condition is imposed which requires the cease of any timber related activities prior to occupation of the first dwellinghouse.

No other material planning matters have arisen since the last approval and the proposal remains to align favourably with all other policies of the current development plan subject to the re-imposition of conditions relating to; materials, removal of permitted development rights, boundary enclosures, access road upgrades, parking and protection of right of ways. A Section 75 has previously been executed to conclude payment of developer contributions and no fresh contributions requirements have arisen in the intervening period.

REASON FOR DECISION :

The proposed development is considered to still comply with current development plan policies relating to conversions of agricultural buildings to dwellinghouse in the countryside, and would not give rise to any other significant planning issues. The development has therefore been found to comply with determining policies of the Consolidated Local Plan, principally Policy D2, subject to the compliance with the Schedule of Conditions

Recommendation: Approved subject to conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 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.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent Order amending, revoking or re-enacting that Order);
 - (i) There shall be no addition or extension to the dwellings (including the insertion of dormer windows or chimneys);
 - (ii) There shall be no further building, structure or other enclosure constructed or placed on the site;
 - (iii) No additional window or other opening shall be made in any elevation;
unless an application for planning permission in that behalf has first been submitted to and approved by the Planning Authority.
 - (iv) No alteration to windows, doors or other openings shall be made.Reason: To safeguard the character, appearance and setting of the building to be converted.
- 4 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls, roofs, windows and doors of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 5 Where original door and window openings are being partially or fully filled in with either new windows, doors, stone or timber, the new installations must be recessed from the wall face to the specification of the Local Planning Authority.
Reason: To safeguard the character and appearance of the buildings.
- 6 No development shall commence until details of all proposed means of enclosure, including the proposed retaining walls, shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be undertaken in accordance with the approved details.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
- 7 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 specification of the Local Planning Authority before any dwellinghouse is occupied and must thereafter be maintained in perpetuity.
Reason: To provide satisfactory access road visibility.
- 8 No development shall commence until the location and specification of four passing places to be formed on the A1107 have been agreed in writing with the Local Planning Authority.
Reason: To ensure the A class road is satisfactorily upgraded to cater for this development.
- 9 No dwelling forming part of the development shall be occupied until the access road shown on the approved plans has been built to the specification of the Local Planning Authority.
Reason: To ensure that adequate access to the site for pedestrians and vehicles is provided and is at all times properly maintained.
- 10 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 and shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that the site is adequately serviced.

- 11 The parking spaces shown on the approved plans to be completed to the specification of the Local Planning Authority in accordance with a programme of phasing submitted to and approved by the Local Planning Authority before the development commences. Two parking spaces, excluding any garaging, to be provided per dwellinghouse and must be retained in perpetuity.
Reason: To ensure that adequate access to the site for pedestrians and vehicles is provided and is at all times properly maintained.
- 12 Prior to occupation of the first dwellinghouse the operation of the timber processing plant shall cease. All equipment and machinery along with any timber and debris shall be removed from the site, and the site shall be restored to its former condition to the satisfaction of the Local Planning Authority.
Reason: To protect the residential use of the site being subjected to conflicts arising from a neighbouring use.
- 13 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority
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.
- 14 No development shall take place until the applicant has secured the implementation of a programme of archaeological work (which may include excavation) in accordance with a Written Scheme of Investigation outlining a Historic Building Survey which has been formulated by, or on behalf of, the applicant and submitted to and approved in writing by the Planning Authority. Access should be afforded to allow archaeological investigation, at all reasonable times, by a person or persons nominated by the developer and agreed to by the Planning Authority. Results will be submitted to the Planning Authority for review in the form of a Historic Building Survey Report.
Reason: To preserve by record a building of historical interest.
- 15 No development shall commence until the Planning Authority have been provided with evidence of either of the following;
a) a licence issued by SNH pursuant to Regulation 53 of the Conservation and habitats and Species regulations 2010 authorising the specified development to go ahead; or
b) a statement in writing from SNH to the effect that it does not consider that the specified development will require a licence.
Reason: To ensure that site is developed in accordance with The Conservation (Natural Habitats &c. Regulations 1994 (as amended).
- 16 The following ecological mitigation measures shall be incorporated into the development in suitable locations on the building or within the redevelopment site and must be carried out by a suitably qualified person;
i. Two Schwegler woodcrete boxes
ii. Two nest cups or ledges for swallows
iii. Two house martin nest boxes
Reason: To safeguard the ecological interests of the site.

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