

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 : 11/00824/PPP
APPLICANT : First Call M.E.H. Ltd
AGENT : A McGill Architectural Services
DEVELOPMENT : Erection of two dwellinghouses
LOCATION: Land North And North East Of Old Cambus
West Mains
Cockburnspath
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
LOC-02	Location Plan	Approved
LOC-01 Rev A	Block Plans	Approved
001 AMENDED	Site Plan	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

None received.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Structure Plan 2001-2018:

Policy H7.

Scottish Borders Local Plan 2011 (Consolidated):

Policies G1, D2.

Adopted Supplementary Planning Guidance:

- New Housing in the Borders Countryside (2008)

Recommendation by - John Hiscox (Planning Officer) on 4th January 2012

The following brief report relates to an application for planning permission in principle, for the establishment of two housing plots adjacent to Old Cambus West Mains farmsteading, near Cockburnspath in Berwickshire. The application originally sought to renew an earlier, unexpired outline permission, ref.

06/00956/OUT and to re-establish consent for three plots, although the number of plots has now been reduced to two plots following dialogue between the applicants and the planning authority. As part of the consideration of this current application, the applicant wishes for a condition relating to phasing of the development to be omitted if the renewal is successful. The phasing condition required that the existing steading be developed prior to development of the new-build plots. 06/00957/COU is the planning permission for the steading conversion.

There have been no adverse representations submitted in respect of this application. The only change to the planning policy position is that under the updated Local Plan policy D2, the maximum number of new dwelling units permissible at the location should be 2, rather than the 3 applied for. With the scheme now reduced to two plots this updated policy position is now complied with.

It must be noted that a full developer contribution of over £40000, relating to both affordable housing and education has been paid and banked, following sale of the site by the original party entering into a Section 75 agreement. A new Agreement will therefore not be required.

It is recommended that planning permission be granted for the two plots shown in the updated plans, albeit with updates to make conditions more legible and lawful. It is agreed that the condition requiring a development with separate planning permission to be carried out prior to the development of these plots is 'ultra vires' and unenforceable. The condition requiring this shall be omitted from the recommendation. A condition relating to contamination will be added.

REASON FOR DECISION :

Following the reduction in number of plots from three (as originally applied for) to two, the proposals accord with planning policies relating to new housing the countryside, and development quality by virtue of their relationship with the existing development at the farmsteading.

Recommendation: Approved subject to conditions

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
(a) the expiration of three years from the date of this permission, or
(b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.
Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

- 4 Any subsequent application for Approval of Matters Specified in Conditions of this planning permission in principle, whether for the full site or part of the site, shall be accompanied by a strategy addressing all matters pertaining to water supply and the handling of foul and surface water arising from the development. The development shall be carried out in strict accordance with the strategy mentioned in this condition and no occupation of any dwelling shall take place until such a time as the required (approved) apparatus, undertakings or equipment have become operational.
- 5 The following works, which are requirements of the SBC Roads Planning Manager, shall be fully undertaken prior to the occupation of any new dwelling the subject of this planning permission and shall, where necessary, be shown in documents submitted with any application for Approval of Matters Specified in Conditions of this planning permission in principle
- forward visibility to the north across the bend when entering the unclassified road serving this development from the A1107 shall be increased to 100m by the setting back of gorse hedges, and thereafter maintained to provide the required level of visibility in perpetuity
 - a bitmac surface shall 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 (not including any garage) shall be provided and maintained in perpetuity within each plot
 - one passing place per unit shall be provided on the narrow public road between then site and the A1107, in a location to be agreed in advance by the planning authority, and thereafter maintained in perpetuity in accordance with details that shall first have been submitted to, and approved in writing by the planning authority.
- Reason: to ensure that the implementation of the development does not prejudice the safety and amenity of road users.
- 6 As part of any application for Approval of Matters Specified in Conditions pursuant to this Planning Permission in Principle, a scheme shall be submitted which identifies and assesses potential contamination on site. The scheme shall contain details of proposals to investigate and remediate potential contamination and must include:-
- a) Development of a conceptual site model, measurement of pollutant linkages through a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents. The scope and method of this investigation to be agreed in advance with the Council, and be undertaken in accordance with PAN 33 (2000) and BS10175:2001.
 - b) 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).
 - c) Submission of a Validation Report (should remedial action be required) by the competent person employed by the developer who will validate and verify the completion of works to a satisfactory standard as agreed with the Council.
 - d) 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: the site has the potential to include sources of contamination, which if ignored could adversely affect the health and safety of its users/occupiers.

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

