

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

11 JANUARY 2015

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 15/00978/FUL & 15/01318/CON
OFFICER:	Barry Fotheringham
WARD:	Mid Berwickshire
PROPOSAL:	Demolition of Former Stable Building and Erection of Dwellinghouse
SITE:	Stable Building North of 11 Market Square, Coldstream
APPLICANT:	S Jeffries Esq
AGENT:	Ross Architectural Consultants

SITE DESCRIPTION

The application site is a former stable block located to the north of 11 Market Square, Coldstream. The building is unlisted, but it is located within the Coldstream Conservation Area.

The former stable block is constructed using random rubble stone walls finished externally in grey wet dash render under a double pitched pantile roof. There are areas of red brick infill on the north gable elevation where the building appears to have been extended in the past to create a first floor hayloft/store. The stable is attached to the rear elevation of no 11 Market Square and shares a mutual boundary with the Coldstream Museum to the east. To the north of the site is a flat roof double garage associated with the neighbouring property. To the west of the site is a 2m high stone boundary wall beyond which are areas of private garden associated with neighbouring dwellings.

PROPOSED DEVELOPMENT

The proposals seek conservation area consent to demolish the existing (former) stable building to the rear of 11 Market Square and detailed planning consent to erect a new dwellinghouse. The majority of the stable will be demolished with only the rear (west elevation) and part of the south elevation remaining (theses elevations form part of adjoining buildings).

Initial proposals indicated the erection of a 2 storey 3 bay dwellinghouse on the site of the demolished stable block. The proposed new dwelling would have had a larger footprint than the stable and would be finished using self-coloured render, upvc windows and a double pitched slate roof.

However, following discussions with the agent, revised proposals for the new dwelling were submitted which show an alternative design which mirrors that of the existing building. The proposed dwelling would occupy the same footprint as the existing stable, the same roof profile and same ridge and eaves height as the existing building. The proposals also indicate window and door openings to match existing

with the sliding timber door being retained. No details of external materials or finishes are shown on the amended drawings.

PLANNING HISTORY

15/00442/FUL – Sub-division of existing two dwellinghouse to form three dwellinghouses, change of use, alterations and extension to outbuilding to form two dwellinghouses. Application withdrawn 10.06.2015

15/00663/FUL – Sub-division of existing two dwellinghouses to form three dwellinghouses. Application withdrawn 24.07.2015

REPRESENTATION SUMMARY

15/00978/FUL

Following the original neighbour notification and advertisement period for representations, a total number of 6 objections, from separate households, were received in connection with this application. The principal grounds of objection can be summarised in follows:

- Density of site
- Designated Conservation Area
- Detrimental to Residential Amenity
- Height of the proposed dwelling
- Overlooking
- Privacy of neighbouring properties
- Lack of information
- Appearance
- Impact on the built environment
- Insufficient information in order to reach a reasonable conclusion about its impact.
- Alterations/Demolition of wall
- Inadequate access
- Inadequate screening
- Loss of light
- Loss of view
- Over Provision of facility in area
- Value of property
- Noise nuisance
- Smell
- No sufficient parking space
- Noise nuisance
- Road safety

Members will be able to view the representations in full on Public Access.

A further 8 letters of objection were received after the application was amended and additional neighbour notification/advertisement was carried out. Of the 8 objections received, 6 were received from the original objectors. 2 additional objections were received from separate households.

Additional grounds for objection can be summarised as follows, with full representations available for Members to view in Public Access:

- Impact on bats and breeding birds
- Archaeology
- Demolition of mutual boundary wall
- No consultation with neighbours in respects of demolition of mutual boundary walls
- No dimensions on drawings
- Limitations of site to accommodate a dwelling

15/01318/CON

Six letters of objection from individual households were received in connection with the conservation area consent application. The principal grounds of objection can be summarised as follows with full versions of the representations available for Members to view on Public Access.

- Alterations/Demolition of wall
- Designated Conservation Area
- Lack of neighbour notification
- Density of site
- Detrimental to Residential Amenity
- Loss of light
- Loss of view
- Privacy of neighbouring properties affected

APPLICANTS' SUPPORTING INFORMATION

Following consultation response from Council Ecologist, a Bat and Bird Survey was submitted in support of these applications.

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

Policy G1 – Quality Standards for New Development
Policy G4 – Flooding
Policy G5 – Developer Contributions
Policy G7 – Infill Development
Policy BE2 – Archaeological Sites and Ancient Monuments
Policy BE4 – Conservation Areas
Policy NE3 – Local Biodiversity
Policy H2 – Protection of Residential Amenity
Policy Inf4 – Parking Provisions and Standards
Policy Inf5 – Waste Water Treatment Standards
Policy Inf6 – Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

Proposed Local Development Plan 2013

Policy PMD2 – Quality Standards
Policy PMD5 – Infill Development

Policy HD3 – Protection of Residential Amenity
Policy EP3 – Local Biodiversity
Policy EP8 – Archaeology
Policy EP9 – Conservation Areas
Policy IS2 – Developer Contributions
Policy IS7 – Parking Provision and Standards
Policy IS8 – Flooding
Policy IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage

SBC Supplementary Planning Guidance

Placemaking and Design
Biodiversity
Development Contributions
Local Biodiversity Action Plan
Privacy and Sunlight Guide

CONSULTATION RESPONSES:

15/00978/FUL

Scottish Borders Council Consultees

Roads Planning Service: No objections to this proposal provided two parking spaces are provided within the courtyard area prior to occupation of the dwelling and retained thereafter in perpetuity.

E&LL: No response.

Ecology: The existing brick-built structure, with pantile roof with barn and hay-loft features has potential to support bats and their roosts. Works to walls, wall heads, and roof has potential to disturb bats and their roosts. The existing buildings have potential to support breeding birds e.g. house sparrow, starling and barn swallow. Although in an urban setting, the habitat in the surrounding area is of moderate quality for bats.

It is recommended that a survey for bats by a suitably qualified person will be required for all buildings to be converted or altered and an assessment of any mature trees to be felled. Prior to commencement of works, a survey of breeding birds is required for all buildings to be converted. Before development on the site begins, a scheme for the protection of birds shall be submitted to and approved in writing by the planning authority. Also, opportunities exist to enhance the local habitat network for bats and breeding birds through planting of native thorn species-rich extended hedgerows

Archaeology: There are potential archaeological implications. The property is within the medieval core of Coldstream, and within an area suspected to have been within the precinct of Coldstream Priory. The stable itself is of local historic interest as a surviving structure associated with earlier modes of transportation. As such, I recommend that it is recorded by a qualified archaeologist prior to any alteration.

The following conditions are recommended:

1. A developer funded watching brief, and
2. A developer funded historic building survey

Flood Protection: The “third generation flood mapping” prepared by SEPA indicates that the site is not at risk from a flood event with a return period of 1 in 200 years. However, in 1948 Coldstream was affected by flooding predicted to be a 1 in 200 year flood event and the level of this flood water was shown to be 17.58mAOD.

Therefore, I would require that the floor level of the house is above the 1 in 200 year flood level, with an allowance for freeboard, so 18.18mAOD. I would state that drawings indicate that FFL's are to be 18.23mAOD and 18.24mAOD, so I would have no objection to this proposal on the grounds of flood risk.

I would recommend that, to receive flood warnings from SEPA, the applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188.

Environmental Health: There is an indication within this Planning Application that the site has had a previous use as agricultural land. Such use may have resulted in land contamination. If the standard contaminated land questionnaire is not returned, it is important that the potential for contamination is considered in any Planning Permission given. In such circumstances it will be our recommendation that a contaminated land assessment condition is attached to the Planning Permission in order to ensure that the development is suitable for its proposed use.

Statutory Consultees

Coldstream Community Council: No response.

SEPA: We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Scottish Borders Council to undertake their responsibilities as the Flood Prevention Authority.

SEPA previously provided flood risk comments to an application (ref. 15/00442/FUL) for the change of use of the stable block at this site to two dwelling houses. We had no objection to this application following provision of information to show the existing floor levels at the site to be 18.09mAOD and therefore out with the historic flood extent taken to represent the 0.5% annual probability event. The information previously supplied indicated proposed floor levels would be raised an additional 150mm above existing levels and SEPA would recommend this remains the case for the current proposals.

It should be noted that the surrounding area is at risk of flooding and access/egress during a flood event could be restricted. We recommend contact is made with the council's emergency planner and flood prevention officer to determine whether the level of risk is acceptable. We would also recommend that all occupiers of the dwellings sign up to receive the SEPA Flood Warning for Coldstream.

Other Consultees

Berwickshire Civic Society: No response.

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Scottish Borders Council Consultees

Ecology: Mitigation is required for bats and breeding birds as identified in my response to the related planning application, 15/00978/FUL. It is recommended that no demolition works or roof stripping and removal works to commence during the

breeding bird season and bat activity season (March-September inclusive) without the express written permission of the Planning Authority. A supplementary breeding bird survey by a suitably qualified person and subsequent mitigation including a watching brief for bats, may be required if works are to commence during this period.

Archaeology: There are potential archaeological implications for this proposal. As I noted in my consultation on application 15/00978/FUL, the late 19th century stable block is of local historic interest and its loss should therefore be mitigated through survey and recording prior to its demolition. Attention should be given during the survey to the potential for the building to contain stone that had been robbed from the ruins of Coldstream Priory. Given this potential, I recommend that the survey level required is 'Detailed' per the ALGAO: Scotland guidance.

There is also a moderate to high potential for encountering buried remains of Coldstream Priory within the site. The application does not specify below ground works associated with this demolition and I recommend that detail is required on this prior to determination. If below ground works are intended (e.g. grubbing of foundations/floors), then I also recommend a watching brief condition per my previous consultation.

Heritage and Design: The proposals for the redevelopment of the site are a material consideration in considering this application and I am pleased to see that a revised scheme has been submitted to the original two storey slated roofed proposals. The new proposals are very much for a building that will be similar to the existing building in terms of mass, form and height.

I would have liked to have seen a Design Statement submitted in support of the demolition proposals to comment on the current condition and why it was proposed to take it down. However my site visit was very useful as it is clear that the front wall (to the courtyard) have moved and whilst it could be possible to repair this, it would need extensive areas of the façade to be taken down and rebuilt – effectively rebuilding the front elevation. Internally there are the remains of a simple timber stable stall.

On balance I am content with the proposed taking down of this section of the building but recommend that a historic building recording exercise is carried out and that consideration is given to the potential reuse of salvaged materials from the down takings (including pantiles if they are capable of being reused).

KEY PLANNING ISSUES:

The principal planning issues with this application can be summarised as follows:

- Whether the demolition of the existing building have an adverse impact on the conservation area, archaeology or local biodiversity, and
- Whether the proposed erection of a dwellinghouse will have an impact on the conservation area, the residential amenity of neighbouring dwelling or the established land use of the area.

ASSESSMENT OF APPLICATION:

Background

As described earlier in this report, the original application (15/00978/FUL) was submitted on the basis of alterations and change of use of the former stables to form a dwellinghouse. It was clear from the submitted plans and from site meetings with the agent that the proposals would involve the demolition of the existing building and the erection of a new dwelling. This prompted the submission of an additional application for conservation area consent to demolish the existing stables (15/01318/CON).

The original detailed proposals sought consent for the erection of a large 2 storey, 3 bay dwellinghouse under a slated double pitched roof. The proposed dwelling would have increased the size and footprint of the stable building to a point where the scale and mass of the property would not be consistent with the pattern of development in the locale or the character and appearance of the surrounding area. The proposed dwelling would have been 1.5m higher than lowest ridge of the stable (0.6m higher than the highest ridge) and the front elevation of the property would project 1.5m forward of the existing west facing elevation. This would have resulted in the erection of a large suburban type dwelling within a small, traditional courtyard in an area of the town where densities are generally high. It was felt that the proposed dwelling would not be consistent or compatible with the character of the surrounding area and neighbouring built form and would constitute over development of the site, contrary to prevailing development plan policy.

Following negotiation with the agent, amended proposals were submitted on 26 October 2015. The revised plans show a 1.5 storey, 2 bedroom dwelling occupying the same footprint as the existing stable. The proposals would effectively result in the rebuilding of the former stables to create a new dwelling. It would incorporate the same roof profile, ridge height and eaves level of the stable and would have a principal elevation to match existing. Original window and door openings would be recreated and the sliding timber barn door would be retained. The revised proposals would effectively rebuild the stable block to match the existing structure in all respects, with the addition of 5no velux roof windows.

Infill Development

Policy G7 of the Local Plan 2011 (LP) is generally supportive of suitable infill development provided it meets a number of criteria. Development on non-allocated land such as garden ground or backland sites will generally be approved provided they can be justified under Policy H2 to safeguard the amenity of residential areas.

The application site is located close to the town centre where the established land use is residential. The erection of a dwelling on this site would therefore not conflict with the established land use of the area. It is also considered that the proposed dwelling would not detract from the character and amenity of the surrounding area as it would effectively be a direct, like for like replacement of the existing stable in terms its scale, mass, form and design. Criteria (iii) of Policy G7 seeks to protect the cumulative effects of development so that it does not lead to over-development or town and village cramming. It is acknowledged that over development of this site has been raised by objectors, but this was on the basis of the original proposals for a much larger dwelling. The proposed dwelling would occupy the same footprint as the existing building and would not increase the height of the building above existing

ridge heights. It is contended therefore that the proposed dwelling would not result in over development of the site.

Criteria (iv) seeks to ensure that the proposed infill development would respect the scale, form, design, materials and density of its surroundings. It has previously been accepted that the proposed dwelling would be consistent with the scale, form and design of the existing building, effectively resulting an identical structure. It would continue to appear as a subservient outbuilding associated with the principal buildings fronting Market Square and would be appropriate for the density of its surroundings.

Criteria (v) requires adequate access and servicing to be available particularly taking account of water and drainage and schools capacity. Vehicular and pedestrian access is available and parking would appear to be available within the site (this will be discussed in more detail later in this report). Schools capacity is an issue but this will be secured through a development contribution and associated legal agreement (also discussed later in this report). The application indicates that water supply and drainage will be via the public mains and public sewer. No evidence has been provided to confirm that connections to both the public water supply and public drainage system are available to serve this site however this matter can be controlled by condition and through the building warrant process.

Criteria (vi) of Policy G7 relates to the protection of residential amenity of neighbouring and adjoining properties. In terms of loss of daylight or sunlight as a result of over shadowing it is contended that the proposed new dwelling will not give rise to any concerns over and above existing levels. It is noted that loss of light and over shadowing have been raised by third parties but given that the new dwelling would be same height as the existing building, the level of over shadowing would not increase above existing levels currently experienced by neighbouring dwellings.

It is accepted that there are challenges associated with this proposal, particularly in relation to the constrained nature of the site and the character of the neighbouring built form. However, it is considered that the revised proposals address previous concerns and objections, and will allow the successful redevelopment of the redundant building consistent with infill development policy G7.

The comparable policies in the Local Development Plan contain broadly the same requirements, and there are no inconsistencies arising from the emerging policy framework.

Conservation Area

Development within or adjacent to a conservation area that would have an unacceptable adverse impact on its character and appearance will be refused under Policy BE4 of the LP. As a minimum, development should have a neutral effect but encouragement is given to developments that would enhance the character and appearance of the conservation area.

As discussed previously in this report, the proposed redevelopment of the stables will effectively result in the stables being rebuilt, with the proposed dwelling replicating the form, scale and design of the existing building. As the property is in a poor state of repair having been abandoned as a stables some time ago, the proposed new dwelling (subject to approval of external materials) will enhance the character and appearance of the conservation area making a positive contribution to the neighbouring built form.

In terms of the demolition of unlisted buildings in conservation areas, demolition will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where a number of criteria can be met. The existing building is in a poor state of disrepair with the roof and west elevation showing signs fatigue and structural failure. Although a site specific engineers report is not available, it is clear from site inspections that the vast majority of the building would have to be demolished before it could be re-developed for residential use. The proposals would therefore comply with Criteria (i) as it is incapable of reasonably beneficial use by virtue of its state of disrepair.

Criteria (ii) states that redevelopment will only be permitted where the structural condition of the building is such that it cannot be adapted without material loss to its character. The existing building is a building of local historical interest but given the restricted nature of the site and the architectural character of the building it is unlikely that it can be modified to accommodate alterations and extensions without detrimental effect on its character.

Acknowledging the objections raised in relation to the impacts on the conservation area designation, it is considered that the proposed dwelling, following demolition of the stable will in fact enhance the character and appearance of the conservation area, both individually and as part of the wider townscape. The proposed dwelling would replicate the existing building in terms of scale, mass and design and would ensure the long term use of the site as a dwelling. This would be consistent with the character of the area and the built form and would have a positive effect on the appearance of the conservation area.

Design

It has already been established that the proposed dwelling would be consistent with the character of the surrounding area and neighbouring built form. The design of the new dwelling would reflect the architectural style of the traditionally built stable building, replicating the unusual stepped roof plane, hay-loft openings and barn door. It is clear that the proposal can be accommodated within the site without resulting in over development (it would occupy the same footprint as existing) and would create a courtyard type development with a sense of place in sympathy with local architectural styles. It would be of a scale, mass and height appropriate to its surroundings and, subject to appropriately worded conditions, would be finished in materials of the highest quality.

Members will note that concerns were expressed by the Case Officer over the scale, mass, height and design of the originally proposed dwelling in relation to the character of the surrounding area and neighbouring built form. It was felt that this 'suburban' style dwelling would not be appropriate to its surroundings and would constitute over development of the site, contrary to prevailing policy covering quality standards as well as supplementary planning guidance on placemaking and design. The revised proposals on the other hand acknowledge the scale and built form of the existing building and have responded to the difficulties presented by the constrained nature of the site, the surrounding built form and the character and appearance of the conservation area. It is acknowledged that objections have been raised in relation to the design of the original dwelling, particularly in relation to height, appearance and impact on the built environment, but it is felt that the revised proposals adequately address these points.

Consideration should be given to the potential reuse of salvaged materials from the down takings, in particular the pantiles if they are capable of being reused. This can be added as an applicant informative to the standard external materials condition.

Residential Amenity

Policy H2 of the LP aims to protect the amenity of both existing established residential areas as well as proposed new residential developments. The policy applies to areas where the predominant use is residential and will be applicable, not just to large scale residential developments, but also to extensions, development on garden ground, backland development, redevelopment sites and brownfield sites.

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted under Policy H2. However, as discussed above, it is felt that the proposed dwelling would respect the scale, form and type of development in terms of its fit within a predominantly residential area. As the proposed dwelling would be the same height, scale and mass as the existing stables it would not have an unacceptable adverse impact on neighbouring dwellings as a result of overshadowing or loss of daylight. Existing levels would not be compromised.

In terms of overlooking and the potential for a loss of privacy it is accepted that the existing building is not occupied and neighbouring dwellings are therefore currently not compromised. The proposed dwelling would incorporate 2 bedrooms at first floor level with low level windows and velux roof windows. These openings will be at an oblique angle to the windows on the rear (north) elevation of the existing dwellings in Market Square and will not have an unacceptable adverse impact on the residential amenity of these properties as a result of direct window to window overlooking.

In addition, existing rear gardens are defined by high stone walls which are proposed for retention. These will help screen the development from the areas of private garden ground and also help minimise levels of overlooking. Given that existing areas of garden ground are currently over looked by the upper floors of the dwellings on Market Square, it is unlikely that the proposed development will increase existing levels of overlooking to unacceptable levels detrimental to the residential amenity of neighbouring dwellings.

It is acknowledged that a number of objections have raised concerns in relation to overlooking, loss of privacy and loss of light. As discussed, and given the fact that the proposals seek to replace an existing building with one of the same dimensions, it is considered that the development will not have an adverse impact on the amenity of existing dwellings as a result of overlooking, over shadowing or loss of privacy and would comply with the terms of Policy H2 of the LP.

Access and parking

The application site is accessed via a narrow gated pend from Market Square. The pend is large enough to accommodate a vehicle and it would appear that the two cars can be parked within the courtyard to ensure vehicles are clear of the public road. It is acknowledged that space is limited within the courtyard area and this has been raised as an issue by several objectors, however, the Council's Roads Planning Service confirms that they have no objections to this proposal provided two parking spaces are provided within the courtyard area prior to occupation of the dwelling and that they are retained thereafter in perpetuity.

It is understood that the small outbuilding located in the north west corner of the courtyard will be removed as part of the redevelopment proposals and this will free up additional space that will allow for 2 car parking spaces to be accommodated within the site. To ensure that 2 spaces are made available it is recommended that an amended site plan, showing 2 car parking spaces, is submitted for our approval before development commences. The spaces shall then be made available before the dwelling is occupied and retained thereafter in perpetuity. These matters can be secured by appropriately worded conditions should Members be minded to approve this application, ensuring compliance with development plan policy Inf4 – Parking Provisions and Standards.

Flooding

Members will be aware the Policy G4 of the LP discourages development from taking place in areas which are or may become subject to flood risk. The Council's Flood Officer and SEPA both confirm that the application site is located out with the predicted 1 in 200 year flood event as shown on SEPA's third generation flood mapping. However, Coldstream was affected by flooding in 1948 which was predicted to be a 1 in 200 year flood event and the level of the flood water was shown to be 17.58mAOD. It would therefore be appropriate to ensure that the finished ground floor level of the proposed new dwelling is set at a level out with the historic flood extent. With an allowance for freeboard, the finished ground floor level should be set no lower than 18.24mAOD. The Council's Flood Officer and SEPA are in agreement with this level and would have no objections to this proposal on the grounds of flooding. The finished floor level can be controlled by condition should Members be minded to approve this application.

Cultural heritage and archaeology

The Council's Archaeologist has confirmed that there are archaeological implications associated with this pair of applications. The application site is located within the medieval core of Coldstream and within an area suspected to have been within the precinct of Coldstream Priory. In addition, the stable itself is of local historic interest as a surviving structure associated with earlier modes of transport.

As the original proposals sought consent for alterations and a change of use of the building, the Archaeologist advised that the building be recorded prior to any alteration. Also, it was recommended that an archaeological watching brief is required as there is moderate potential for encountering buried archaeological remains.

Following the submission of the Conservation Area Consent application, the Archaeologist confirms his position that there is moderate to high potential to encounter buried remains and recommends that additional information on below ground works is required prior to determination. If below ground works are intended then a watching brief as per his earlier consultation would be required.

As the proposal seeks consent to demolish the existing building and erect a new dwelling, there will be below ground works in order to form new foundations. It would therefore seem appropriate in this instance to seek a watching brief in respect of the conservation area application as well as the detailed application. Members will note that our Archaeologist would be happy to accept a single written scheme of investigation covering both levels of work. This will ensure that the building is recorded prior to and during its demolition, and that a watching brief is in place during the below ground works ensuring compliance with Policy BE2 of the LP.

Natural heritage

The existing structure with pantile roof and hay-loft features has the potential to support bats and their roosts. They also have the potential to support breeding birds. The Council's Ecologist advises that although the site is in an urban setting, the habitat in the surrounding area is of moderate quality for bats and as such it is recommended that bat surveys are carried out prior to determination and bird surveys are carried out prior to commencement of works.

The building was subsequently inspected in September 2015 and the survey submitted by BSG Ecology on behalf of the applicant found no evidence of bats roosting or breeding birds, although precautionary mitigation is recommended in the report. It is recommended that no demolition works or roof stripping commence during the bird breeding season and bat activity season without the express written permission of the planning authority. This can be covered by condition and will ensure that there is no harm to bats or birds during their breeding and activity seasons.

Following the submission of amended plans and the subsequent application for Conservation Area Consent, further consultation took place with the Ecology Officer. Mitigation for bats and birds is required as per the original response to the related detailed application. Notwithstanding the original proposals to convert the stables to a dwelling, the application to demolish would require an identical condition to that previously recommended. Subject to appropriately worded conditions and mitigation, it is considered that the demolition of the existing building is acceptable, will be in accordance with development plan policies covering protected species and local biodiversity and will not have an unacceptable adverse impact on bats or breeding birds.

Infrastructure

Proposals indicate that the dwelling would be serviced by the existing public water supply and public sewage system. As the site is located within the settlement boundary and within an sewered catchment area, connection to the existing public systems is the preferred solution in this case. Surface water drainage should be separate from foul water and taken to an appropriate SUDS system within the site.

Whilst no details of connection are currently available, precise details can be controlled by condition and the subsequent Building Warrant process.

Contaminated Land

Policy G2 of the LP aims to allow for development on contaminated or potentially contaminated sites but in a manner that ensures that the re-use and restoration of the site is made possible without risk to public health or the environment. Given the previous use of the site as a stable, it may have resulted in land contamination. A questionnaire relating to the previous use of the site was sent to the agent but this was never returned. As such, it is important that the potential for land contamination is considered through the planning process. In this instance it would be appropriate therefore to add a condition requiring a contaminated land survey to be carried out and submitted for approval prior to development commencing on site. This would ensure that the potential risks arising from any identified land contamination have been properly addressed in accordance with Policy G2.

Developer Contributions

Members will be aware that Policy G5 of the Local Plan seeks to secure development contributions where a site is otherwise acceptable but cannot proceed due to deficiencies in infrastructure and services. In this case, the proposed erection of a dwellinghouse will require contributions towards Education & Lifelong Learning only. This matter has been discussed with the applicant/agent and will be secured through an appropriate legal agreement (in this case a S69) should members resolve to approve the detailed application.

CONCLUSIONS

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Subject to appropriately worded planning conditions and the conclusion of a legal agreement to secure development contributions, it is considered that the proposed development is acceptable and in accordance with development plan policies relating infill development, quality standards for new development, impact on conservation areas and impact on residential amenity. The revised proposals are a significant improvement over those originally submitted and it is contended that the development will now have a positive effect on the built environment and the character and appearance of the conservation area.

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Subject to appropriately worded planning conditions it is considered that the proposals to demolish the former stables building is acceptable and in accordance with development plan policies relating development in conservation areas. The building is in a state of disrepair and is not suitable for conversion to an alternative use. Acceptable alternative proposals for the site have been submitted under the associated application for a replacement building and alternative use which will have a positive effect on the character and appearance of the conservation area.

RECOMMENDATIONS BY CHIEF PLANNING OFFICER:

15/00978/FUL

I recommend the application is approved subject to a legal agreement addressing contribution towards (Education & Lifelong Learning – Berwickshire High School), and the following conditions and informatives:

1. The development hereby approved shall be carried out wholly in accordance with amended drawing S1 – Design Proposals (dated October 2015 and received 26 October 2015).
Reason: To ensure that the development is carried out as approved by the Local Planning Authority.
2. 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 and roofs 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.

3. The finished floor levels of the building(s) hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Local Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site. With an allowance for freeboard, the finished ground floor level should be set no lower than 18.24mAOD.

Reason: In order to protect the property and its occupants from a predicted 1 in 200 year flood event.

4. Two parking spaces, not including any garage, must be provided within the courtyard area adjacent to the dwelling hereby approved, prior to the occupation of the dwelling and retained thereafter in perpetuity.

Reason: To ensure two parking spaces are made available clear of the public road.

5. No demolition works or roof stripping and removal works to commence during the breeding bird season and bat activity season (March-September inclusive) without the express written permission of the Planning Authority. A supplementary breeding bird survey by a suitably qualified person and subsequent mitigation including a watching brief for bats, may be required if works are to commence during this period.

Reason: In the interests of local biodiversity and protected species.

6. No development shall take place until the applicant has secured a programme of archaeological work in accordance with an approved Written Scheme of Investigation (WSI) outlining a Watching Brief. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.
- If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).
- Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion
- The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

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.

7. No development shall take place until the applicant has secured and implemented an approved programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Historic Building Survey. This will be formulated by a developer contracted archaeologist(s) and approved in writing by the Planning Authority. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- Historic Building Survey will be in accordance with the ALGAO: Scotland guidance as requested by the Planning Authority.
- In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times.
- Initial results shall be submitted to the Planning Authority for approval in the form of a Historic Building Survey Report (HBSR) within one month following completion of all on-site archaeological works.
- Once approved the site archive and HBSR shall also be reported to the National Monuments Record of Scotland (NMRS) via the OASIS system within three months of on-site completion.
- Results will be summarised in *Discovery and Excavation in Scotland* (DES) within one year of on-site completion.
- The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological investigations, reporting and dissemination of results as required. The developer will be expected to fund and implement all further archaeological work.

Reason: To preserve by record a building of historical interest.

8. 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.

- 9. No development shall commence until precise details of water supply have been submitted to and approved in writing, in consultation with Scottish Water, by the Planning Authority. Thereafter no development shall take place except in strict accordance with those details.

Reason: To ensure an adequate supply of water is available to serve the site and to ensure that existing users are not compromised.

- 10. No development shall commence until a scheme for sustainable urban drainage (SUDS) for surface water treatment and foul water drainage has been submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

Informatives

- 1. In relation to Condition No 2 above, consideration should be given to the potential reuse of salvaged materials from the down takings (including pantiles if they are capable of being reused).
- 2. In relation to Condition No 3 above it is recommended that the applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188 in order to receive flood warnings from SEPA.

DRAWING NUMBERS

LOCATION PLAN

2 – Existing Outbuilding Floor Plans & Elevations

S1 – Design Proposals

15/01318/CON

I recommend the application is approved subject to the following conditions:

1. The works of demolition hereby permitted shall not be begun until documentary evidence is produced to show that contracts have been entered into by the developer to ensure that building work in relation to the dwelling approved under 15/00978/FUL is commenced within a period of 6 months following commencement of demolition.
Reason: To prevent premature demolition in the interests of the character of the Conservation Area.
2. The buildings/structures to which this consent relates shall not be demolished until all details required by planning permission reference number 15/00978/FUL have been submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent premature demolition in the interests of the character of the Conservation Area.
3. All residue materials resulting from the demolition of the building hereby approved shall be removed from the site within the calendar month of the date of completion of the demolition.
Reason: In the interests of the appearance and setting of the Conservation Area.
4. No demolition works or roof stripping and removal works to commence during the breeding bird season and bat activity season (March-September inclusive) without the express written permission of the Planning Authority. A supplementary breeding bird survey by a suitably qualified person and subsequent mitigation including a watching brief for bats, may be required if works are to commence during this period.
Reason: In the interests of local biodiversity and protected species.

DRAWING NUMBERS

LOCATION PLAN

2 – Existing Outbuilding Floor Plans & Elevations

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Barry Fotheringham	Lead Planning Officer



15/00978/FUL & 15/01318/CON
 Stable Building North Of
 11 Market Square
 Coldstream

