

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF: 21/01806/FUL

APPLICANT: Mrs Annabel Freeland

AGENT: Stuart Davidson Architecture

DEVELOPMENT: Erection of 2no dwellinghouses

LOCATION: Land East Of Former Grain Silo Edington Mill
Edington Mill Road
Chirside
Scottish Borders

TYPE: FUL Application

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
P6696-PL-001	Proposed Plans & Elevations	Approved
P6696-PL-002	Proposed Plans & Elevations	Approved
P6696-PL-003	Proposed Site Plan	Approved
P6696-PL-004	Proposed Sections	Approved
P6696-PL-LOC	Location Plan	Approved
PL005	Proposed Site Plan	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No representations received.

CONSULTATIONS

SBC Archaeology: The location of the two houses is in the surroundings of a Bronze Age cist (effectively a stone-lined box) found in 1913 (Canmore ID 59728). This is recorded as being found during road-widening operations at the top of the gorge of the Whiteadder Water. The cist was likely covered by a cairn originally as the burial place of someone, together with the grave good pottery. The stones of the cist were taken away and re-erected in the garden of James Hewat Craw, a well-known antiquarian and archaeologist of the local area in the early 20th century.

Whilst the site of the proposed houses is close at hand to the findspot of the cist, there has been much intervening quarrying in the area to an edge close to the road. The area has significantly changed with the quarrying and so there little chance of any further cists being found in the groundworks of this application. The quarrying is not thought of special historic interest in itself.

The mill building lies someway to the southwest of the proposed sites of the houses. However it is worth drawing the attention to the applicants of the line of the tail race water channel from the mill building as this appears to issue northeastwards close to the line of the access track and parking area proposed of this application. It is unclear if this has been recognised in the application, but it may need to be considered within the proposed scheme.

SBC Contaminated Land: The above application appears to be proposing the redevelopment of land which is understood to form part of the wider Edington Mill site and also incorporated quarry workings. 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 recommended that planning permission should be granted on condition that development is not be 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.

SBC Ecology: No officer in post at time of consultation.

SBC Education: No response.

SBC Flood Risk: Review of the SEPA flood maps shows that part of the site is within the indicative 1:200 year flood envelope of the Whiteadder Water. The indicative flood extent does not reach the proposed dwellinghouses but does cover the entirety of the existing access road along the Whiteadder Water.

As access and egress to the development may also be affected by flood waters I would require that a Flood Risk Assessment (FRA) is undertaken to develop a 1 in 200 year plus 35% climate change flood level and assess if the new development or part of the access road along the Whiteadder Water is at risk of flooding and if appropriate how much floodplain storage is lost.

Ideally a Finished Floor Level (FFL) above the 1 in 200 year plus climate change level should be developed with an appropriate allowance for freeboard.

It is important to note that flood depths of 0.3m or more are considered to greatly impede safe vehicular access/egress from a site. Should the FRA show flood depths of 0.3m or more along the access road, it is very likely we would object to the proposal.

Additionally, details of the proposed drainage layout and SuDS design are required.

SBC Landscape: No response.

SBC Roads Planning: This application is effectively a change of house type for the previously implemented consent. No objection subject to a condition to secure parking within the site.

Community Council: No response.

NatureScot: In our view, this proposal will not affect the nearby Whiteadder Water Site of Special Scientific Interest (SSSI), also designated as part of the River Tweed SSSI and River Tweed Special Area of Conservation (SAC).

River Tweed Commission: No response.

SW: There is water treatment capacity, but no waste water infrastructure within vicinity of the site.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016:

PMD1: Sustainability

PMD2: Quality Standards

ED9: Renewable Energy Development

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity
EP7: Listed Buildings
EP8: Archaeology
EP10: Gardens and Designed Landscapes
EP13: Trees, Woodlands and Hedgerows
EP15: Development Affecting the Water Environment
EP16: Air Quality
IS1: Public Infrastructure and Local Service Provision
IS2: Development Contributions
IS5: Protection of Access Routes
IS7: Parking Provision and Standards
IS8: Flooding
IS9: Waste Water Treatment and SUDS
IS13: Contaminated Land

Other Considerations:

Biodiversity Supplementary Planning Guidance 2005
Contaminated Land Inspection Strategy Supplementary Planning Guidance 2001
Designing Out Crime in the Scottish Borders Supplementary Planning Guidance 2007
Development Contributions Supplementary Planning Guidance 2011 (Updated 2021)
Landscape and Development Supplementary Planning Guidance 2008
New Housing in the Borders Countryside Supplementary Planning Guidance 2008
Privacy and Amenity Supplementary Planning Guidance 2006
Placemaking and Design Supplementary Planning Guidance 2010
Renewable Energy Supplementary Guidance 2018
Sustainable Urban Drainage Systems Supplementary Planning Guidance 2020
Trees and Development Supplementary Planning Guidance 2020
Use of Timber in Sustainable Construction Supplementary Planning Guidance 2009
Waste Management Supplementary Guidance 2015

Recommendation by - Paul Duncan (Assistant Planning Officer) on 17th March 2022

Site Description

The proposed site is located at the Edington Mill building group around 3km south-east of Chirnside. The building group comprises the B listed former Edington Mill building, now converted to flats, a second block of flats, and around a dozen dwellinghouses. It is situated at a bend on the north side of the Whiteadder Water (designated SAC and SSSI). The site itself is to the east of the former mill building and extends from the banks of the Whiteadder up to the top of steep cliffs above it.

Planning History

Planning application history on the site is limited to a single application for the erection of 2no dwellinghouses (planning reference 06/01440/FUL). The application was approved in 2006 and was implemented in the years following its approval. It is a live permission and this status is a material planning consideration.

Planning history nearby includes a 2009 application for the erection of 2no dwellinghouses to the north-east of the application site, away from the remainder of the building group (planning reference 09/00191/FUL). This application was approved by the Berwickshire Area Committee and consent was released earlier this year following the conclusion of a legal agreement.

Proposed Development

The application seeks planning permission for two detached dwellinghouses to sit at the foot of the quarry cliffs to the east of Edington Mill. The dwelling to the east would be T shaped, comprising a two-storey north/south axis range presenting an overhanging gable feature to the frontage, with a single storey range with roof terrace on the east/ west axis. The dwelling to the west would be a simpler single-storey pitched

roof building. Both dwellings would share the same overall design style and materials palette (untreated Siberian larch timber cladding, dark grey standing seam roof sheeting and dark framed windows and glazed doors).

Vehicular access would connect to the existing lower level road network serving the mill conversion to the west. Steps would lead to a high level access serving the block of flats to the north of the former mill.

Assessment

- Principle

The former Edington Mill complex is outwith any designated settlement boundary within the Council's Local Development Plan (LDP). The proposals must therefore be assessed against LDP policy HD2 (Housing in the Countryside). In this case criterion A (building groups) is most relevant. There is clearly a sizable established building group at this location comprising 13 dwellinghouses and two large blocks of flatted dwelling units. As noted above, there is an existing live permission for two dwelling units on a site to the east. In combination with the two proposed units, this would amount to a total of four units for expansion. This meets the numerical requirements of HD2. The site to the east establishes the principle of expanding the group eastwards, beyond the proposed site. Topography would be a further consideration. However, notwithstanding the foregoing, there is a live permission in place for two new units on the site, therefore the principle of erecting two dwellings on the proposed site is established.

- Siting, Design and Layout

The dwellings would overlap the footprints of the previously consented dwellings on the site. The principle of their siting is therefore established by the existing consented scheme. The massing and materials of the proposed dwellinghouses would contrast with those previously built in this area, however the proposed site is located on the far side of the existing complex with sufficient detachment to allow for a contrasting style. The design approach is otherwise welcomed. The traditional approach to massing will ensure the more contemporary approach to fenestration and design detailing integrates the development successfully into the surrounding area.

- Landscape, Trees and Visual Impacts

The scale, massing and materials of the proposed development would ensure the development integrates successfully into the site's landscape setting.

The proposed site is recorded within the ancient woodland inventory however the area appears to have been felled some time ago. There do not appear to be any significant issues in this regard.

- Setting of Listed Buildings

Chirnside Mill is listed at Category B. The proposed development would have a neutral impact on its setting.

- Vehicular Access and Road Safety

The Roads Planning Service has not raised any vehicular access or road safety concerns.

- Parking

The site plan shows four parking spaces between House 2 and the Whiteadder. The Roads Planning Service requests a condition to secure two parking spaces for each dwelling within the site. A condition is attached.

- Residential Amenity

The proposed dwellinghouses are distant from the existing and the approved yet unbuilt dwellings nearby. The proposed dwellinghouses would benefit from good levels of amenity and neither would not cause significant harm to the amenity of the other. The proposals are therefore considered to satisfy LDP policy HD3 (Protection of Residential Amenity).

- Flood Risk

The two dwellinghouses are outwith the indicative flood extent as identified by SEPA's 1 in 200 year flood risk maps, however the entirety of the existing access road along the Whiteadder is within it. The Council's Flood Risk Team requested a Flood Risk Assessment on account of this. The agent has drawn attention to the extant consent and its FFL which is 200mm higher, relative to that proposed now. Access and egress would be improved by way of a stairway leading to a path to the rear which connects in with the higher level access to the mill area. The matter has been discussed further with the Flood Risk Team who accept this position. Given the previous consent this new application cannot be refused on ground of flood risk, however that is not to say that the development is free from flood risk. The proposals do not satisfy LDP policy IS8 (Flooding), however this can be given little weight given the extant historic permission.

- Ecology and Designated Sites

The Whiteadder Water is designated as the Whiteadder Water Site of Special Scientific Interest (SSSI), the River Tweed SSSI and the River Tweed Special Area of Conservation (SAC) designations. LDP policies EP1, EP2, EP3 and EP15 are therefore relevant.

Nature Scot considers the proposal will not affect the designated sites. It is agreed that there would be no likely significant affects to the designated sites. Nevertheless, it would be prudent to secure a simple Construction Method Statement given the proximity of the development to the watercourse.

- Archaeology

The Archaeology Officer was consulted and notes that a Bronze Age cist was previously found close to the site, prior to its removal and subsequent quarrying in the area. There is not thought to be any likelihood of remaining interests on the site. The Officer also draws attention to the tail race water channel from the mill building which appears to issue north-eastwards close to the line of the access track and parking area. This observation can be relayed by means of an applicant informative.

- Contaminated Land

The site is within an area that hosted both a mill and quarry works. The Contaminated Land Officer has requested a condition to secure site assessment, risk assessment, and possible remediation and verification thereafter. The requested condition is attached.

- Infrastructure

The development would connect to the public water supply. Scottish Water has confirmed capacity. A condition will secure the connection.

Existing private foul waste arrangements would be utilised. There is no public infrastructure nearby, so this is acceptable. A condition is attached to secure provision prior to occupation.

Land drainage is proposed for SUDS.

- Development Contributions

Contributions towards education and affordable housing were secured by s69 legal agreement at the time of the previous approval.

REASON FOR DECISION:

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

Recommendation: Approved - conditions & informatives

- 1 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.
- 2 Prior to the occupation of each dwelling, two parking spaces per dwelling shall be provided within the curtilage of the dwelling. Thereafter the parking shall be retained in perpetuity.
Reason: To ensure the development is served by adequate parking provision at all times.
- 3 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.

- 4 Prior to the commencement of development, a Construction Method Statement (CMS) shall be submitted for the written approval of the Planning Authority. The CMS shall detail simple measures to ensure the construction process does not cause environmental harm to the nearby watercourse. Thereafter, the construction process for the development hereby approved shall be carried out in strict accordance with the measures detailed in the agreed CMS.
Reason: To avoid harm to the nearby watercourse in line with LDP Polciy EP15.

- 5 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details and photos of samples of the materials to be used in the construction external areas of the building have been submitted to and approved in writing by the Planning Authority. 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.
- 6 No development shall commence until details of foul and surface water drainage have been submitted to and approved in writing by the Planning Authority. Thereafter, the dwellinghouses hereby consented shall not be occupied until the surface water and foul drainage arrangements are functional in accordance with such agreed details.
Reason: To ensure that the properties are fit for habitation ahead of them being occupied for the first time.
- 7 No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that a mains water connection shall be made available to serve the development, unless otherwise agreed in writing by the Planning Authority. Thereafter, a public water mains connection shall be functional prior to the occupancy of the dwellinghouses hereby approved, and no water supply arrangements shall be used other than the public water mains without the written agreement of the Planning Authority.
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
- 8 Prior to the commencement of development, a scheme of details for hard and soft landscaping and boundary treatments shall be submitted to and approved in writing by the Planning Authority. The scheme of details shall include:
1. A site plan showing details of proposed hard and soft landscaping and boundary planting/ fencing/ walling;
 2. A plant/ tree/ shrub schedule including sizes, species and numbers;
 3. Details of boundary fence/ wall materials and heights;
 4. Details of hardstanding materials; and
 5. Details of planting maintenance.
- Thereafter:
- a) the development shall be carried out wholly in accordance with the agreed scheme of details and no other boundary treatments shall be used other than those agreed;
 - b) all agreed planting shall be carried out by the end of the first planting season following the occupation of the dwellinghouse hereby approved, unless otherwise agreed in writing by the Planning Authority; and
 - c) all planting shall maintained thereafter in strict accordance with the agreed maintenance measures.
- Reason: To ensure satisfactory form, layout and assimilation of the development.

Informatives

It should be noted that:

- 1 The Council's Archaeology Officer notes as follows:

"it is worth drawing the attention to the applicants of the line of the tail race water channel from the mill building as this appears to issue northeastwards close to the line of the access track and parking area proposed of this application. It is unclear if this has been recognised in the application, but it may need to be considered within the proposed scheme."

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