

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**15 JUNE 2023**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 22/01588/FUL & 22/01587/LBC
<b>OFFICER:</b>	Alla Hassan
<b>WARD:</b>	Hawick and Denholm
<b>PROPOSAL:</b>	Reinstatement, alterations and extensions to dwellinghouse
<b>SITE:</b>	Cavers House
<b>APPLICANT:</b>	Ms Julie Sharrer
<b>AGENT:</b>	CSY Architects

**SITE DESCRIPTION**

The application site is a Category B listed building which is currently a ruin and is identified on the Buildings at Risk Register. It is accessed via a private track and there are a number residential dwellings to the north.

The site is subject to the following site constraints:

- Core Path (DENH/128/3)
- Situated within the Teviot Valleys Special Landscape Area
- Within an archaeologically sensitive location
- Parts of the site are at risk of surface water flooding
- Parts of the woodland subject to a Tree Preservation Order
- The River Tweed Special Area of Conservation (SAC) and Site of Scientific Interest (SSSI) located approximately 1.5km to the west of the site.
- Kirkton Burn Meadow SSSI approximately 1.2km to the south of the site

**PROPOSED DEVELOPMENT**

Full Planning Permission and Listed Building Consent is sought for the restoration, adaptation and extension of Cavers House, upgrades to the surrounding landscape, provision of parking and associated/ ancillary works.

The design and use of the proposal has been amended to address concerns raised by the case officer and internal consultees. The initial proposal was for a Class 7 use (Hotel, bed and breakfast or hostel). This has now been revised to Class 9 (house) only.

This report covers both applications.

**DETERMINATION BY PLANNING AND BUILDING STANDARDS COMMITTEE**

The applications require to be determined by the planning committee under the Council's scheme of delegation as a substantial body of opposition exceeding five objections from separate households has been received.

## **PLANNING HISTORY**

21/00937/LBC – Works to restore 13th century piscina located within the ruins of Cavers House – application withdrawn

21/00936/FUL – Change of use of forestry land to increase area of garden ground, erection of a temporary welfare building and associated access road – application withdrawn

## **REPRESENTATION SUMMARY**

A total of 92 representation letters across both applications have received. Some of those were from the same households/persons received during several rounds of consultations. The principal grounds of objection can be summarised as follows.

- Adverse impacts on residential amenities
- Inadequate access/ road safety
- Increased traffic
- Lack of sufficient parking
- Harmful to the listed building
- Harmful to trees and landscape
- No water supply
- Track ownership disputes
- B&B/ commercial development inappropriate
- Lack of business plan to support B&B/ commercial use
- Poor design
- Harmful to local ecology
- Potential land contamination

Twelve letters of support were also received raising the following points:

- Proposal helps to safeguard and important building
- Will benefit the local economy and local area
- Legal matters over access are not material considerations

In addition, 1 general comment was received confirming that part of the site is subject to an active conditional felling permission.

## **APPLICANT'S SUPPORTING INFORMATION**

In support of the application, the following were submitted:

- Design and access statement
- Traffic management plan
- Arboricultural impact assessment
- Historic landscape appraisal
- Woodland management Plan
- Conservation statement and heritage impact assessment
- Ecology assessment
- Structural appraisal

## **DEVELOPMENT PLAN POLICIES:**

### **National Planning Framework 4 (NPF4)**

Policy 1 – Sustainable places  
Policy 2 – Climate mitigation and adaptation  
Policy 3 – Biodiversity  
Policy 4 – Natural places  
Policy 6 – Forestry, woodland and trees  
Policy 7 – Historic assets and places  
Policy 9 – Brownfield, vacant and derelict land and empty buildings  
Policy 12 – Zero waste  
Policy 13 – Sustainable transport  
Policy 14 – Design, quality and place  
Policy 16 – Quality homes  
Policy 17 – Rural homes  
Policy 20 – Blue and green infrastructure  
Policy 22 – Flood risk and water management  
Policy 29 – Rural Development

### **Scottish Borders Council Local Development Plan 2016**

PMD1 – Sustainability  
PMD2 – Quality standards  
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  
EP5 – Special Landscape Areas  
EP7 – Listed Buildings  
EP8 – Archaeology  
EP13 – Trees, woodlands and hedgerows  
IS2 – Developer Contributions  
IS5 – Protection of access routes  
IS7 – Parking provision and standards  
IS8 – Flooding  
IS9 – Waste water treatment standards and SUDS  
IS13 – Contaminated Land

## **OTHER PLANNING CONSIDERATIONS:**

Supplementary Planning Guidance:

Development Contributions (2011) Updated 2023  
Landscape and Development (2008)  
Local Landscape Designations (2012)  
Sustainable Urban Drainage Systems (2020)  
Trees and Development (2020)  
Waste Management (2015)  
Placemaking and Design (2010)  
Guidance on Householder Development (2006)

## **CONSULTATION RESPONSES:**

Please note that full responses have been published online but for the purposes of brevity; consultee responses are summarised below.

### **Scottish Borders Council Consultees**

**Heritage and Design Officer:** No objections however design amendments requested with respect to the following:

- Design development required for the junction between the north elevation and fourth storey / roof terrace.
- Design development required to the battlement walkway (removal of glazed balustrade).
- Confirmation of approach to gate piers, well, steps and any other surviving features within the grounds.
- Confirmation of current condition and nature of ha-ha and proposed works to ha-ha (could be conditioned if required).
- Improved door design to door within the bow
- Transoms should be retained where these exist

The applicant has revised the scheme in line with the aforementioned comments. The amended proposal is considered to be acceptable and further details can be adequately controlled via condition. As a result, no objections are raised subject to conditions.

**Archaeology Officer:** No objections subject to conditions and informative

**Roads Planning Service:** No objection to the principle of development however, additional information was requested with respect to the provision of parking, a Traffic management Plan, proposed improvements to the access and confirmation that these works can be carried out on land out with the applicants control. The applicant has addressed the outstanding matters to the satisfaction of the roads officer and therefore no objections are raised subject to conditions.

**Outdoor Access Officer:** Initially requested further information with respect to non-vehicular use, signage and additional details of surfacing and boundary treatment to the core path. The applicant has provided this to the satisfaction of the outdoor access office therefore no objections raised subject to an informative.

**Landscape Architect:** Initially requested further information/ clarification in the form a detailed inventory and appraisal of the historic landscape and remaining features, the submission of a tree survey (including an Arboricultural Impact Assessment (AIAI) and a Woodland Management Plan. Those have been submitted to satisfaction of the landscape architect and therefore no objections are raised subject to conditions.

**Ecology Officer:** A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application. This confirmed the main following points:

- Signs of badgers found near the site boundary
- Site has negligible suitability for roosting bats however the habitat is suitable for commuting and foraging bats
- Structure provides limited opportunity for breeding birds although woodpigeon nests were identified in cervices
- Shed appears to be used as perch by Barn Owls
- Trees and habitats suitable for reptiles and amphibians, although no evidence was found

Following this, the Ecology officer raised no objections but requested the submission of an Arboricultural Assessment in relation to the proposed tree removal. This has been provided by the applicant and considered by the Ecologist. No objections are raised subject to conditions and informative.

**Environmental Health Service:** No objections subject to condition

**Contaminated Land Officer:** No objection subject to condition

**Flood Officer:** No objections

### **Statutory Consultees**

**Denholm and District Community Council:** Objected to both the original and revised proposal, mainly on the following grounds:

- use of single track road to access and serve the site to the proposal, which is not owned by the applicant
- disruption and inconvenience to neighbours and track users
- lack of visibility on track will adversely impact road safety

**Historic Environment Scotland:** Supportive of application

**Architectural Heritage Society of Scotland:** No reply

**Scottish Civic Trust:** No reply

**Scottish Water:** No objections

### **Non-Statutory Consultees**

**The Society for the Protection of Ancient Buildings (SPAB Scotland):** Objected to the overall form, scale and detailing of the proposed extensions which are considered to be harmful to the special interest and significance of the tower and its setting.

### **KEY PLANNING ISSUES:**

The key planning issues with these applications are whether the proposed development constitutes appropriate development in accordance with the National planning Framework (NPF4) Local Development Plan 2016, particularly as regards to roads safety, access, siting, scale, form and design of the development; and impact on the listed building.

### **ASSESSMENT OF APPLICATION:**

#### **Policy Principle**

Policy 9 of the NPF4 is supportive of the reuse of brownfield derelict land and buildings. Policy 17(viii) also supports the reinstatement of former dwellings. The principle of the proposal is therefore considered to be acceptable at the national level. This is further reflected in Policy HD2(d) of the Local Plan which supports the restoration of houses provided that its overall design is acceptable to the host building and wider landscape setting. Consequently, the principle of a residential dwelling is supported; however it is considered vital that a condition strictly controlling its use solely as Class 9 is attached to any forthcoming consent.

## **Design and Impact on the Listed Building**

The application site is a part-demolished Category B listed towerhouse, constructed of sandstone of varying sizes with a mix of squared rubble and random rubble with ashlar quoins. Some sections have been altered with brickwork. The remaining structure consists of a basement and five upper floors. There is no roof and the interior structure is no longer evident.

The supporting Conservation Statement confirms that the existing structure is of evidential, historical, aesthetic, socio-economic and archaeological value. It has been subject to numerous changes over time therefore much of the original evidential fabric has been lost or modified through time.

The proposal has been submitted following an earlier pre-application undertaken by the applicants in December 2020. The proposal involves significant works to retain and extend the ruin including; the refurbishment of the tower and Georgian building remains, the addition of extensions to the north and south (one more traditional and the other hybrid/ contemporary) and the reinstatement of associated landscaping including the reconstruction of walled gardens. Traditional material palette is proposed which consists of restoring and repairing existing stone, harling, slate roofs and timber fenestration details. The supporting structural appraisal confirms that the existing structure can be adequately repaired, structurally strengthened and incorporated into the proposed refurbishment scheme

It is accepted that the proposed extensions are substantial and will change the character and appearance of the existing building. However, the proposals have been amended and are now in line with the Heritage and Design Officers' initial comments. The revised scheme is now considered to be acceptable and details in relation to materials, methodology and repair schedule and their potential implications can be suitably controlled via condition. It is considered that the proposals will positively contribute to the historic evolution of the building. The alterations and extensions have been sensitively designed, including contemporary architecture, helping to improve its legibility and securing its long-term viability. As amended, the proposals will conserve, protect and enhance the character, integrity and setting of the listed building, compliant with the aims of Policy EP7 of the LDP and Policy 7 of NPF4.

## **Road safety and parking**

The site is accessed via a private track that lies outwith the ownership of the applicant. The roads officer has been consulted on the proposal and no objections were raised to the principle of development. However, additional information was requested with respect to the provision of parking, a Traffic Management Plan, proposed improvements to the access and confirmation that these works can be carried out on land outwith the applicant's control.

As noted above under representation, the majority of the objections received were on the grounds of inadequate/unsafe access and an unacceptable increase in the level of traffic. Furthermore, concerns were also raised that the applicant does not have any rights/ ownership to upgrade the track, as part of the remedial works needed to provide a satisfactory access.

It should be noted that matters regarding ownership and rights of access are not strictly planning matters afforded full weight in the decision making process. Legal rights of access and ownership would normally fall outwith the realms of planning. However, in this case, for the proposed development to be considered favourably, improvement works to the existing access are required to provide an adequate access. This would involve land outwith the applicant's ownership, and failure to deliver the required level of improvements could prejudice implementation of the whole development.

Consequently, reasonable assurance is needed that upgrades to the access which include; the widening and tarmacking of the access and trimming back overhanging branches to provide adequate visibility can be implemented and secured via conditions. This must meet the 6 tests of enforceability as set out in the Planning Circular 4/1998 (the use of conditions in planning permission). The applicants have provided a solicitor's letter (originally submitted for a previous application on the site) confirming that they have a legal right of access, and to carry out some works for its upgrade.

On that basis, it is considered that there is a reasonable prospect that the required level of road improvements can be implemented. Precise details of the extent of works required to improve the access can be secured via an appropriately worded suspensive planning condition requiring the works to be carried out before development commences. Provided the works required by RPS are carried out in a satisfactory manner, there will be no harm in terms of vehicular access or road safety as a result of the proposed development.

With respect to parking, there is ample space for the provision of four car parking spaces turning. This will ensure adequate parking and turning is available, in accordance with the standards set out in the LDP.

On balance, and following receipt of legal confirmation of the applicant's right to carry out some upgrading works to the track, it is considered that the proposal will not have an unacceptable adverse impact on road safety or parking.

### **Outdoor Access**

The access track to the site is classified as a Core Path (128). The tarmac track, including verges is currently used by non-vehicular path users. As noted above, a large number of objections were received on the grounds of making this access unsafe to existing users. The Outdoor Access Officer has been consulted on the proposal and did raise initial concerns that the tarmac track may result in less room for walkers, cyclists and horse riders. However, the applicant has provided further clarification on this matter, confirming that the access will be maintained and additional signage will be added to improve its legibility. The Outdoor Access Officer is satisfied with this approach subject an informative reminding the applicant that the access must remain for public use.

### **Residential Amenities**

Due to the siting of the proposal and considerable distances to the nearest neighbours. There are considered to be no significant adverse impacts in terms of overlooking, loss of privacy, daylight, sunlight, or overshadowing. However, it is acknowledged that there will be an increase in noise and activity generated by the comings and goings of the future occupants of the proposal and construction workers during the construction phase.

The supporting Traffic Management Plan states that the construction period will be approximately 18 months and there will be a maximum of 50 workers at peak times. Whilst it provides some mitigation measures to minimise adverse impacts on amenities and users of the path, it is considered important that a detailed construction Method Statement is submitted and approved, prior to development. Additionally, a condition will also be attached to restrict construction work times.

Subject to compliance with the terms of the suggested conditions, the proposals are considered to have an acceptable impact on the residential amenity of nearby properties.

## **Archaeology**

The remains of the standing tower house are of national significance with significant archaeological evidential information. As noted by the archaeology officer, archaeological finds/ and or deposits will be present and therefore formal historic building recording will be required of those remains, the new walled garden and the renovation and repair of the ha-ha boundary feature. Furthermore, with respect to the debris and below-ground work of the house and immediate area, a programme of archaeological works will also need to be carried out. Such matters can be sufficiently conditioned with any forthcoming consent. This will ensure full compliance with development plan policies covering archaeology and the historic environment.

## **Ecology**

The Preliminary Ecological Assessment submitted identifies that the site as providing low suitability to support protected species, and sets out recommendations for the site's ecological enhancement. The Ecology Officer has reviewed the supporting information and requested an Arboricultural Assessment due to the removal of some of the trees. This has been provided and the Ecology officer is satisfied that there will be no adverse impacts on local biodiversity as a result of the proposal subject to conditions and informative.

It is also considered that the nearby Site of Special Scientific Interest and Special Area of Conservation, including their qualifying features, will not be at risk from the proposed development.

Policy 3 of the NPF requires ecological enhancements, and a condition can be imposed requiring a scheme, which may include additional planting and/or bird/bat boxes as appropriate.

## **Trees, landscaping and visual impacts**

The site consists of tree groups and woodlands whereby some are subject to a Tree preservation Order (SBC33). The applicant has submitted an Arboricultural Impact Assessment Woodland Management Plan and Historic Landscape Appraisal in support of the application. Those have been reviewed by the Arboricultural officer who is satisfied that the only a modest number of trees will be removed to accommodate the proposal. Furthermore, the trees covered by the TPO will not be adversely affected by the proposal.

Consequently, subject to the attachment of conditions, the proposal will have an acceptable impact on the existing trees woodlands, biodiversity and the wider Special Landscape Area.

## **Services**

The application form states that the proposal will be connected to the mains water supply but foul drainage will be via a new septic tank, discharged to land via a soakaway.

Scottish Water have raised no objections and confirm that there is sufficient capacity to in the Robertson Treatment Works to service the development. However, there is no waste water infrastructure in the immediate vicinity.

The Environmental Health Officer has been consulted on the proposal and has raised no objections to the proposed drainage arrangement. Notwithstanding this, a condition will be attached requesting written confirmation from Scottish Water that the development can be adequately serviced. Additionally, a condition is also recommended, requesting further details of the foul drainage strategy, to ensure that there are no adverse impacts to public health as



a result of the proposal. Surface water drainage shall follow sustainable drainage techniques and can also be covered by condition.

### **Flood risk**

The Council's internal planning mapping records indicate that parts of the site are prone to surface water flooding. The vulnerable areas only relate to small section of the northern and south western boundaries. The Council's flood officer has no objections to the proposed development. The development is considered compliant with relevant development plan policies covering flooding.

### **Land Contamination**

The application site appears to have been previously used by the military and is therefore potentially contaminative. Consequently, the contaminated land officer has requested that a pre-commencement condition requiring investigation, and where required remediation. On that basis, there are considered to be no adverse impacts on land contamination as a result of the proposal.

### **Waste storage**

There is considered to be ample space within the curtilage of the proposal to accommodate refuse storage. Notwithstanding, a condition is recommended, requiring precise details to be submitted and approved.

### **Contributions**

A legal agreement will be necessary to secure financial contributions towards Denholm Primary School in order to comply with Policy IS2.

### **CONCLUSION**

Subject to a legal agreement, conditions and informatives the development will accord with the relevant provisions of the Development Plan and there are no material considerations that would justify a departure from these provisions. Furthermore, and subject to conditions, it is considered that the development will not detract from the special architectural and historic interest of the Listed Building.

### **RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:**

#### **22/01588/FUL**

I recommend the application be approved subject to a legal agreement and the following conditions and informatives:

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 Local Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.

3. The use of the development hereby permitted shall fall within Use Class 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended, and no other use shall be permitted unless further written consent is obtained from the Planning Authority.  
Reason: to allow the Planning Authority the ability to exercise control future intensification of the application site.
4. Prior to the commencement of development, the developer shall submit for approval in writing by the Planning Authority, details on the proposed Biodiversity Enhancement scheme for the site. Thereafter, no development shall take place except in strict accordance with the approved scheme.  
Reason: To enhance the ecological interest in accordance with Local Development Plan EP3 and NPF4 policy 3.
5. Prior to commencement of development, a Species Protection Plan for badgers shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved in writing SPP.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
6. Prior to commencement of development, a Species Protection Plan for breeding birds and barn owls shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved in writing SPP.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
7. Prior to the commencement of development, the developer shall submit for approval in writing by the Planning Authority a sensitive lighting scheme for the site. Thereafter, no development shall take place except in strict accordance with the approved plan. Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.
8. No development shall take place unless in strict accordance with the tree protection measures and Method Statement contained in the Arboricultural Impact Assessment (TD Tree & Land Services Ltd, March 2023).  
Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.
9. Only the trees identified on site (as per approved Arboricultural Impact Assessment) and agreed in writing by the Planning Authority shall be removed.  
Reason: The existing trees represent an important visual feature which the Planning Authority considers should be substantially maintained.
10. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which shall be first have been submitted to and approved in writing by the Planning Authority, and shall include:
  - i. Details of proposed tree planting (including species, sizes, indicative numbers) which is referred to but not detailed at Item T1 of the Operations Schedule 2023-2028 Woodland Management Plan
  - ii. Details of all fencing and boundary treatment
  - iii. Details of all surfaces

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

11. No development shall take place except in strict accordance with the Woodland Management Plan. All works, amendments and updates to the plan must be agreed in writing by the Planning Authority and thereby implemented.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings

12. 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.
- 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.

13. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the

Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.

This should include historic building recording and evaluation work, but it may not be limited to these aspects alone;

Reason: The site is within an area where development may damage or destroy 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 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.

15. 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.

16. No development shall commence until precise engineering details for the upgrading of the access route (to include construction and visibility) have first been submitted to and approved in writing by the Council. Thereafter, the agreed upgrading works to the access track shall be completed in accordance with the agreed details prior to the commencement of development hereby approved.

Reason: To ensure the access route is suitable for the anticipated vehicular traffic generated by the development hereby approved.

17. The parking area and access specified on the approved site plan shall be implemented prior to the occupancy of the dwellinghouse and subsequently retained free from obstruction for the parking of four vehicles in perpetuity thereafter.

Reason: To ensure the provision of adequate off-street parking.

18. Before any works commence a scheme shall be submitted to and approved in writing by the Local Planning Authority indicating proposals for the satisfactory storage of refuse in

accordance with BS.5906. The approved scheme shall be implemented upon occupation of the development and thereafter retained.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse.

19. No development is to commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building(s), written confirmation shall be provided to the approval of the Planning Authority that the development has been connected to the public mains water supply.

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.

20. The development hereby permitted shall not be commenced before a fully detailed foul drainage strategy, demonstrating that there will be no negative impact to public health has been submitted to and approved by the Planning Authority.

Reason: in the interests of public health.

21. No development shall commence until detailed proposals for surface water drainage have first been submitted to and approved in writing with the planning authority. The dwellinghouse hereby approved shall not be occupied until the approved surface water drainage arrangements are installed. All hardstanding areas shall be drained by means of porous surfacing, or drained to a permeable or porous area or surface within the application site. All drainage measures shall be maintained in perpetuity in order to manage surface water run-off within the site.

Reason: To ensure surface water is sustainably managed.

22. Notwithstanding the details shown in the consented application, samples and sample panels of all external materials and finishes shall be prepared on site for prior approval by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved materials.

Reason: The materials to be used require further consideration to ensure a satisfactory form of development.

23. Large scale details for all new windows and doors (1:20 sample elevations and sections, and 1:1 moulding profile sections), other architectural features and key junctions should be submitted to and approved in writing by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved details.

Reason: To ensure satisfactory form of development.

24. Construction or remediation work comprising the use of plant, machinery, or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1300 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity.

25. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall include:

- Details of sequence of operations
- Details of segregated pedestrian walkway
- Site delivery management and frequency
- Site waste management
- Site lighting during
- Noise dust and dirt mitigation measures

Reason: In the interest on residential amenities, road safety and public access to core path.

### Informatives

1. In the event that bats are discovered following the commencement of works, works must stop immediately and the developer must contact NatureScot for further guidance. Works can only recommence by following any guidance given by NatureScot. The developer and all contractors are to be made aware of accepted standard procedures of working with bats at [www.bats.org.uk](http://www.bats.org.uk).
2. The ALGAO Scotland Historic Building Recording Guidance can be found at; [ALGAO Scotland Buildings Guidance 2013.pdf](#).
3. The responsibility of any tree works identified lies with the land owner. Any constraints in relation to trees, such as felling licences, should be applied for through the relevant Government Body. All tree works will be carried out by qualified arborists in accordance with British Standard BS3998:2010.
4. With regards to Condition 16, the required engineering details should include the proposed construction makeup, clarification over which area this is to be implemented, areas where vegetation is to be trimmed back to provide adequate visibility and areas where widening is to be provided to allow vehicles to pass within the carriageway.
5. Core path 128 is on the shared use tarmac road and corridor and includes the verge of the route. Core Path 128 is outwith the curtilage of a residential property. Public rights of access apply for non-vehicular path users on the Core path. There is public interest for recreation to use the Core path and woodland area to access locations where it is possible to view the outside of the derelict building of Cavers House.

### **22/01587/LBC**

I recommend the application be approved subject to compliance with the following schedule of 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 the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until the following have been submitted to and approved in writing by the planning authority:
  - a) Schedule, with methodology and specifications, for repairs to existing fabric at Caver House, the walled garden and other landscape features
  - b) Details of internal wall finishes, including materials (which shall be vapour open) and treatment of historic features.Thereafter, no development shall take place except in strict accordance with the approved details.  
Reason: To ensure satisfactory preservation of this Listed Building

3. Notwithstanding the details shown in the consented application, samples and sample panels of all external materials and finishes shall be prepared on site for prior approval by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved materials.

Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which preserves the Listed Building

4. Large scale details for all new windows and doors (1:20 sample elevations and sections, and 1:1 moulding profile sections), other architectural features and key junctions should be submitted to and approved in writing by the planning authority. Thereafter, no development shall take place except in strict accordance with the approved details.

Reason: To ensure satisfactory preservation of this Listed Building

### **DRAWING NUMBERS**

9430/0-LP	Location Plan
9430-3.02 Rev A	Existing Site Plan
9430/3-15 Rev A	Existing floor plans
9430/3-17 Rev A	Existing Elevations
9430/3-18 Rev A	Existing 3D views
9430/3-19 Rev A	Proposed plans 1
9430/3-20 Rev A	Proposed plans 2
9430/3-22 Rev A	Proposed Elevations
9430/3-21 Rev C	Proposed Roof Plan
9430-0-PL-02C	Proposed Site Plan
9430/3-23 Rev A	Proposed Sections
9430/3-24 Rev A	Proposed 3D views
9430/3-25 Rev A	Contextual Elevations 1
9430/3-26 Rev A	Contextual Elevations 2
9430/3-27 Rev A	Walled Garden
9430/3-28 Rev A	Proposed Owl House
Drawing 1	Plan of Wooden Fingerposts

### **Reports**

Cavers Castle Traffic management Plan dated 22.02.2023  
Arboricultural Impact Assessment dated March 2023  
Historic Landscape Appraisal dated March 2023  
Woodland Management Plan 2023-2028  
Conservation Statement dated September 2022  
Preliminary Ecological Assessment (PEA) dated September 2021  
Structural Appraisal dated September 2022

**Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

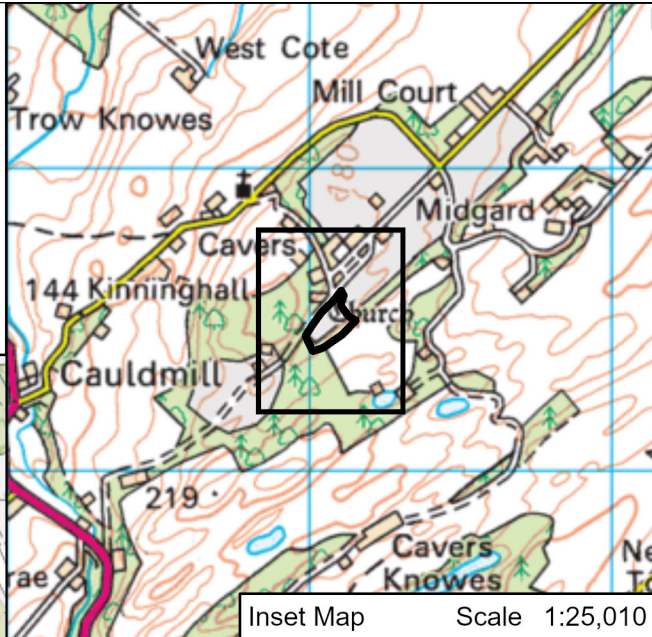
**Author(s)**

Name	Designation
Alla Hassan	Assistant Planning Officer

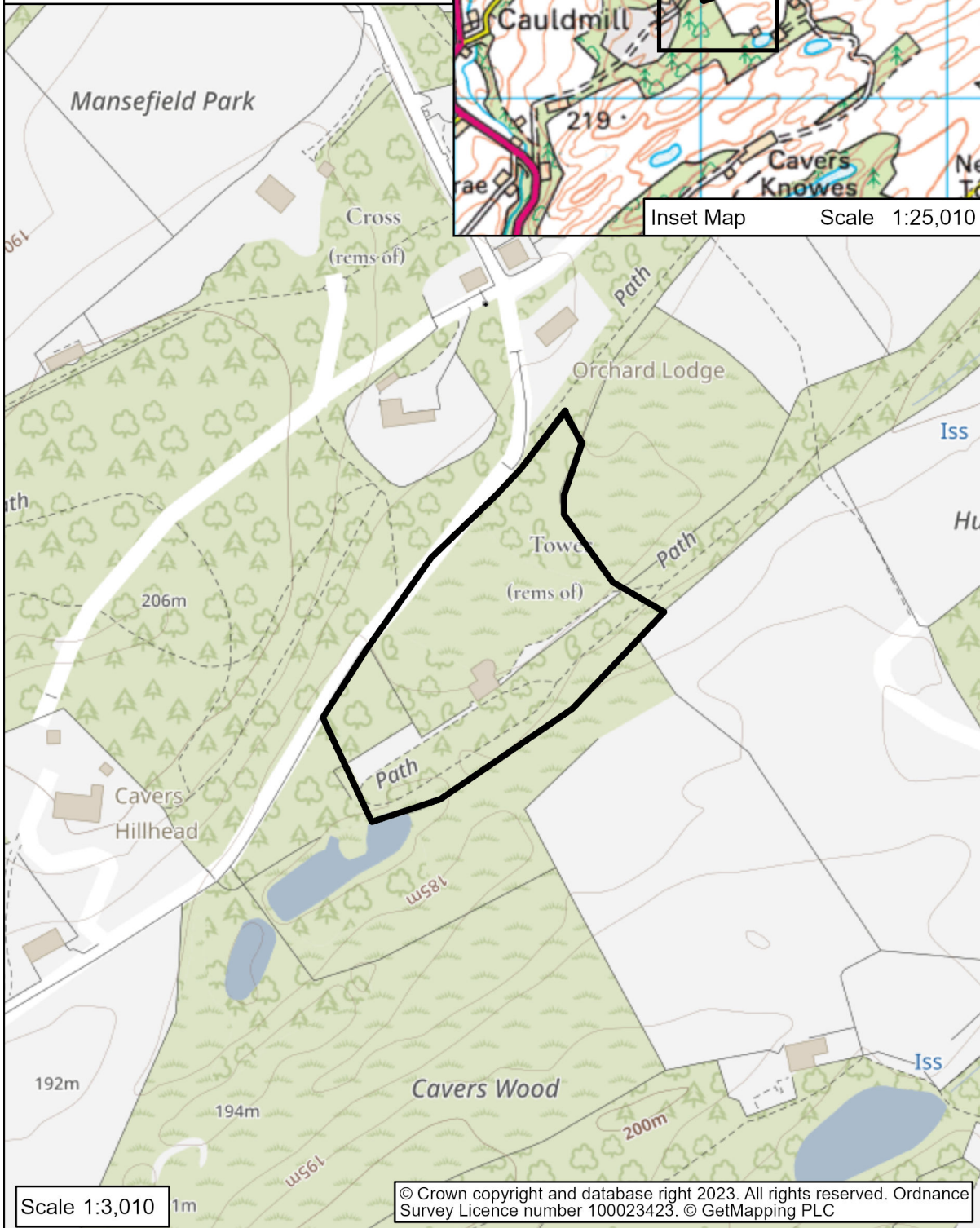




22/01587/LBC & 22/01588/FUL  
Cavers House, near Hawick



Inset Map Scale 1:25,010



Scale 1:3,010 1m