

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00674/FUL

APPLICANT : Mrs Stephanie Jones

AGENT : Stewart Stevenson Architects

DEVELOPMENT : Change of use from disused barn, alterations and extensions to form dwellinghouse

LOCATION: Land East And North East Of Westwater Cottage
Bogsbank Road
West Linton
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
(GA)010	Location Plan	Approved
(GA)011	Site Plan	Approved
(GA) 012	General	Approved
(GA) 100	Floor Plans	Approved
(GA) 101	Floor Plans	Approved
(GA) 300	Sections	Approved
(GA) 400	Elevations	Approved
(GA) 102	Roof Plan	Approved
(GA) 013	Block Plans	Approved
(GA) 014	Site Plan	Approved
(GA) 450	Elevations	Approved
(GA) 451	Elevations	Approved
2449-SK10	Other	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Consultation Responses

Environmental Health

No objection subject to condition relating to drainage and an informative relating to potential pollution from smoke and fumes.

Contaminated Land

Further to my consultation response dated 26 June 2015 the completed questionnaire has now been returned to me. The document is attached below.

The information provided indicates the site previously houses an asbestos clad barn that was in a state of disrepair and collapse. The presence and condition of the asbestos cement roofing at the site

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.

Ecology

The existing brick- built structure, although it is in a state of disrepair it has some limited potential to support bats and their roosts. Works to walls, wall heads, and roof has potential to disturb bats and their roosts. It is possible that only a preliminary roost assessment will be required.

The existing buildings have potential to support breeding birds e.g. barn swallow

The habitat in the surrounding landscape is of moderate quality for bats. There is a robust network of woodland (Lowland mixed deciduous and wet woodland) and hedgerows including a Local Wildlife Site (Lyne Water/Broomlee). The building is immediately adjacent to a strip of lowland mixed deciduous wood.

Recommendation:

- Prior to determination a survey for bats by a suitably qualified person[i] will be required for all buildings to be converted or demolished and an assessment of any mature trees to be felled. Following guidance from the Scottish Government, bat surveys and any subsequent licensing requirements will need to be resolved before the planning application is determined. Impacts on bats will be assessed against the three key tests. Surveys likely to involve disturbance to bats or their roosts can only be carried out by a licensed bat worker. Activity surveys for maternity roosts and occasional roosts in buildings and trees should be conducted between May and September (optimally May - July). Preliminary roost assessments can be undertaken at any time of year. If evidence of bats or their roosts is found in the surveys, the developer will be required to submit as part of their submission to the Planning Authority a mitigation plan for bats.
- 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. Any works shall, thereafter, be carried out in accordance with the approved scheme. Where it is established that there is a breeding bird interest, no works shall be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority. Supplementary surveys and a mitigation plan will be required.
- Opportunities exist to enhance the local habitat network for bats and breeding birds through planting of native thorn species-rich extended hedgerows (FCS Native seed zone 204)

Roads Planning

My comments to a previous application (15/00003/FUL) served by the same access onto the public road are applicable to this application and I have copied them below for your information.

- Visibility at the junction onto the public road to be improved by the removal of the shrubs/vegetation behind the roadside wall.
- The private track to be upgraded to provide a smooth, free draining running surface, capable of withstanding a minimum axle loading of 14 tonne.
- Parking and turning for a minimum of two vehicles, excluding garages, to be provided within the curtilage of the plot prior to the dwelling being occupied and retained in perpetuity thereafter.

Providing the above points are incorporated into the design I will have no objections to the above proposal. The visibility improvements and track upgrading works must be completed prior to the dwelling being occupied.

Community Council
Support the application

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan 2011

Policy D2 Housing in the Countryside

Policy H2 Protection of Residential Amenity

Policy Inf3 Road Adoption Standards G1 Quality Standards for New Development

Supplementary Planning Guidance
New Housing in the Borders Countryside

Recommendation by - Dorothy Amyes (Planning Officer) on 12th August 2015

This full planning application seeks consent for the change of use of a former cow byre to provide a dwellinghouse at Westwater House south of West Linton. The application building is a single skin brick structure, with a shallow corrugated roof with steel trusses. It has been extended in the past and has a series of internal divisions that form stall divisions and storage rooms.

In 2013 a planning application (12/00298/FUL) was approved for the change of use of the property to a single dwellinghouse as the proposals complied with the Local Plan Policy D2 and the SPG for New Housing in the Borders Countryside. The principal of the change of use has been established. The consent was issued in June 2014 following the completion of a Section 75 Legal Agreement for Developer Contributions towards Education and Lifelong Learning.

Although the fabric of the building has deteriorated in the intervening period, it is still standing up to wall head height. The roofing and lean-to have recently been removed. The current application is for a change of design. It is also covers a slightly altered red line boundary with more of the ground to the east of the building.

It is proposed to retain the central structure of the building and add an extension onto each of the gable ends. The extensions will have pitched roofs with a slightly lower ridge line than the main structure where it is proposed that the ridge line will be raised by 600mm. The extensions will clearly be subservient to the centre structure. Large arched windows will be introduced in the centre section and there will be large areas of glazing in the east elevation. Most of the accommodation will be at ground floor level with approximately half of the roof space used for two bedrooms/ensuites. The external walls will be finished mainly in render with small areas of timber cladding and timber louvres. The roof will be covered in natural slate.

The main consideration is whether the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

Design

The design of the proposed dwellinghouse respects the existing design and dimensions of the disused byre. The proposed materials are acceptable in this rural location. Further consideration to the exact finishes can be addressed through a suitably worded condition.

The proposed extensions will effectively more than double the footprint of the main building. When the footprint of the lean-to is taken into consideration, the overall increase in footprint is approximately 46 sq m. The previous consent had an extension of with a footprint of approximately 36sq m. although the overall floorspace is probably similar as the first design made greater use of the first floor space through the raising of the wall head and dormer windows. There is adequate garden ground to accommodate the extensions

and there are no nearby neighbours who will be affected by the development. The proposed design will result in an attractive single storey dwellinghouse with design features which reflect the historical use of the building. It is considered that on balance, the proposals are acceptable.

Landscaping

The application site is located in an open position and is clearly visible from Boggsbank Road. Although no landscape plan has been provided with the application, it is considered that the planting of trees and shrubs on the site particularly around the perimeter would have a positive impact on the landscape and this can be subject to conditions.

Water and Drainage

It is proposed that the water supply shall be from a public source and foul sewage shall be to septic tank and soakaway. The plans indicate that a SUDS pond is to be located at the North West corner of the site. Environmental Health have requested that conditions are placed on the consent relating to drainage and potential land contamination. They have also requested that an informative should be placed on the consent to provide advice to the applicants on the appropriate use of any stoves to avoid potential air pollution.

Access

The existing access to the site was historically an access to Spitalhaugh and is currently used by West Water and Westwater Lodge. Roads Planning have requested that conditions should be placed on any consent relating to the access track and the junction with Boggsbank Road. However, work has commenced on the redevelopment of West Water House which is located further along the track and as part of this work the track has been improved and the junction widened. Conditions relating to this are no longer relevant. Conditions relating to parking, turning and public access should be included.

Ecology

The council's Ecologist has requested that a bat survey should be submitted before the application is determined. However, a bat survey was submitted with the previous application and, although there was some bat activity in the area, no bat roosts were found within the building and it was considered to have low potential to support roosting bats. The recommendation from this report is that 'if a significant period of time elapses before the buildings on site are to be demolished (i.e. more than 1 year), a further pre-demolition survey be carried out to ensure that works are carried out in full compliance with nature conservation legislation. Activities to demolish the existing buildings on site should still consider bats and if any bats are encountered, works stopped immediately and a professional ecologist/SNH consulted. Should any bats be identified in the buildings in the future, a Section 44 Licence will be required from SNH in order to allow demolition. The license application will need to detail the mitigation required to ensure that those bats currently using the site will continue to be able to do so post development.'

The survey was undertaken in June 2011 and it is considered that a checking survey to be undertaken before any work commences on site is appropriate. A breeding bird survey is also required.

Development Contributions

There is a Section 75 Legal agreement in place but this will need to be reassigned to the current application.

In conclusion, subject to conditions, the proposals are considered to be acceptable.

REASON FOR DECISION :

The principle of the proposed change of use of the barn has been established through a previous application when it was demonstrated that the building is suitable for and capable of conversion to residential use. The building remains to wall head height and the current proposals comply with Local Plan policy H2 and the SPG on New Housing in the Borders Countryside.

The scale, design and materials of the revised scheme are acceptable in the rural location and the immediate surroundings. There are no nearby properties that will be affected by this development in terms of loss of residential amenity.

Recommendation: Approved - conditions & informatives

- 1 No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition

Reason: To ensure that the development does not have a detrimental effect on public health.

- 2 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.

- 3 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.

- 4 The development hereby approved shall only be carried out in strict accordance with details of the materials to be used on the external walls and roof of the proposed building(s) which shall first have been submitted to and approved in writing by the Planning Authority.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting

- 5 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):

i. existing and finished ground levels in relation to a fixed datum preferably ordnance
ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored

iii. location and design, including materials, of walls, fences and gates

iv. soft and hard landscaping works

v. existing and proposed services such as cables, pipelines, sub-stations

vi. other artefacts and structures such as street furniture, play equipment

vii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

- 6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

- 7 Public access along the access track from Boggsbank Road should be maintained during and after the house has been constructed and occupied and no gates should be placed across this track without the prior written approval of the planning authority.

Reason: To ensure that public access is maintained at all times

- 8 Prior to any work commencing on site a checking survey for bats by a suitably qualified person[i] will be required for all buildings to be converted or demolished and an assessment of any mature trees to be felled. Following guidance from the Scottish Government, bat surveys and any subsequent licensing requirements will need to be resolved before the planning application is determined. Impacts on bats will be assessed against the three key tests. Surveys likely to involve disturbance to bats or their roosts can only be carried out by a licensed bat worker. Activity surveys for maternity roosts and occasional roosts in buildings and trees should be conducted between May and September (optimally May - July). Preliminary roost assessments can be undertaken at any time of year. If evidence of bats or their roosts is found in the surveys, the developer will be required to submit as part of their submission to the Planning Authority a mitigation plan for bats.

Reason To protect any bats which may be on the site as bats are European Protected Species

- 9 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. Any works shall, thereafter, be carried out in accordance with the approved scheme. Where it is established that there is a breeding bird interest, no works shall be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority. Supplementary surveys and a mitigation plan will be required.

Reason: To ensure that any birds nesting on the site are protected.

It should be noted that:

1 Informatives

Stoves

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on - [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

Private Drainage Arrangements

Private drainage systems often cause public health problems when no clear responsibility or access rights exists for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

2 Opportunities exist to enhance the local habitat network for bats and breeding birds through planting of native thorn species-rich extended hedgerows (FCS Native seed zone 204)

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

