

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

8 JANUARY 2023

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 22/00725/FUL

OFFICER: Paul Duncan
WARD: East Berwickshire
PROPOSAL: Change of use of church, alterations and extensions to provide dwellinghouse for holiday let
SITE: Burnmouth Church, Stonefalls, Burnmouth, Eyemouth
APPLICANT: Floorsure Ltd
AGENT: IRD Design

PLANNING PROCESSING AGREEMENT

A Planning Processing Agreement (PPA) is in place until Monday 5 February.

SITE DESCRIPTION

The former Burnmouth Parish Church is located between Upper and Lower Burnmouth in East Berwickshire, midway down the steep 'The Brae' public road which connects the two. It is located on the west side of the road, opposite an L-shaped row of dwellinghouses. Together, this group of buildings is identified within the Local Development Plan 2016 as one of several distinct clusters of buildings that together comprise the settlement boundary for Burnmouth. Others include Upper Burnmouth, to the west of the application site, and Partanhall to the north.

The site is primarily occupied by the former Burnmouth Parish Church building which is now deconsecrated and vacant. It comprises a large, pitch-roofed core (the former church hall) with a small extension on the east side of the building, abutting the public road, and a single storey hip-roofed extension to the rear.

A short section of the Berwickshire Coastal Path passes the building to the north, within the application site boundary, connecting coastal paths on the hillside to the north and north-west with the public road to the east. To the rear (west) of the former church, within the site boundary, lies a small area of gently sloping grass bank with trees. Land beyond this is also sloping, sometimes steeply, and/ or overgrown.

The site is bound to the south-west by an access track that is in separate ownership and connects to neighbouring land that, together with the access track, was previously the subject of a separate application for holiday accommodation which was refused planning permission by the Local Review Body (details below). At the time of writing, a new planning application on this land has been received (further details below).

The Category 'B' listed Burnmouth Harbour is located at the foot of The Brae. The harbour area and coastal waters are internationally designated as a Special Area of Conservation (SAC). The coast and shore are nationally designated as a Site of

Special Scientific Interest (SSSI). The site itself is not designated, though does lie within the Berwickshire Coast Special Landscape Area (SLA).

PROPOSED DEVELOPMENT

The application seeks full planning permission for the change of use of the former church from Use Class 10 (Non-Residential Institution) to form a single dwelling unit (Use Class 9 – Houses) of holiday accommodation with associated conversion works.

Externally, a new porch entrance would be formed at first floor level on the south side of the building. On the north side, a larger gabled, zinc-clad roof extension with Juliette balcony would provide coastal views. Internally, an additional storey of accommodation would be provided with a large open-plan kitchen/ living room/ dining room at a new first floor level. Four bedrooms would be provided at the existing ground floor level. The exterior would be redecorated, and windows would be replaced. Two south side elevation windows would be infilled.

At the entrance to the site from the public road, a new vehicular access would be formed to a new level parking and turning area. Steps from the new parking area would provide access to the new first floor porch and down to the rear of the property.

PLANNING HISTORY

There is no known planning application history on the site however the following applications are relevant:

22/00297/FUL - An application for the erection of three glamping pods on neighbouring land to the west was refused planning permission by the Local Review Body in January 2023. The reasons for refusal were as follows:

- the development lies largely outwith the development boundary of Burnmouth, and there is insufficient community benefit demonstrated to outweigh the significant adverse effects on the landscape setting of the settlement and the natural heritage of the area.
- the site cannot be accessed without significant adverse impacts on road safety, due to the angle and gradient of the site access junction with the public road.
- the applicant has failed to demonstrate that the proposal can be developed without significant detrimental effects on the Berwickshire and North Northumberland Coastline SAC through potential landslip.
- the applicant has failed to demonstrate that the proposal can be developed without significant detrimental effects on breeding birds or Schedule 1 raptors at the site.

The full decision notice can be found on the Council's Planning Portal.

23/01883/FUL - Erection of two no holiday cabins and associated parking. Land West of Burnmouth Church Stonefalls, Burnmouth. Application received 19 December 2023. This application is pending consideration by the planning authority.

REPRESENTATION SUMMARY

Seven objections from six separate households have been received in response to the application. All are available to view in full on *Public Access*. Key issues raised were:

- Road safety/ increased traffic/ vehicular access
- Drainage/ sewerage/ pumping station struggles to cope in summer
- Design/ materials
- Insufficient parking for potential level of occupation
- Oversupply of holiday accommodation

APPLICANT'S SUPPORTING INFORMATION

The initial application was supported by a Design Statement and 3D Visualisations.

An Ecological Impact Assessment and Engineer's Letter were subsequently submitted in response to comments from Nature Scot and the Council's Ecology Officer.

DEVELOPMENT PLAN POLICIES:

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises
 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 10: Coastal Development
 Policy 12: Zero Waste
 Policy 13: Sustainable Transport
 Policy 14: Design, Quality and Place
 Policy 16: Quality Homes
 Policy 22: Flood Risk and Water Management
 Policy 23: Health and Safety
 Policy 30: Tourism

Scottish Borders Council Local Development Plan 2016

PMD1: Sustainability
 PMD2: Quality Standards
 PMD4: Development Outwith Development Boundaries
 PMD5: Infill Development
 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
 EP14: Coastline
 EP15: Development Affecting the Water Environment
 EP16: Air Quality
 IS2: Development Contributions
 IS5: Protection of Access Routes
 IS7: Parking Provision and Standards
 IS8: Flooding

IS9: Wastewater Treatment and Sustainable Urban Drainage

Proposed Local Development Plan 2020

IS5: Protection of Access Routes

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

Biodiversity Supplementary Planning Guidance 2005

Local Landscape Designations Supplementary Planning Guidance 2012

Privacy and Amenity Supplementary Planning Guidance 2006

Placemaking and Design Supplementary Planning Guidance 2010

Sustainable Urban Drainage Systems Supplementary Planning Guidance 2020

Waste Management Supplementary Guidance 2015

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Access: No objection. Requested a condition to require Core Path 2 to remain open and free of obstruction at all times before during and after construction works.

Archaeology: No objection. Noted that the church is first shown by the Ordnance Survey second edition mapping of the area and according to the Geograph website dates to 1888. Advised that the former church building is a historic building and of local interest. The building has not been the subject of a previous building recording exercise either when in use as a church or since its sale after de-consecration. Recommends that a historic building recording exercise be carried out so that the building and that any historic features within it can be recorded.

Ecology Section (first response): Requested appropriate surveys for bats, badgers and Japanese Knotweed. Also requests a ground stability assessment to inform whether the proposal could have an impact on the SAC.

Ecology Section (second response, following submission of further information): Content with ecology of the site itself. Assuming engineering design/mitigation measures are sufficient to prevent landslips content in an ecological context. Notes that NatureScot request a strict condition to prevent impact on the SAC and the SSSI.

Environmental Health: No response.

Flood Risk: No objection but requests drainage information. Notes SEPA flood risk maps indicate that the site is not at risk from a flood event with a return period of 1 in 200 years. However there still remains a risk of water flowing down the slope, and this should be considered within their design. The creation of paved areas and/or parking spaces may increase the surface water runoff from the site and the applicant should submit drainage details to show how they plan to mitigate this risk.

Landscape: No response.

Roads Planning Service: No objection. When considering the proposal, it has to be taken into consideration that the church could be converted to a range of alternative

uses under permitted development rights, some of which could result in an increase in traffic equal to or greater than that generated by the current proposal. The parking arrangement proposed is not ideal in that it is quite constrained and is likely to result in vehicles either reversing onto or off the public road at a location where there is a double bend in the road and visibility is restricted, however vehicles are travelling at slow speeds due to these constraints. There appears no other alternative parking solution within the site boundary. On balance, the Service is inclined to support the provision of parking.

Statutory Consultees

Burnmouth Community Council: Object. Whilst the creation of a new use for the former church is to be welcomed, the plans as currently provided are considered to be on too grand a scale for the building and its location.

- Over development. It is well documented that the previous use of the building was that of a church. The congregation being small and with the services of a minister shared with a number of other parishes, the church was used once a month at most and ordinarily would only muster a small congregation. The scheme proposed for the building is a significant change of use and one which would, if executed, lead to a substantial intensification of use with excessive pedestrian and vehicular traffic to the site. The plans indicate that consent has been sought for the creation of a four-bedroom, three-bathroom holiday home within the same building footprint. Whilst it is encouraging to see a new ongoing use for the property, the CC feel that the proposed development – in effect a home for eight adults, to be an overdevelopment of the site.
- Inadequate infrastructure. The issue of the inadequate infrastructure was flagged during the planning application for the adjacent site. To provide reassurance that this very significant increase in the use of the drainage system will not have an adverse impact on the integrity of the current failing system, we would recommend that a full drainage survey. It is simply not acceptable to assume that the drains in the immediate vicinity will be able to accommodate the significant intensification of use that this scheme would generate. It is also irrelevant for Scottish Water to confirm that there is adequate capacity in Eyemouth to manage the effluent that would be generated
- Traffic. The brae is the lifeline for the lower part of the village and is in parts of only a single vehicle width. There is a dangerous curve just beyond the site. Vehicles coming up the brae are generally looking to accelerate from the corner (evidenced by the loose chippings in the area). Vehicles trying to turn in to the site will find the turn very tight if not impossible to achieve a direct access using only forward gears, not only would a vehicle have to be of a size of a small car, with a tight turning circle, but would have to cross over and completely block the right-hand lane i.e. drive into the path of oncoming traffic. At the entrance to the site is a timber power cable carrying pole which is a further hazard to vehicles entering the site. The site lines at the junction of the proposed entrance drive and the road are severely limited. Visitors to the area are often found to stop their vehicles when driving up the brae in the belief that the red leading harbour lights are a form of traffic control, causing road blockages, an existing issue which will possibly be repeated more frequently. The entrance to the site lies opposite two driveways to three cottages – there is generally insufficient parking at the peak of the holiday season in this area and the proposed scheme will further add to the problem – on an informal basis, holiday makers park vehicles on the adjacent site to save having to park on

the brae. Inevitably they reverse into the site, reinforcing the above point concerning inadequate access. On what is affectionately referred to as Church Corner, to either side of the footpath – a public right of way within the land ownership of the site (and which is acknowledged in the application), there are two low level brick walls which are in disrepair; the plans appear to show the rebuilding of these walls, which is a concern since they front the edge of the road, and the reinstatement of the walls would lead to a narrowing of the roadway. This in turn would lead to (ir)regular single vehicle impact as the maximum road width is used to enable the passing of traffic. Even minor collisions at this pinch point would lead to vehicles stopping to inspect damage/exchange details at that point given the topography.

- On Site Parking. The Design Statement (DS) suggests that holiday guests staying in the four (double) bedroom holiday accommodation would generally arrive in one vehicle. We find this hard to comprehend and consider that two if not three plus vehicles would be the norm, with vehicles totalling possibly four at times - ignoring any day visitors. The proposal is for the provision of two parking spaces with some limited on-site manoeuvring, however only smaller family cars are likely to be able to turn within the site, and if the parked vehicles move to the furthest from the highway boundary to enable additional vehicles to park, this will lead to drivers having to reverse on to the road. If all visitors were to arrive in a single vehicle, the vehicle would be of a size that could not access the parking area in a single action and would also be unable to turn within the limited parking area. In essence the plans show a woeful lack of parking for the size of the proposed scheme.
- Ecology. No ecology report has been provided by the applicant. The area is rich with wildlife. Significant water flow is experienced close to the site and further earthworks can only have the potential to aggravate the fragile natural drainage system. Bats have been seen in the area of the church. There is a growth of suspected Japanese Knotweed outside of the site boundary, consideration should be given during any works, to prevent any further growth.

The Community Council also comment: -

- No site notice has been erected advertising the planning application.
- The CC was not approached prior to the submission of the application in respect of the reinstatement of a bell – though the original was removed prior to the sale of the building and is within the ownership of the Church of Scotland.
- The CC was bemused to note that the owner of the site (a Professional Landlord) is not the Applicant, but a company controlled by the Applicant's son.

NatureScot (first response): Object until further information is received. Primary concerns relate to the absence of information regarding stability of the parking area and the potential impact to sites designated for their internationally and nationally important nature conservation interests located just downslope.

NatureScot (second response following receipt of engineer's letter): No objection provided a condition is attached to secure appropriate mitigation of potential impacts to designated site. Advise that the proposal is likely to have a significant effect on the qualifying features of the SAC. However, an adverse effect on the site integrity can be avoided by implementing mitigation. Based on the engineer's letter, if carried out strictly in accordance with the following mitigation, the proposal will not adversely affect the integrity of the site. Request a condition to secure the agreement of the details of the design and construction of the off-road parking.

Scottish Water: No objection. There is currently capacity for the development at the water treatment and waste-water treatments works.

Other Consultees

Berwickshire Civic Society: Neutral. Consider the site to be tricky as it is very constrained by the topography of Burnmouth. Note that there are a number of objections based on that point and allied points concerning drains. Consider that the re-use of the building is acceptable in the sense that it will preserve a building that might otherwise have little or no use. It allows the context of the former use of the building to be preserved, whilst providing further accommodation for the tourist industry. Suggest that a condition be placed on the building preventing its use as permanent residential accommodation. Note that the applicant company seems to have been formed for the purposes of providing carpet and floor fitting services and has not filed any accounts.

ASSESSMENT OF APPLICATION:

Principle

The application site is primarily located within Burnmouth's settlement boundary as identified in the Local Development Plan 2016 (LDP). A small part of the site, to the rear of the former church building, may extend just beyond the settlement boundary. Policy PMD5 (Infill Development) encourages infill developments including the re-use of existing buildings within development boundaries. Neighbouring land uses are primarily residential, and the proposed holiday use would not be in conflict with this. The scale of the development would be in keeping with that of the existing building, with roof extensions proposed to provide a covered entrance at first floor level and to capitalise on coastal views on the north facing side of the building. The creation of an additional storey of accommodation is logical and is acceptable in principle. Policy PMD5 contains various further criteria which are considered separately below. Otherwise, the principle of the proposed development is considered to be acceptable.

As regards the small portion of the site that may sit just beyond the settlement boundary, any such variance would appear to be the result of the settlement boundary deviating slightly from the ownership boundary. It would be negligible in size and, significantly, there is no proposal to build upon it. The provisions of LDP policies PMD4 and EP14 have been considered, but there are not considered to be any significant policy implications (in principle) arising from these circumstances.

As the proposal is for holiday accommodation, a standard condition is recommended to secure control over the use of the development.

Climate and Sustainability

National Planning Framework 4 (NPF4) states at Policy 1 that significant weight should be given to the global climate and nature crises when considering all development proposals. The latter is considered later in the report.

The primary climate implications would include the benefit of reusing the existing building, and, during the life cycle of the development, the energy efficiency of the converted building and the emissions impact of guest travel.

NPF4 is clear that the reuse of existing buildings should be supported in principle, regardless of historic or architectural merit. At Policy 9 (Brownfield, vacant and derelict land and empty buildings) d) it states that development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option. Further, at Policy 12 (Zero waste) b) NPF4 states simply that development proposals will be supported where they reuse existing buildings and infrastructure.

The suitable reuse of the existing building is therefore supported in principle on grounds of sustainability, considering the embedded carbon in the fabric of the building. The report considers the local social and historic interest of the building further below.

Regarding life-cycle implications, there is limited information on energy efficient measures to be used. This would be considered in detail through the Building Warrant process. It is acknowledged that sustainable travel options for guests would be limited at this location. That is the case for many rural tourism businesses.

Vehicular Access, Road Safety and Parking

The proposed development would be accessed via the steep, narrow public road that connects Upper and Lower Burnmouth. This is the only public road serving the communities of Lower Burnmouth, Ross and Cowdrait (a separate public road to the north serves Partanhall). Considerable concern has been raised by members of the public at the prospect of this. These concerns are understood and appreciated. There is no doubt that the public road at this location is challenging. The Community Council response describes the issues at the road in detail. In short, it is very steep, narrow in places, with tight corners and limited forward visibility at times. This is particularly so at the proposed vehicular access, where, in addition, there are existing accesses already in place on both sides of a short section of road.

Before exploring the proposed vehicular access arrangements in detail, it is important to note that the former church has an established planning use that could be resumed in the future. That use falls within Use Class 10 (non-residential institutions) of the Use Classes Order. The use of the property could transfer from one Class 10 use to another without requiring planning permission. Other uses falling within Use Class 10 include uses as a creche, day nursery, art gallery, museum, or public hall. The Planning Authority would have no remit should the property owner wish to pursue such alternative uses – with or without the new parking proposed under this application. This should be borne in mind when considering matters of road safety and the merits of the proposed new vehicular access and parking.

In its response to the application, the Roads Planning Service acknowledged this situation and took account of it in reaching its no objection conclusion. Regarding the matters of vehicular access and parking, the Service do not consider the proposed arrangements to meet their preferred specification but acknowledge that there are no other alternative parking solutions available within the application site boundary. The Service do not dispute the concern raised by objectors, that some vehicles may need to reverse into or from the public road to use the proposed new parking. This is obviously undesirable at a location where there is a double bend in the road and other existing accesses already in place (not to mention the gradient of the road). However, it is also true to note that traffic speeds at this location are low on account of these issues. Therefore, on balance, the Roads Planning Service consider that the provision

of parking is preferable to the alternative: providing no parking and requiring visitors to park at Upper or Lower Burnmouth and walk with luggage.

The plans show the reinstatement of low walling on either side of the coastal path where it meets the public road. The walling has fallen into disrepair and is now flush with the public road where it abuts it, meaning that it no longer serves as a visual signifier of the drop in levels that occurs between the walls, or the potential for emerging users of the coastal path. The reinstatement of this walling is considered acceptable.

It is worth noting that, since the original submission of the application, the public road has been resurfaced and fresh road markings have been applied.

Placemaking and Design

The existing building holds local social and historic interest but has not been listed for any special architectural or historic interest. There is no conservation area at Burnmouth. Nevertheless, owing to its setting, the former church does hold a certain degree of charm. The principle of retaining the building is therefore to be welcomed and supported in placemaking and heritage terms. Impacts to the Berwickshire Coast Special Landscape Area, however, require careful consideration.

The proposed development would involve new roof extensions. A new porch extension would be erected off the roof on the south side of the building, which would effectively become the front of the building. The new porch would be traditional in scale, form and massing, but in its siting off the roof of the former church, the porch would be fairly unusual. The use of standing seam zinc cladding would allow the porch to read clearly as a contemporary addition to the building.

To the far side, a larger gabled roof extension is proposed. This extension would be seen in longer views or at oblique angles/ side-on from the public footpath/ public road. Again, the proposed standing seam cladding would define the extension as a later extension. Revisions were made to narrow the gable and to distinguish it from the wall below, so it reads clearly and more simply as a roof extension.

Regarding materials, it would be preferable to simplify the design of both extensions further with a single contemporary cladding treatment as opposed to the mix of standing seam zinc and slate currently proposed, subject to practical considerations. The external redecoration is acceptable in principle and a white colour would relate well to the existing buildings on the far side of the road. The use of a wet dash render would however be more in keeping with the character of the existing building. The loss of existing stained-glass windows is regrettable but acceptable, bearing in mind the building is not listed. The choice of cast iron rainwater goods and a revision to use conservation rooflights is to be welcomed. These points can be controlled by condition.

The proposed parking area would be built up to almost eaves level of the existing building. This would undoubtedly have an adverse visual impact and would be harmful to the setting of the former church. However, as noted above, the building is not listed; its setting does not benefit from the protections afforded by LDP policy EP7, for example. The provision of parking would help facilitate the change of use and the comments of the Roads Planning Service in this regard are relevant. The adverse visual implications of the proposed parking are therefore, on balance, accepted. Following revisions, the appearance of the retaining infrastructure would be stone clad/ enclosed and softened by grass banking where gabion baskets were originally proposed. The specification of stone walling/ cladding would require agreement along

with further details of hard and soft landscaping: further planting would be beneficial to help soften and screen views of the elevated parking area. New fencing is proposed for edge protection to the new parking area and porch steps. It would be appropriate to have such fencing painted in a dark colour to avoid a utilitarian appearance.

There are not considered to be any no noteworthy trees, shrubs or hedging within or adjacent to the site that would be worthy of particular protection.

The Design and Access Statement states that the applicant is prepared to reinstate the Church Bell and allow access to it to the Community Council for local festivities. The Community Council has not been a party to any discussions on this. In placemaking and heritage terms, the offer for reinstatement is to be welcomed however it is understood that the applicant is not in possession of the bell. Given the reinstatement may not be within the full control of the application, it would not be appropriate to control the reinstatement by planning condition. Nor would the matter of access to the church bell be one for the planning process to consider or regulate.

Designated Sites

Coastal and shoreline areas close to the site are designated as a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). The Berwickshire and North Northumberland Coast SAC is designated for its reefs, sea caves and grey seals. The Berwickshire Coast (Intertidal) SSSI is notified for its rocky shore and sea caves. There is potential connectivity between the site and the designated sites via watercourses on the hillside and the risk of land slippage. Whilst works to alter the existing building are unlikely to encounter such issues, the formation of the proposed parking area needs to be accounted for.

In response to concerns raised by the Council's Ecology Section and NatureScot, further information in the form of an engineer's letter was provided on behalf of the application agent. The letter notes that all ground engineering works would be conducted behind the existing church building which has stood on the site for many years, demonstrating what the site can support. It advises that the off-street parking would be subject of a Building Warrant application that requires full input from a suitably qualified structural Engineer.

Having considered the contents of the Engineer's letter, NatureScot is now content that these considerations can be adequately mitigated to avoid adversely affecting the integrity of the SAC and SSSI. Accounting for these considerations, a Habitats Regulations Appraisal has been carried out. NatureScot requires a condition that would secure such mitigation, which would take the form of details of the design and construction for the parking area including information about existing slope stability, ground bearing conditions, and any cumulative effects of construction work on the surrounding slopes and neighbouring structures. A condition to this effect is recommended. The condition is worded to ensure the off-road parking area is delivered prior to the occupation of the development. It also covers surface water drainage for the parking and turning area.

Protected Species

An Ecological Impact Appraisal (EclA) was recently submitted on behalf of the applicant and has been considered by the Council's Ecology Officer. The EclA included a walkover survey of the site carried out in July 2023. The EclA does not envisage any significant ecological effects arising from this development.

No active birds' nests were found within the site however there was some evidence that breeding birds had used the site. The EclA set out a Species Protection Plan (SPP) to mitigate the potential impact to breeding birds. A condition is recommended to secure compliance with the SPP.

Following a preliminary assessment of the existing building and adjacent habitats, no bats or evidence of bats was found. The building was judged to be well-sealed and was assessed as having negligible suitability for roosting. However, the EclA recommended precautionary mitigation, which can be secured by condition.

The EclA found no evidence of badgers or other itinerant species such as hedgehogs but recommended precautionary mitigation for these species also. The precautionary mitigation for bats, badgers and hedgehogs can be secured by condition.

Biodiversity Enhancement

NPF4 policy 3 requires the provision of biodiversity enhancement. This can be secured by planning condition.

Invasive Species

The invasive species Japanese Knotweed is thought to be present close to the application site. The EclA did not identify any invasive species within the site but recommended a checking survey prior to works commencing. The Council's Biodiversity SPG document states that if invasive plant species such as Japanese knotweed are growing within a development site, measures must be taken to ensure that development does not cause them to spread within or outwith the site. It is considered appropriate to require such a further checking survey to be carried out. In the event the species is found within the site the agreement and delivery of a mitigation plan would be required. This can be controlled by planning condition.

Neighbouring amenity

The development would relate well to neighbouring residences as regards privacy, daylight, sunlight, and outlook. The new dormer window would face out towards the coast. A single window would be formed at first floor level facing east/ south-east. Taking consideration of factors including the angle and distance to the neighbouring property, the proposal would not be considered unacceptable in overlooking terms. There is not any reason to believe unacceptable noise or disturbance issues should arise. The proposed development is considered to satisfy LDP policy HD3 (Protection of Residential Amenity).

Access Rights

The Berwickshire Coastal Path follows the footpath tight against the north side of the existing former church building, within the application site. The proposed development would not impinge on the path and the Design Statement submitted with the application confirms it would be retained. It is considered appropriate to secure these points by way of a planning condition. If the access needed to be diverted during works, the recommended condition would allow this to be considered and controlled, as necessary. Subject to compliance with the condition attached, the proposals would be considered to satisfy LDP policy IS5 (Protection of Access Routes).

Flood Risk and SUDS

The site is not identified as being at risk of flooding by SEPA's flood risk maps. The Council's Flood Team were consulted at the outset of the application and raise no concerns in principle with what is proposed. The team note that there still remains a risk of water flowing down the slope, and this should be considered within their design. This point could be relayed to applicant/ developer by applicant informative.

The Flood Team initially requested further information in relation to the handling of surface water resulting from the new parking area. The formation of the new parking would remove a small area of currently free-draining land and would need to be accounted for. Since then, the proposals have been revised to show the area adjacent to this to be soft landscaped. A soakaway is also shown on the proposed drawings for the collection and disposal of rainwater from the new hard surfaced parts of the development. Further discussions with the Flood Team have confirmed that the matter of surface water drainage could be dealt with satisfactorily by condition. As noted above, the condition drafted to secure the mitigation NatureScot require has been worded to cover surface water drainage arrangements for the off-road parking area.

Water Supply

The application form indicates that a public mains water connection is already in place. Scottish Water has also confirmed that there is capacity at the local water treatment works to service the development. A condition can be attached to provide additional assurance that a functional connection is in place prior to occupation.

Foul Waste

Significant concerns have been raised regarding the capacity of the local foul sewer infrastructure to cope with further development. There appears to be a particular issue with local infrastructure within Burnmouth at peak periods (i.e., summer). Scottish Water has no objections and has not commented on this specific matter, though has confirmed capacity at the local wastewater treatment works (in Eyemouth). It should be noted that the building already has facilities in place including a connection to the foul sewer. Whilst the proposal may generate further demand on local infrastructure the same outcome could arise through other uses the building could be used for without the need for planning permission. Further, there is no known reason to believe that any existing deficiencies could not be addressed by those responsible. A condition is attached to ensure an appropriate connection is in place prior to occupation.

Waste storage

There is no dedicated bin storage proposed within the site however there would appear to be suitably sized and situated land available to the rear of the property for external bin storage, accessible via the public footpath. A condition to require the delivery of a bin stance and preferably some form of enclosure is recommended.

Other Matters

The planning system does not currently seek to regulate the supply of holiday accommodation within the Scottish Borders. Any oversupply of such accommodation, as mentioned in representations, is a commercial decision for the applicant/ developer, and for the market to resolve.

The proposed holiday usage would not generate any additional demand upon local education capacity. No development contributions towards local education would therefore be sought.

The application was advertised in the Berwickshire News and was subject to standard neighbour notification and consultation processes. No site notice advertising the planning application was required.

CONCLUSION

Subject to compliance with the schedule of conditions, 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.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject to 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.
2. 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.
3. 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
4. No development shall commence until a Scheme of Details for the Design and Construction of Parking and Turning has been submitted to and approved in writing by the Planning Authority. The Scheme of Details shall include:
 - measures to ensure the stability of the site and surrounding land.
 - information regarding existing slope stability, ground bearing conditions, and any cumulative effects of construction work on the surrounding slopes and neighbouring structures.
 - precise details of parking and turning construction and layout including existing and proposed site levels.
 - details of surface water drainage for parking, turning and other hard surfaces.
 - details of stone walling/ cladding enclosing the raised parking and turning areas; and
 - details of enclosing fencing, including finish/ colour.

Thereafter the development shall be carried out in strict accordance with the approved Scheme of Details and the agreed parking and turning, including the agreed stone walling/ cladding and surface water drainage, shall be completed and operational prior to the occupation of the development hereby approved.

Reason: to ensure there is no adverse effect on the integrity of the Special Area of Conservation; to ensure the parking and turning is delivered prior to occupation; and to control its drainage and appearance.

5. The dwellinghouse hereby approved shall be occupied for holiday use only and shall not be used as a person's sole or main residence or as temporary or permanent residential accommodation. The occupation of the holiday let shall be restricted to genuine holidaymakers and shall not be let to the same individual, and/or to different individuals within the same family, group and/or party, for any period of time in excess of 4 weeks in total within any consecutive period of 13 weeks. The operator shall maintain an up-to-date register of the names of all holiday makers staying in the holiday units and their main home addresses. This information shall be made available for inspection at all reasonable times by an authorised officer of the Planning Authority.

Reason: To ensure compliance with the adopted development contributions policy, to retain effective control over the development and to ensure that the property, in line with the details presented in support of the planning application, is only ever used to accommodate short-term holiday lets and is not used as a private dwellinghouse by any long term or permanent residents without the express granting of planning permission.

6. This permission shall only permit the conversion, adaptation, and extension of the existing structure. It shall not purport to grant permission for the erection of any new dwelling/s nor for any extensive rebuilding which would be tantamount to the erection of a new building/ dwelling. If elevational drawings are inconsistent with floor plans, elevation drawings of the alterations shall take precedence, unless otherwise agreed with the Planning Authority.

Reason: Permission has been granted for the conversion of the existing building to habitable accommodation in a location where a new dwelling/s would not otherwise be appropriate, and to ensure alterations to the building are sympathetic

7. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details, including photos of samples and product names and specifications, of the materials to be used in the external areas of the development have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details. This shall include photos of wet dash render sample for the external redecoration; details of cast iron rainwater goods; details and photos of standing seam cladding, which shall be used on both the cheeks/ sides and roof of the two extensions hereby approved; and details of proposed replacement windows. All unless where otherwise agreed in writing by the Planning Authority.

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

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:

- a. A site plan showing all proposed hard and soft landscaping, including the location of new trees, shrubs, hedges and grassed areas, and fencing/ walling.

- b. A schedule of plants to comprise species, plant sizes and proposed numbers/density.
- c. Details of fence/ wall materials and heights; and
- d. Details of hardstanding materials.

Thereafter, all planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following occupation or completion, 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, and fencing/ walling shall accord with the agreed details.

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

- 9. Prior to the commencement of development, details of bin storage arrangements shall be submitted for the written approval of the Planning Authority. Thereafter the agreed bin storage arrangements shall be in place prior to the occupation of the development hereby approved and retained in perpetuity thereafter.

Reason: To ensure suitable bin storage arrangements are provided, in the interests of visual amenity.

- 10. No development shall commence until a Species Protection Plan for breeding birds, bats, badgers and hedgehogs and the findings of a pre-commencement checking survey for Japanese knotweed have first been submitted for the written approval of the Planning Authority. Thereafter, the development shall be carried out in strict accordance with the agreed Species Protection Plan and in, the event Japanese knotweed is found within or adjacent to the site, in accordance with a mitigation plan for Japanese Knotweed (with timetable for delivery) that has first been submitted to and approved in writing by the Planning Authority. The Japanese knotweed mitigation plan shall be delivered in full in strict accordance with the agreed timetable for delivery. All unless otherwise agreed in writing by the Planning Authority.

Reason: in the interests of biodiversity.

- 11. Prior to the commencement of development, details of a scheme of post-construction ecological enhancements, including timescale for implementation, have been submitted to and approved in writing by the Planning Authority. The approved details shall be implemented within the approved timescale.

Reason: To provide a reasonable level of ecological enhancement relative to the environmental impact of the development in accordance with the statutory development plan.

- 12. Core Path 2 that runs through the site must be maintained open and free from obstruction during the development and in perpetuity thereafter, unless where first agreed in writing by the Planning Authority. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order (or any subsequent provisions amending or reenacting that Order), there shall be no additional development on this route which would restrict public access, unless an application for planning permission for such development has been approved by the Planning Authority.

Reason: To protect general rights of responsible public access.

- 13. The rooflight/s hereby approved shall be of "conservation" design, featuring a single central vertical astragal and black or dark grey framing. The rooflight/s shall be installed to run flush with the slates on the roof. Thereafter, the rooflight/s shall be so retained, unless otherwise agreed by the Planning Authority.

Reason: To protect the character and appearance of the building.

14. Prior to the occupation of the development hereby approved, connection to the mains water supply and public foul sewer shall be in place and made functional and operational, unless first agreed in writing by the Planning Authority. Thereafter, no other water supply or foul drainage arrangements shall be used without the prior 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 supply of any neighbouring properties.

Informatives

1. The Flood Team note that there is a risk of water flowing down the slope and this should be considered within the design. Please contact the Council's Flood Team for more advice on this point.

DRAWING NUMBERS

Location Plan – 29 April 2022

Proposed Site Plan – 004 Rev A – 12 September 2023

Proposed Elevations – 005 Rev A – 12 September 2023

Proposed Floor Plans – 003 Rev A – 2 September 2023

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

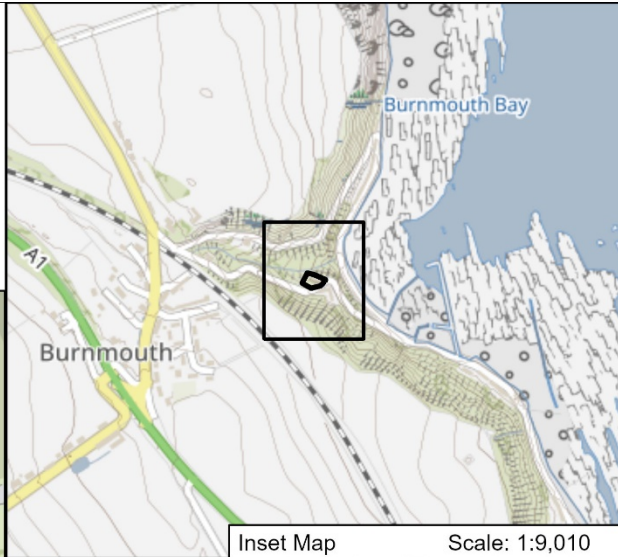
The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

Author(s)

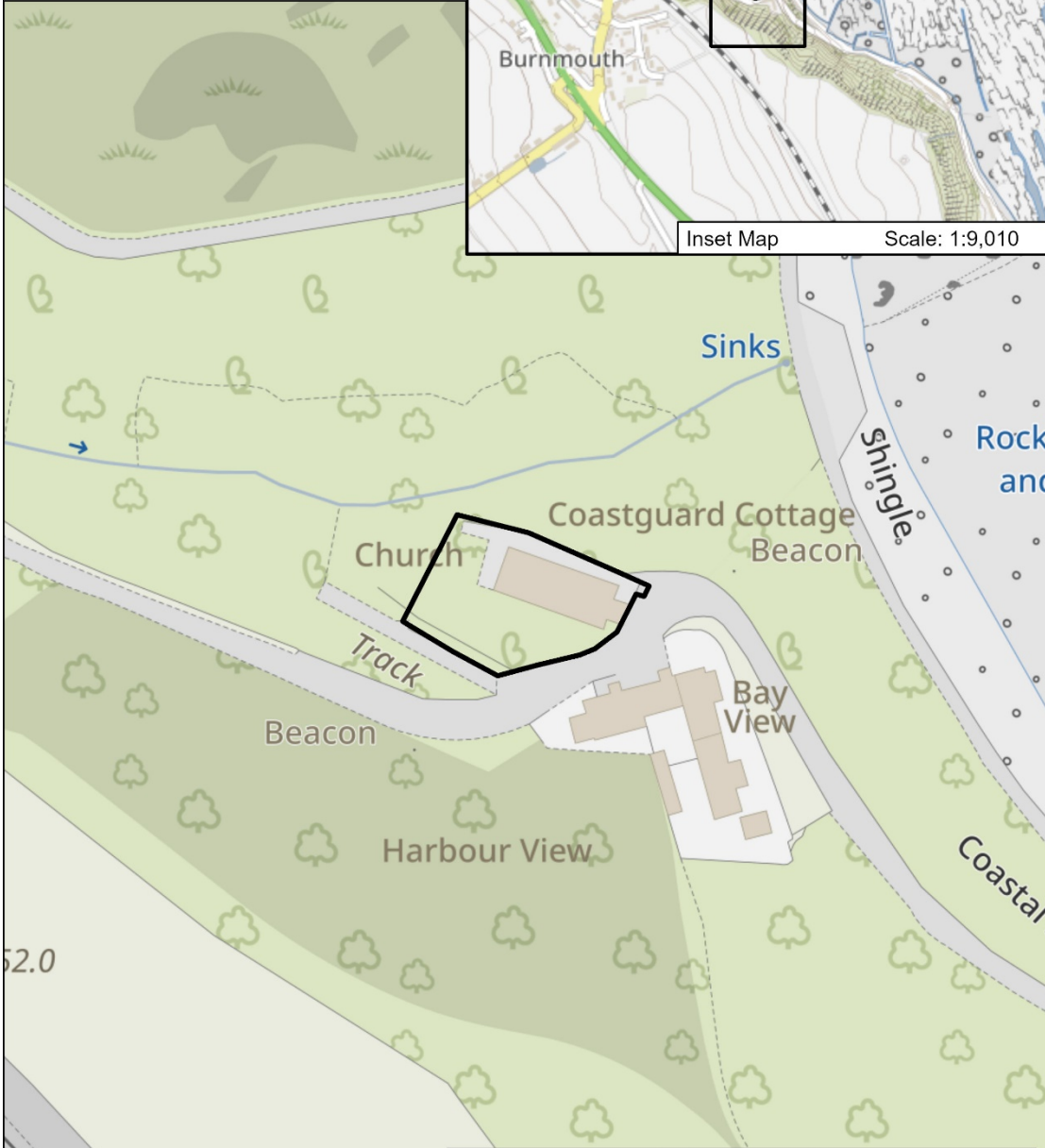
Name	Designation
Paul Duncan	Planning Officer



22/00725/FUL
Burnmouth Church



Inset Map Scale: 1:9,010



Scale: 1:810