

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 22/01508/FUL
APPLICANT : Mr Graeme Wright
AGENT : Jewitt And Wilkie Architects
DEVELOPMENT : Change of use of church and alterations to form dwellinghouse
LOCATION: Westruther Parish Church
Westruther
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
3638_L_100	Location Plan	Approved
3638_P_201	Proposed Site Plan	Approved
3638_P_200	Proposed Block Plan	Approved
3638_P_300_A	Proposed Plans	Approved
3638_P_500_A	Proposed Elevations	Approved
3638_P_301	Proposed Roof Plan	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No representations have been received.

Consultations

Access Officer: No response received at the time of writing this report.

Archaeology Officer: No objection. They advise that the church and churchyard is of limited archaeological interest. No archaeological conditions or informatives are thought necessary.

Community Council: No response received at the time of writing this report.

Contaminated Land Officer: No objection. The planning application appears relates to the conversion of a church to a dwellinghouse. There is previous imagery indicating the presence of a possible boiler house to the north elevation. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. They recommend that a condition be attached should permission be granted.

Education and Lifelong Learning: No response received at the time of writing this report.

Roads Planning Service: No objection. The application site has space available within it for parking and there is also access to on-street parking at the front of the church.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

PMD1: Sustainability
PMD2: Quality Standards
PMD5: Infill Development
HD3: Protection of Residential Amenity
EP8: Archaeology
EP13: Trees, Woodlands and Hedgerows
IS2: Developer Contributions
IS5: Protection of Access Routes
IS7: Parking Provision and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage
IS13: Contaminated Land

Supplementary Planning Guidance

Contaminated Land Inspection Strategy 2001
Developer Contributions 2011 (updated 2022)
Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006
Trees and Development 2008 (updated 2020)
Waste Management 2015

Recommendation by - Cameron Kirk (Assistant Planning Officer) on 2nd February 2023

Site description

The application relates to Westruther Parish Church, which is located within the settlement of Westruther. The church is vacant after it was closed by the Church of Scotland due to a declining congregation. The church dates back to 1838 and it has been altered over the years. The building is of traditional stone and slate construction. It has a churchyard to all sides. There are trees to the east and south boundaries of the application site.

Proposed development

Planning permission is sought to convert the church to a dwellinghouse. The proposed development would include some alterations to the south elevation of the building, such as, a new flue to serve the proposed stove, replacing the existing timber door with a glazed door, the installation of an air source heat pump and the installation of soil vent pipes and PV panels to the roof plane.

The existing gates to the churchyard would be utilised and they would provide vehicular access to a new parking area to be formed to the south west corner of the application site, which would provide parking for two vehicles.

The proposed development would be connected to the public water supply and public drainage network.

Relevant planning history

There is no recent planning history for the application site.

Assessment

Principle

The application site lies within the development boundary for the settlement of Westruther. In order to establish the principle of development it must be assessed against Policy PMD5. Policy PMD5 states development on non-allocated, infill and windfall sites, including the re-use of buildings within development boundaries as shown on the proposal maps will be approved where the criteria outlined in Policy PMD5 is satisfied.

The proposed development is for the conversion of Westruther Parish Church to a dwellinghouse. The church is vacant after it was closed by the Church of Scotland due to a declining congregation. The immediate area characterised predominantly by residential properties. The proposed development would not conflict with the established land use of the area. The proposed development is not considered to lead to over development or "town and village cramming". The proposal would provide a viable use for the building that would secure its future and stop it from falling into a state of disrepair.

In light of the above, it is considered that the proposed development complies with the relevant criteria outlined in Policy PMD5, subject to further policy considerations below.

Layout, design and materials

Policy PMD2 aims to ensure that all new development is of a high quality and respects the environment in which it is contained. The proposed development, for the most part, would retain the character and appearance of the exterior of the church.

Some alterations are proposed to the south elevation of the building which includes a new flue to serve the proposed stove, replacing the existing timber door with a glazed door, the installation of an air source heat pump and the installation of soil vent pipes and PV panels to the roof plane. It would be most appropriate for the flue to be black in colour to ensure that it does not attract undue attention.

The south elevation not readily visible from the street scene and the alterations proposed are fairly minor in scale and they would not appear overly conspicuous. Overall, the proposed development would be of an appropriate scale, character and appearance which would relate well to the existing building and the surrounding context.

Residential amenity

Policy HD3 aims to protect the amenity of neighbouring residential properties against inappropriate development that would result in the loss of amenity and privacy. An air source heat pump would be installed to the south elevation of the building. This has the potential to generate a degree of noise, although it is not thought that it would have a significant adverse impact on the neighbouring properties. It would be prudent to attach a noise condition to safeguard the amenity of neighbouring residential properties.

Overall, the proposed development would not have a significant adverse impact upon the amenity or privacy to neighbouring residential properties.

Services

The proposed development would be connected to the public water supply and public drainage network which is appropriate as the application site lies within the settlement of Westruther.

Contaminated land

The Council's Contaminated Land Officer was consulted on the application. They advise that there is previous imagery indicating the presence of a possible boiler house to the north elevation of the church. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. They recommend that a condition be attached should permission be granted.

Access and parking

The existing gates to the churchyard would be utilised and they would provide vehicular access to a new parking area to be formed to the south west corner of the application site. Parking for two vehicles would be provided within the application site.

Roads Planning Service was consulted on the application. They raise no concerns regarding the proposed arrangement.

Trees

There are some trees located within and adjacent to the east and south boundaries of the application site. Most of the trees would be retained as part of the proposal. A mature yew tree to the south west corner of the application site would be felled as it has suffered from years of neglect and its roots are impacting upon structural integrity of the boundary wall. The loss of this tree can be accepted considering its condition and the impact it is having on the boundary wall.

Waste

An area for refuse storage would be created to the south elevation of the building. The location identified is acceptable.

Archaeology

The Council's Archaeology Officer was consulted on the application. They advise that the church and churchyard is of limited archaeological interest. Therefore, no archaeological conditions or informatives are thought necessary.

Developer contributions

Policy IS2 aims to ensure that the cost of new or additional infrastructure required for new development is met by the developer. Developer contributions are sought towards education and lifelong learning, specifically Westruther Primary School and Earlston High School. The applicants have agreed to enter into a Section 69 Legal Agreement to secure the developer contributions sought by the Council.

Access routes

A core path (council ref no. GOWE/80R/4) is located on the public road to the north of the application site. The proposed development would not inhibit the use of this core path.

Conclusion

In consideration of the above, the proposed development is considered to comply with the relevant policies contained within the Scottish Borders Local Development Plan 2016. It is recommended that the application be granted.

REASON FOR DECISION :

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

Recommendation: Approved - conditions & Legal Agreement

- 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 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 proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply, unless otherwise agreed in writing by the Planning Authority.
- Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.
- 4 Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means, unless otherwise agreed in writing by the Planning Authority.
- Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.
- 5 The dwellinghouse hereby approved shall not be occupied unless parking for two vehicles, excluding any garages, has been provided within the curtilage of the dwellinghouse. Thereafter, the parking provision provided shall be permanently retained and maintained as such.
- Reason: To ensure the dwellinghouse is served by adequate parking at all times.
- 6 The proposed chimney flue to be installed to the south elevation, as shown on the approved drawing (drawing no. 3638_P_500_A, dated 28/09/2022) shall be black in colour and non-reflective, unless otherwise agreed in writing by the Planning Authority.
- Reason: In the interests of the appearance of the development and the visual amenities of the area.
- 7 Any noise emitted by the air source heat pump will not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from the air source heat pump should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.

Reason: To protect the residential amenity of nearby properties.

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