

REVIEW DECISION NOTICE

Decision by East Lothian Local Review Body (the “**ELLRB**”)

Application for Review by Mr A Short c/o McDonald Architecture & Design, Townhead Steading, East Saltoun, Tranent, for refusal of Planning Permission for conversion of former sawmill building to form 1 house with domestic workshop and associated works at Nunraw Barns Old Sawmill, Garvald, Gifford, East Lothian.

Site Address: Nunraw Barns Old Sawmill, Garvald, Gifford, East Lothian

Application Ref: 19/01082/P

Application Drawing: Please refer to the Drawings/Plans detailed at 3.1 (i)

Date of Review Decision Notice: 22 September 2020

Decision

The ELLRB unanimously agreed that the Review should be upheld and to grant planning permission subject to conditions for the reasons set out below.

This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

1. Introduction

The above application for planning permission was considered by the ELLRB, at a meeting held on Thursday, 20 August 2020. The Review Body was constituted by Councillor N Hampshire (Chair), Councillor K MacLeod, and Councillor J Williamson. All three members of the ELLRB had attended an unaccompanied site visit in respect of this application prior to the meeting.

1.1. The following persons were also present at the meeting of the ELLRB:-

Mr M Mackowiak, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser/Clerk to the LRB
Ms F. Currie, Clerk.

2. Proposal

2.1. The planning application is for refusal of Planning Permission for conversion of former sawmill building to form 1 house with domestic workshop and associated works at Nunraw Barns Old Sawmill, Garvald, Gifford, East Lothian.

2.2. The planning application was registered on 20 December 2019 and the decision notice refusing the application is dated 21 February 2020.

2.3. The reason for refusal of the Planning application is more particularly set out in full in the

said Decision Notice dated 21 February 2020. The reason for refusal is summarised as follows:

2.3.1 The Building is not of architectural merit or historic character and is not particularly attractive. It is not a building worthy of its retention and its conversion to a house would be contrary to Policy DC2 of the adopted East Lothian Local Development Plan 2018

2.4. The notice for review is dated 18 May 2020.

3. Preliminaries

3.1. The ELLRB members were provided with copies of the following:-

i.	<p>The drawings prepared by McDonald Architecture & Design numbered:</p> <ul style="list-style-type: none"> - MANU LITERATURE 1 - MANU LITERATURE 2 - MANU LITERATURE 3 - MANU LITERATURE 4 - AURA+.W1.02.A.C.001 - L(--)001 Rev A - L(--)002 Rev A - L(--)003 Rev A - L(--)004 Rev A - L(--)111 Rev A - L(--)121 Rev A - L(--)122 Rev A - L(--)301 - L(--)302 - L(--)006 Rev A - L(--)101 Rev B - L(--)102 Rev B - L(--)106 Rev A
ii.	The Application for planning permission registered on 20 December 2019
iii.	The Appointed Officer's Submission
iv.	<p>Policies of the adopted East Lothian Local Development Plan 2018 relevant to the determination of the application:</p> <ul style="list-style-type: none"> - DC2: Conversion of Rural Buildings to Housing - DC3: Replacement Dwellings in the Countryside - DC8: Countryside Around Towns - DC9: Special Landscape Areas - DP4: Extension and Alterations to Existing Buildings - T1: Development Location and Accessibility - T2: General Transport Impact - T3: Segregated Active Travel Corridor - T4: Active Travel Routes and Core Paths as part of the Green Network Strategy
v.	Notice of Review dated 18 May 2020 together with Applicant's Submission with supporting statement and associated documents.

4. Findings and Conclusions

- 4.1. The ELLRB confirmed that the application for a review of the planning application permitted them to consider the application afresh and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it. They confirmed that they had access to the planning file in respect of this matter and to all the information that the Appointed Officer had available when reaching the original decision to grant planning permission subject to the condition, including all drawings and copies of all representations and objections received in respect of the original application.

- 4.2. The Members then asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser advised that the building to be converted comprises a former sawmill which is single storey in height and has a rectangular footprint running adjacent to the access road. The walls of the building are constructed from rendered covered brick with a profiled asbestos roof. The window openings of the building have been bricked up while many of the doors have been removed. The building stands substantially intact. It is currently used for storage. The converted property would be accessed via the existing access road to the south of the building. A 0.9m high stone wall would be erected along the northern edge of the access road to enclose the south boundary of the site which would replicate an existing nearby stone wall to the west. In support of the application a Design Statement was submitted. It states that the stone built former farm buildings were originally associated with the Nunraw Tower situated nearby. Within the Design Statement it is asserted that planning permission was granted for a similar proposal for the conversion of a modern brick building (Ref: 17/01189/P) to residential use at another farm in East Lothian. That planning application it is stated sets a precedent that is relevant to this application at Nunraw Barns. No letters of objection to the application were submitted. Two letters of support were received, stating that the building in question will in the fullness of time become derelict and at present is an eyesore. The case officer assessed that the detailed works of alteration to facilitate the proposed conversion of the building would be sympathetic to the architectural form and character of the sawmill building. The area the subject of the proposed change of use of agricultural land to garden ground and hardstanding area is relatively small in size and scale. In its association with the building the use of the surrounding land as garden ground for the proposed house would not appear intrusive, incongruous or exposed in its landscape setting. The officer noted that, in this instance the building is substantially intact and does not require significant demolition to facilitate its conversion. The steading buildings of Nunraw Barns are a complex of single-storey and two-storey buildings. They principally comprise a single-storey north range, a part single storey part two-storey south range and a part single storey part two-storey west range. The former buildings have largely been converted to housing or have had planning permission to do so. A single storey former piggery building is located to the northwest of the main group of steading buildings. That former piggery building is a brick building that was approved to be converted to an ancillary workshop/garage for houses formed within the steading through the grant of planning permission 09/00413/FUL. The existing original steading buildings all have rubble sandstone walls and architectural features that make the buildings of architectural or historic merit. Together they form a tight grouping of traditional buildings of architectural merit typical of rural buildings found in other parts of the countryside of East Lothian. The case officer considered the agents assertion that the grant of planning permission for the conversion of modern brick building (Ref: 17/01189/P) to a house sets a precedent for this application, and advised that all applications must be assessed on their own merits against Development Plan policy and in the particular circumstances of their individual cases. In the case of planning permission

17/01189/P it was concluded that the buildings that were to be converted into the proposed houses were of architectural merit and worthy of retention. In the absence of material planning considerations that would outweigh the principle consideration that the former sawmill building is not a building worthy of retention by virtue of its architectural or historic character, the proposed conversion and change of use of the brick built former sawmill building to form 1 house was considered contrary to Policy DC2 of the adopted LDP. The Planning Advisor then advised that the applicant notes that the old sawmill was constructed in the 1950s to facilitate the construction of the A listed Sancta Maria Abbey. Timber used in the construction of the abbey was processed on this site along with elements of stonework. Like the abbey the building is of a load bearing brick construction. The Abbey has a rubble stone skin but the loadbearing structure is a brick/stone composite wall. Workshops of similar construction and function (rendered brick walls and asbestos roofing) are included in the Abbey's listing document. They are deemed worthy of listing as they 'serve the working life of the abbey community' much like the sawmill building at Nunraw Barns. The Old Sawmill has cultural and historic links to the Sancta Maria Abbey and the community at Nunraw Barns. It is the applicants opinion that the historic and cultural links this building has to the community at Nunraw were not considered while determining this application. The proposed dwelling will be of high quality design and will significantly improve the appearance of the existing structure whilst providing a modern energy efficient unique home. Bringing this building back into use will improve the amenity for neighbouring local residents by safeguarding a building in their community which is at risk of deterioration.

- 4.3. The Members then raised a few questions pertinent to the application which the planning advisor responded to.
- 4.4. The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.
- 4.5. Councillor Williamson was of the view that this building was an eyesore on the area. However, due to its current age it appears not to have a level of value although if left for another forty years or so he would envisage that this position may change. He was of the view that doing works to this building was required to preserve the building in the longer term and if it was restored as a house this would achieve this. He was also of the view that if approved the building should have a plaque attached to it which confirmed its cultural links to the neighbouring Sancta Maria Abbey and the community at Nunraw Barns. Accordingly Councillor Williamson was minded to overturn the planning officer's determination and uphold the appeal subject to conditions.
- 4.6. Councillor McLeod agreed with the comments of Councillor Williamson and was minded to support the appeal subject to conditions.
- 4.7. The Chair said that he agreed with his colleagues. The building is an eyesore within the cluster and it would be wrong not to do something with this building. There is evidence that this was linked to Sancta Maria Abbey which was a Category A listed building. He also noted that other buildings within the site of the Abbey have also been given listed building status. He was also of the view that had this building been on the designated site of the abbey it may have also been given listed building status. Accordingly he was minded to go against the Planning Officer's recommendation and approve and uphold the appeal subject to conditions.

Accordingly, the ELLRB decided unanimously that the Review should be upheld and Planning Permission granted subject to the following two conditions:

Condition 1

Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being made available to the Planning Authority for approval. It should include details of the following:

A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);

A Ground Investigation comprising a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site. It is required if the Desk Study has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation;

An appraisal of the remediation methods available and proposal of the preferred option(s).

The site investigation and risk assessment must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11.

If it is concluded by the written report that remediation of the site is not required, then Parts 2 and 3 of this Condition can be disregarded.

Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.

Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of the new use of the land.

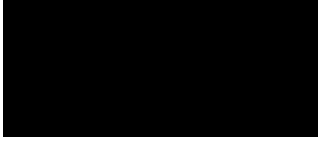
Reason: in the interest of the health and safety of potential occupiers of the proposed dwelling.

Condition 2

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage further investigative works and risk assessments may have to be carried out to determine if any additional remedial measures are required. Should further remedial measures be required, then these will be carried out and validated prior to any development recommencing on the site.

Reason: in the interest of the health and safety of potential occupiers of the proposed dwelling.

Planning Permission is accordingly granted.



Carlo Grilli
Legal Adviser to ELLRB

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under Section 43A(8)**

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.