

Directorate for Planning and Environmental Appeals

## Appeal Decision Notice

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Decision by Edward Hitchings, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/140/381
- Site address: northeast of the old church, Lamberton, Berwickshire, TD15 1XB
- Appeal by Mrs M.L.Weddell against the decision by Scottish Borders Council
- Application for outline planning permission 08/00022/OUT dated 28 December 2007 refused by notice dated 22 April 2008
- The development proposed is the erection of 2 dwellings
- Application drawings: site plan with indicative layout
- Date of hearing: 30 September 2008

Date of appeal decision: 6 November 2008

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### Decision

I dismiss the appeal and refuse outline planning permission.

### Reasoning

1. The determining issues in this appeal are: (1) whether the proposal accords with policy N14 of the Scottish Borders Structure Plan (SBSP) and with policies G1 & D2 of the adopted Scottish Borders Local Plan (SBLP); and notwithstanding (2) whether approval or refusal is justified by other material considerations.
2. The council agrees that, after allowing for permissions granted, in principle, the addition of a further 2 dwellings to the group of houses and other buildings (the group) adjacent to the old church at Lamberton would comply with policy D2 of the SBLP. Therefore, the key considerations are whether the site is suitable for this purpose taking account of the setting of the ruined church, a Scheduled Ancient Monument (SAM), the relationship to the existing building group, and any effect on the wider landscape.
3. The group is sited on the shoulder of a hillside in a prominent position above the sea and coast road and less than ½ mile from the national border. The ruins of the church offer little of architectural interest, but the church played a significant role in history, particularly in the union of England and Scotland. Apart from the historical associations, the importance of the monument lies in its prominent position on a knoll that is the highest point within the group. At one time, without the buildings and trees on its eastern side, the church must have been the main focus of views from the sea and coastal plain. The reduction of the church to low walls, adjoined by later buildings and trees, particularly the prominent belt of trees to the east, has much reduced its dominating position in the



landscape. Nevertheless, in this elevated position the church site still commands wide ranging views to north, northeast and southeast across the coastal area towards the sea.

4. I consider that the protection of its setting requires the remaining views to and from the site over a wide area both north and south of the border, to be kept open. The appeal site is part of a larger enclosure, of which the north-western part is the foreground of views to the northeast from the church site. The appeal site has been defined to exclude this area. This definition of the building site would substantially protect existing views from the site, although in some sharply angled views from the northern part of the churchyard, part of the development site would be visible.
5. Of greater concern are the effects on views from the northeast, in particular from the footpath that crosses the appeal enclosure. Although this footpath is impassable at present, because of overgrowth and barbed wire fences, it is reasonable to assume that its condition can and should be remedied. Approaching from the northeast, the existing buildings of the group are set on the far side of the church knoll and behind substantial trees, thus allowing the monument site to be appreciated in a less domesticated setting. New houses on the appeal site would be in the foreground and become the dominant features of these views, reducing to insignificance the low stone walls of the monument. I conclude that the proposal would adversely affect the setting of the SAM contrary to SBSP policy N14.
6. At present, the form of the group is generally linear taking direct access from the road that skirts the southeast side of the monument. To my mind, there is a sharp demarcation on the eastern side of the group between the grounds of Lamberton Lodge and Lamberton Nursery and the open agricultural landscape sloping down towards the coast. This distinction is reinforced by the double line of large sycamore and some ash trees along the boundary between the Nursery and the appeal site. Although some of these trees are in poor condition, most are growing well in this exposed situation and have a reasonable life expectancy. I consider that the development of the appeal site would not be well related to the existing group and would be a departure from its character and built form, contrary to SBLP policies D2 & G1.
7. Furthermore, the appeal site is part of an enclosure that in the past was little different from adjoining agricultural land, but became used as an informal horse jumping ring, and, more recently, has been entirely neglected. I see no reason why it should not be cleared and reused for agriculture. Therefore, its current neglected condition adds no weight to the case for its development.
8. By reference to sub-clause (ii) of policy N14 harm to the setting of a SAM may be justified if there are no reasonable alternative means of meeting a development need. The most recent development of the group has taken place on the south-western side of the group fronting the road. If further houses are to be added to the group, there appears to me to be scope for similar development on this road frontage that would cause little or no harm to the setting of the SAM.
9. I have also considered the effect of the development on the wider landscape. The existing building group is clearly visible from the southeast, but for the most part the buildings are set against a background of trees or higher hills. Buildings on the appeal site would be clearly visible from a wide area of the coastal strip including some lengths of the



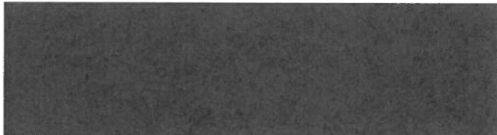
A1 coast road to north and southeast and from the lay-bys at the border crossing point. In some views, they would be seen against the background of the belt of sycamore and ash trees, but in others would be on the skyline without any background of trees or hills. Although, given time, the new buildings could be partly absorbed within new tree planting, I do not believe that they could be integrated satisfactorily into the wider environment. Therefore, I consider that the development would cause an unacceptable impact on the landscape contrary to SBLP policy D2.

10. Turning to other material considerations, although this is an outline application, the appellant included an indicative scheme for a traditionally designed country house, in the style of a manse, with a service cottage. It was suggested that Lamberton "lacks sparkle" and that this would provide a new focal point for the group. Whilst I appreciate the reason for this suggestion, I believe it would be inappropriate to introduce a new focal point that could compete for attention with the monument. As far as possible, the latter should be allowed to maintain its already rather understated presence within the group, which is heavily dependent on its elevated site and relative isolation.

11. The appellant drew my attention to the recent housing strung along a loop from the coast road. Some of the roofs are visible from the church site, but these buildings are set at a much lower levels towards the foot of the hillside, which mutes their impact as compared with the relative exposure of the proposed houses on the appeal site.

12. It is also suggested that as part of the development of this area, at present neglected and overgrown, the remainder of the enclosure should be seeded and managed as a wildlife meadow. Whilst this would be beneficial for nature conservation, I am concerned that effective management of this rather awkward residual area might be difficult to ensure in the long term.

13. I have taken into account this possible benefit to nature conservation together with all the other matters that were covered in written submissions or discussed at the hearing, but none outweigh the harm to the setting of the SAM and to the landscape that I have identified.

  
Edward Hitchings  
Reporter



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997****Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013****Application for Planning Permission in Principle****Reference : 15/00743/PPP****To : Mr Derek Jordan per C/o Julie Craig The Workshop Princes Street Spittal Berwick  
Upon Tweed TD15 1QX**

With reference to your application validated on **1st July 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of dwellinghouse****at : Land South Of Border View 8A Lamberton Holding Lamberton Scottish Borders**

The Scottish Borders Council hereby **grant planning permission in principle** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997, subject to the following directions:

- That an application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
  - a) The expiration of three years from the date of this permission, or
  - b) The expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

- The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

**And subject to the conditions on the attached schedule** imposed by the Council for the reasons stated

**Dated 16th September 2015  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**.....  
**Chief Planning Officer**

**APPLICATION REFERENCE : 15/00743/PPP****Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
	Site Plan	Approved

**REASON FOR DECISION**

It is considered that the proposal complies with policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 as the site is well related to an existing building group. Appropriate siting and design would ensure that the proposal would not affect the residential amenities of occupants of neighbouring properties or the visual amenities of the area.

**SCHEDULE OF CONDITIONS**

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:  
(a) the expiration of three years from the date of this permission, or  
(b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.  
Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 4 No dwelling shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved in writing by the Planning Authority.  
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

- 5 Two parking spaces, excluding any garaging, and turning area shall be provided within the curtilage of the site before the dwellinghouse is occupied and shall be retained in perpetuity.  
Reason: In the interests of road safety.
- 6 The new vehicular access, which shall incorporate a service layby, shall be constructed to Roads specification (DC-3) prior to occupation of any of the dwelling.  
Reason: In the interest of road safety.
- 7 No development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the building(s)/dwellinghouse(s) hereby approved.  
Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.
- 8 No development shall take place until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority.  
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

#### **FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

In line with condition No 7:

Any house that does not have an adequate piped supply of wholesome water within the property will fail the tolerable standard as defined by Section 86 of the Housing (Scotland) Act 1987.

As the dwelling is to be serviced by a private water supply the applicant will need to provide details to demonstrate that the supply will be adequate for the size of the dwelling and not affect supplies in the vicinity.

The will involve the provision of the following information (delete the as appropriate).

1. The type of supply ie borehole, spring, well etc
2. The location of the source by way of an 8 digit reference number.
3. Details of other properties on the supply (if the supply is an existing one)
4. Estimated volume of water that the supply will provide (details of flow test)
5. Evidence that this supply will not have a detrimental effect on supplies in the area
6. Details of any emergency tanks
7. Details of treatment to be installed on the system.
8. Details of any laboratory tests carried out to ensure the water is wholesome (has the supply been tested did it pass).

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to one cubic metre (or 1000 litres) of water per day for every five persons who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. In addition, when designing storage facilities, the minimum recommended capacity is three days' worth of supply, in order to allow for supply interruption/failure.

In line with condition No 8:

The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.

If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.

Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.

If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).

Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion

The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.



N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

### **Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

### **Notice of Completion of Development**

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD  
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU  
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND  
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA  
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL  
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH  
THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD  
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, 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 may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 15/00743/PPP

**APPLICANT :** Mr Derek Jordan

**AGENT :** GM Craig Building Contractors

**DEVELOPMENT :** Erection of dwellinghouse

**LOCATION:** Land South Of Border View  
8A Lamberton Holding  
Lamberton  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
	Site Plan	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Outdoor Access Officer: No objection. According to our records there are no known Core Paths / Promoted Paths / Rights of Way that are directly affected by this proposal.

EHO: No objection in principle subject to a condition and informative in respect of private water supply.

Archaeologist: No objection in principle subject to a condition in respect of a Written scheme of Investigation outlining a Watching Brief. The development shall require to proceed in accordance with the WSI.

Education: The proposed development, is located within the catchment area for Eyemouth Primary School and Eyemouth High School. A contribution of £3209 is sought for the Primary School and £4512 is sought for the High School, making a total contribution of £7721.

Roads Planning: The public road serving the site consists mostly of single track road. However I am satisfied that there are ample passing opportunities and the road is capable of accommodating the traffic generated by this proposal. As part of any subsequent detailed application I will require a minimum of 2 parking spaces, not including any garages, and turning to be provided within the curtilage of the site. I will also require the access to the site to be by way of a service layby, constructed to my specification DC-3.

Community Council: Whilst not objecting in principle to the development the community council considered an additional passing place would be beneficial

## **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Plan 2011

G1 Quality Standards for New Development  
G5 Developer Contributions  
D2 Housing in the Countryside  
H2 Protection of Residential Amenity  
INF4 Parking Provision and Standards  
INF6 Sustainable Urban Drainage

SBC SPG New Housing in the Countryside

**Recommendation by** - Lucy Hoad (Planning Officer) on 23rd August 2015

This application seeks planning permission in principle for the erection of a dwelling house on a rectangular piece of land to the south of the property Border View in Lamberton. The site is part of a former paddock and sits between 2 existing dwellings, No4 Fairview and No 5a Lamberton Holdings. The site is delineated by post and wire fencing to the north, south and east and timber fencing to west. There is an existing field gate allowing access from the adjacent minor public road (north) and the old A1.

### Policy

Policy D2 aims to support new housing in the countryside that is associated with existing building groups. The Councils Housing in the Countryside policy requires the existence of a building group of at least 3 houses or buildings capable of conversion to residential use. It is accepted that there is an established building group at this location. Policy allows for a 30% addition to the building group or an additional two dwellings. The calculations on building group size are based on the existing number of housing units within the group at the start of the local plan period, including those units under construction or nearing completion. For this group the base line figure is considered to be 6 units to include Maple Lodge, Border View and No3 Lamberton Holdings to the north of the minor road, and Lamberton Lodge, Ivanhoe Lodge, and No5a to the south of the minor road.

During the current Local Plan period it is noted that Fairview (No4) has been consented and constructed (10/01333/FUL) and an application for outline consent on a plot to the north of Lamberton Lodge approved on 25 June 2012 has now expired (11/00218/PPP). Taking these factors into account and given the base line figure of 6 units for this group there is potential for a further dwelling to be considered under Policy D2a.

The landform, existing buildings to include village hall and ruined church SAM at this location provide for a real sense of place, and it is considered that this site, to the southern side of the track, is well related to the group being situated between 2 existing dwellings forming part of this enclosure.

### Cultural heritage

The Archaeologist has been consulted and confirmed that, given the historical evidence of a former settlement in the area connected to the ruined Lamberton church, there is an increased likelihood that this development will impact on unknown archaeological features from the early historic, medieval or early modern periods. The officer notes that little evidence was uncovered in the adjacent housing plot during excavations however there would still be a requirement for a watching brief in this instance given the archaeological implications. Taking into account the proximity of the site to the ruins and evidence of a former settlement at Lamberton mitigation shall be sought via a condition.

### Layout and design

The proposed plot is of an adequate size to accommodate a modest dwelling. Details of design and materials are not provided for at this outline stage, however it is noted that there is a mixture of traditional and modern housing within the group, with recent new build comprising modest bungalows constructed of

render and slate. Consideration of siting and fenestration during the detailed application stage should take account of any issues with regard to neighbouring amenity.

#### Access

Whilst not objecting in principal to the development the community council consider an additional passing place would be beneficial. The plot lies adjacent to the existing public road which comprises a single track road. The Roads Officer has no objections to the development, provided parking and turning is provided within the curtilage of the site. Access should be by way of a service layby. These matters can be controlled by condition. The Roads Officer considers that there will be no requirement for additional passing places at this location.

#### Services

The application states that it is proposed to connect to a private water supply, and to provide private drainage arrangements in order to deal with foul sewage. No details of surface water drainage have been submitted. The EHO has been consulted on the application and has no objections subject to further details of water supply being secured by condition. Drainage details will require to be assessed by Building Standards through the building warrant regulatory process.

#### Developer Contributions

There are no other over-riding environmental circumstances in respect of material planning concerns. A legal agreement is required to be concluded in order to secure developer contributions in respect of education provision. A contribution of £3209 is sought for Eyemouth Primary School and £4512 is sought for Eyemouth High School, making a total contribution of £7721.

Subject to conditions and conclusion of the legal agreement, the proposal for the erection of a house on this site is deemed to be acceptable.

#### **REASON FOR DECISION :**

It is considered that the proposal complies with policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 as the site is well related to an existing building group. Appropriate siting and design would ensure that the proposal would not affect the residential amenities of occupants of neighbouring properties or the visual amenities of the area.

#### **Recommendation:** Approved - conditions, inform & LA

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
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(b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.  
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Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

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Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 4 No dwelling shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved in writing by the Planning Authority.  
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 5 Two parking spaces, excluding any garaging, and turning area shall be provided within the curtilage of the site before the dwellinghouse is occupied and shall be retained in perpetuity.  
Reason: In the interests of road safety.
- 6 The new vehicular access, which shall incorporate a service layby, shall be constructed to Roads specification (DC-3) prior to occupation of any of the dwelling.  
Reason: In the interest of road safety.
- 7 No development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the building(s)/dwellinghouse(s) hereby approved.  
Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.
- 8 No development shall take place until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority.  
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

### Informatives

It should be noted that:

- 1 In line with condition No 7:

Any house that does not have an adequate piped supply of wholesome water within the property will fail the tolerable standard as defined by Section 86 of the Housing (Scotland) Act 1987.

As the dwelling is to be serviced by a private water supply the applicant will need to provide details to demonstrate that the supply will be adequate for the size of the dwelling and not affect supplies in the vicinity.

The will involve the provision of the following information (delete the as appropriate).

1. The type of supply ie borehole, spring, well etc

2. The location of the source by way of an 8 digit reference number.
3. Details of other properties on the supply (if the supply is an existing one)
4. Estimated volume of water that the supply will provide (details of flow test)
5. Evidence that this supply will not have a detrimental effect on supplies in the area
6. Details of any emergency tanks
7. Details of treatment to be installed on the system.
8. Details of any laboratory tests carried out to ensure the water is wholesome (has the supply been tested did it pass).

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to one cubic metre (or 1000 litres) of water per day for every five persons who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. In addition, when designing storage facilities, the minimum recommended capacity is three day's worth of supply, in order to allow for supply interruption/failure.

2 In line with condition No8:

The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.

If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.

Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.

If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).

Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion

The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

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

