

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2013****Application for Planning Permission****Reference : 17/00915/FUL****To : Mr & Mrs David McTaggart per Boydell Architecture Ltd 113 Channel Street Galashiels
Scottish Borders TD1 1BN**

With reference to your application validated on **29th June 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Change of use from redundant steading building and alterations to form
dwellinghouse****At : Steading Buildings Billerwell Farm Hawick Scottish Borders**

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, subject to the following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

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

**Dated 27th February 2018
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed**Depute Chief Planning Officer**

APPLICATION REFERENCE : 17/00915/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
1205 BW06 A	Location Plan	Approved
S01 C	Elevations	Approved
E01 A	Existing Layout	Approved

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.

SCHEDULE OF CONDITIONS

- 1 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.
- 2 No development shall take place until the applicant has secured and implemented an approved programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Historic Building Survey. This will be formulated by a developer contracted archaeologist(s) and approved in writing by the Planning Authority.
Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- o The WSI shall be approved in writing by the Planning Authority.
- o Historic Building Survey will be in accordance with the ALGAO: Scotland guidance as requested by the Planning Authority.
- o In accordance with the WSI, access shall be afforded to the nominated surveyor to allow archaeological investigation, at all reasonable times.
- o Initial results shall be submitted to the Planning Authority for approval in the form of a Historic Building Survey Report (HBSR) within one month following completion of all on-site archaeological works.
- o The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological investigations, reporting and dissemination of results as required. The developer will be expected to fund and implement all further archaeological work.

Reason: To preserve by record a building of historical interest.

- 3 This permission shall only permit the conversion and adaptation of the existing structure as a single dwelling unit. It shall not purport to grant permission for the erection of any new dwellings nor for any extensive rebuilding which would be tantamount to the erection of a new building.

Reason: Permission has been granted for the conversion of the existing building to a dwellinghouse in a location where new dwellings would not be appropriate.

- 4 Details of all materials to be used on all exterior surfaces of the development hereby approved shall be submitted to and approved in writing by the Planning Authority before the development is commenced. The development then to be completed in accordance with the approved details.

Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

- 5 The colour/finish of all external joinery, including the timber cladding, doors and window frames, to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved scheme.

Reason: To safeguard the character and appearance of the building and the visual amenities of the area.

- 6 The roofing material of the steading building and porch to be natural slate. A sample of the slate to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved scheme.

Reason: To safeguard the character and appearance of the building and the visual amenities of the area.

- 7 The windows to be double glazed timber sash and case style with 22mm slim profiled astragals permanently adhered to the surface of the glass and fixed at the frame edge, and with a spacer bar the same colour as the window and fractionally smaller than the astragal thickness, unless otherwise agreed in writing by the Planning Authority.

Reason: To safeguard the character and appearance of the building and the visual amenities of the area.

- 8 The external flue to have a matt black or slate grey external finish.

Reason: To safeguard the character and appearance of the buildings and the visual amenities of the area.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent Order amending, revoking or re-enacting that Order):

- (i) There shall be no addition or extension to the dwellings (including the insertion of dormer windows or chimneys);
- (ii) There shall be no further building, structure or other enclosure constructed or placed on the site;
- (iii) No additional window or other opening shall be made in any elevation;

unless an application for planning permission in that behalf has first been submitted to and approved by the Planning Authority.

Reason: To safeguard the character, appearance and setting of the building to be converted.

- 10 No development to commence until a drawing showing the position and specification (DC-1 or DC-1a attached) of two passing places within the local road network has been submitted to and approved in writing by the Planning Authority. The passing places then to be provided in the approved positions and to the approved specification before the dwellinghouse is occupied.
Reason: To ensure that the traffic created by this development can be safely accommodated on the local road network.
- 11 The car parking shown on Drawing Number 1205BW06A to be provided within the site before the dwellinghouse is occupied and retained in perpetuity.
Reason: To ensure on-site parking is provided and available for use by occupants of the dwellinghouse in the interests of road safety.
- 12 Prior to the commencement of development, the applicant/developer shall provide the Planning Authority with:
 - a) a copy of the relevant European Protected Species licence, or,
 - b) a copy of a statement in writing from Scottish Natural Heritage (licensing authority) stating that such a licence is not necessary for the specified development.
Reason: To protect protected species within the site.
- 13 The development to be carried out in strict accordance with the Bat Mitigation Plan contained within Appendices 4 and 5 of the Bat and Breeding Bird Survey Report (The Wildlife Partnership, September 2017) submitted in connection with this application (17/00915/FUL) and the applicant/developer shall notify the Planning Authority in writing that the mitigation measures have been implemented before the dwellinghouse is occupied.
Reason: To protect protected species within the site.
- 14 The development to be carried out in strict accordance with the Species Protection Plan for Breeding Birds contained within Appendix 6 of the Bat and Breeding Bird Survey Report (The Wildlife Partnership, September 2017) submitted in connection with this application (17/00915/FUL) and the applicant/developer shall notify the Planning Authority in writing that the mitigation measures have been implemented before the dwellinghouse is occupied.
Reason: To protect breeding birds within the site.
- 15 No development to commence until details of the foul and surface water drainage have been submitted to and approved in writing by the Planning Authority. This to include evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition. The drainage then to be installed in accordance with the approved details before the dwellinghouse is occupied and maintained thereafter.
Reason: To ensure that the development does not have a detrimental effect on amenity and public health.

- 16 No development to commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the dwellinghouse, written confirmation to be submitted by the applicant/developer to and approved in writing by the Planning Authority that the development has been connected to the public mains water supply. No water supply other than the public mains shall be used to supply the dwellinghouse without the 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 amenity of any neighbouring properties.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 In respect of condition 2, the level of recording should adhere to the BASIC standard as set out in ALGAO: Scotland guidance which can be found at <https://www.algao.org.uk/scotland>
- 2 To discharge condition 15, relating to the private drainage arrangements, the applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified. The applicant should also discuss the private drainage arrangements with The Scottish Environmental Protection Agency (SEPA).
- 3 In respect of condition 10, it should be noted that all work within the public road boundary must be undertaken by a contractor first approved by the Council.

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.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 5228:2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

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, 4th 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 : 17/00915/FUL

APPLICANT : Mr & Mrs David McTaggart

AGENT : Boydell Architecture Ltd

DEVELOPMENT : Change of use from redundant steading building and alterations to form dwellinghouse

LOCATION: Steading Buildings
Billerwell Farm
Hawick
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
1205 BW06 A	Location Plan	Approved
S01 C	Elevations	Approved
E01 A	Existing Layout	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

There are no representations.

CONSULTATIONS:

Roads Planning Service: The principle of converting this redundant building was approved via an earlier consent (07/01903/FUL), although this permission has now expired. My comments to the current submission are largely similar to those previously raised.

Parking for the proposed conversion is accessed via the existing farm yard and I do have a slight concern over conflict between agricultural and domestic traffic. In order to address this, I would recommend the parking is nose-in from the existing road and some form of boundary or segregation is provided to reduce conflict in this area.

The following points must be incorporated into the detailed design in order to gain my support for this proposal:

o Two passing places to my specification (DC-1 or DC-1a) must be provided at agreed locations within the local road network prior to work commencing on any of the proposed dwellings. The exact locations of the passing places should only be agreed after consultation between my Department and the local residents. This can be carried out through consultation with the local councillor and/or the local community council.

- o Detailed parking layout for two vehicles, excluding garages, and boundary plan to be submitted for approval and thereafter implemented as agreed prior to occupation of the dwelling.

Hobkirk Community Council: No comments or observations to make.

Archaeology Officer: The previous consent (07/01903/FUL) carried with it Condition 5 for historic building recording. The previous Archaeology Officer set out the rationale for this and his comments remain valid. I have no record that an historic building record was ever carried out for the application site per the previous consent. A revised condition is required.

Ecology Officer: The proposed development and type of structure proposed for conversion conforms to the type of development requiring a bat survey and breeding bird survey.

The habitat in the surrounding area may afford opportunities for foraging bats and breeding birds. Broadleaved trees, shrubs and vegetation as well as the aquatic habitat of the Rule Water are in close proximity, with connectivity to other habitat. The Rule Water is designated as part of the River Tweed SAC, however the nature of the works are unlikely to have an impact on the SAC.

Re-consultation: The results of a preliminary roost assessment in conjunction with two dusk emergence surveys and one dawn swarming survey for bats established the presence of bats. The small number of bats present is indicative of non-breeding summer bachelor roosts, which have low conservation status, given that these are widespread species of bat.

Since the proposed works involve substantial alterations and renovations, the destruction or disturbance of these roosts is likely to be unavoidable. A derogation licence from Scottish Natural Heritage Species Licensing Team is required before planned works can take place. Mitigation is also required in the form of a Species Protection Plan for bats.

Evidence of current and historic barn swallow *Hirundo rustica* nests was observed on site. Mitigation will be required to avoid damage or adverse impacts on nests, in the form of a Species Protection Plan for birds, where any works are proposed within the breeding bird season (March-September).

Director of Education and Lifelong Learning: The proposed development is within the catchment area for Denholm Primary School and Jedburgh Grammar. A contribution of £2,438 is sought for the Primary School.

Environmental Health: The Contaminated Land Officer advised that there is an indication that the site has had agricultural and advised the applicant to complete and return a questionnaire providing information relating to the previous use of the site. The applicant has returned this and provided additional information. Having regard to the information supplied by the applicant there is no indication of any land contamination issues on this site. Accordingly I have no objections or further comments to make on this application.

The dwellinghouse is to be served by a septic tank and soakaway. Private drainage systems can affect local amenity or cause nuisance issues if not adequately maintained. A condition is required. The dwellinghouse is to be serviced by a mains water supply. A condition is required to ensure the dwellinghouse is served by the mains water supply.

A log burning stove and flue were noted on the plans. As long as the appliance is less than 45kW no further information needs to be provided. If greater than 45kW the applicant needs to declare this and provide additional information so that a screening assessment can be carried out.

APPLICANT' SUPPORTING INFORMATION

- o Bat and Breeding Bird Survey September 2017

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2: Quality Standards
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP3: Local Biodiversity
EP5: Special Landscape Areas
EP8: Archaeology
IS7: Parking Provisions and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage
IS13: Contaminated Land

Supplementary Planning Guidance:

Placemaking and Design January 2010
Guidance on Householder Development July 2006
New Housing in the Borders Countryside December 2008

Recommendation by - Julie Hayward (Lead Planning Officer) on 7th December 2017

Site and Proposal

Billerwell Farm is located in the valley of the Rule Water, approximately midway between Bedrule and Bonchester Bridge. The Rule Water runs to the east of the group of farm buildings. The site is within the Teviot Valley Special Landscape Area. The existing two storey farmhouse offers B&B accommodation. There is a complex of traditional stone and slate steading buildings and more modern agricultural buildings to the west/southwest of the farmhouse. The steading is surrounded by farmland and woodlands. The steading and farmhouse are served by a long, single track access road from the minor public road. There are two farm cottages between the site and public road.

The proposal is to convert the southernmost traditional steading building into a dwellinghouse. This is a detached building with the access road along the eastern boundary, an open yard to the south with a large agricultural shed beyond, a courtyard enclosed by a stone wall to the west with stables beyond and a traditional steading building to the north.

The proposed dwellinghouse would be one-and-a-half storey with two bedrooms at first floor level. The external alterations proposed are as follows:

East elevation: large roof light;

West elevation: enlarge window opening to form double window, form new dormer window and one conservation roof light and one large roof light. New half glazed door in existing opening and new porch.

North elevation: large roof light, new dormer, flue, conservation type roof light, bay window, new window in existing door opening and new door in existing doorway. There is a small single storey, stone and timber building on this elevation with a corrugated roof. This would be infilled with larch cladding and the ridge of the roof would be raised; the gable would be clad in Siberian larch and the roof would be slate.

South elevation: a new double window, the existing opening blocked up with bi-fold doors, large roof light and conservation roof light.

A pedestrian gate would be formed in the boundary wall to the rear courtyard. Two parking spaces are proposed nose-in to the southern elevation accessed from the existing yard.

Planning History

07/01900/OUT: Plot 1 - Erection of dwellinghouse. Refused 13th December 2007. Appeal dismissed 2nd September 2008.

07/01901/OUT: Plot 2 - Erection of dwellinghouse. Refused 13th December 2007. Appeal dismissed 2nd September 2008.

07/01902/OUT: Plot 3 - Erection of dwellinghouse. Refused 13th December 2007. Appeal dismissed 2nd September 2008.

07/01903/FUL: Plot 4 - Change of use from steading building to form dwellinghouse. Approved 13th December 2007.

07/01904/FUL: Plot 5 - Change of use from steading building to form dwellinghouse. Approved 13th December 2007.

07/01905/FUL: Plot 6 - Change of use from steading building to form dwellinghouse. Approved 13th December 2007.

Planning Policy

Policy HD2 (C) allows the change of use of a building to a dwellinghouse provided that certain criteria are met. The building should have architectural or historic merit, capable of conversion and be physically suited for residential use. The building should stand substantially intact to wallhead height and the existing structure should require no significant demolition.

Planning permission was granted for the conversion of this building into a dwellinghouse in 2008, though this was never implemented and so has lapsed. The agent has confirmed that the existing building has been surveyed by structural engineers and is capable of conversion without substantial demolition. The building appears to be in a good state of repair, with the walls and roof intact. The only exception is the single storey section; the existing stone wall would be retained and the opening infilled with timber boarding. This is considered to be acceptable.

No demolitions or extensions are proposed and the wall heads would not be raised to form the first floor accommodation. The building has both architectural and historic merit, being an attractive stone traditional steading building. It is considered that the buildings are worthy of retention and capable of being converted.

A condition would ensure that the building is converted and not demolished and rebuilt.

Design and Impact on Visual Amenities

PMD2; this policy requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development. Policy HD2(C) requires that the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

The Council's Supplementary Planning Guidance on new Housing in the Borders Countryside includes design guidance for the conversion of farm steading buildings.

The original planning permission for this building granted in 2008 was for the principle of conversion to a dwellinghouse only and no external alterations were proposed or approved. A number of external alterations are proposed as part of this current application, including roof lights, two dormer windows, new windows and doors and a porch.

The buildings have no overall window design, with the few existing openings varying in size, blocked up or the frames removed. A number of new windows and doors are proposed. The agent has confirmed that the windows will be double glazed timber sash and case style with 22mm slim astragals to be in keeping with similar properties in the area, which is acceptable and will be conditioned.

The external doors would be timber and a condition will ensure that the colour is submitted and agreed.

The proposal includes a new bay window in the north elevation. The Council's Supplementary Planning Guidance on New Housing in the Countryside 2008 contains design guidance on the conversion of farm

buildings to residential use. Any alterations should be in keeping with the character of the building. No bay window exists and this would introduce a domestic element into a traditional steading building. A more simplistic style was requested

The agent has argued that this element adds character to the building, in an elevation that is currently a mix of timber lined infill panels used to block up existing openings. The bay would have timber cladding and sash and case windows, the roof will be finished in lead. The bay would be within the enclosed courtyard not visible to the general public.

It is considered that this would be a small scale element of the proposal not visible outwith the courtyard area and so is considered to be acceptable.

The proposal also includes two dormer windows on the courtyard roof slopes; again these elements are not in keeping with the character of the building but the applicant refuses to delete them from the proposal. As these would not be visible from outwith the courtyard, these elements are also accepted.

The proposed porch would be formed with timber posts infilled either side with lattice timber framing up to 1m high, finished with a slate roof.

A section of the north elevation is currently infilled with timber cladding and so the use of larch cladding as an external material would be in keeping. The walls and the roof would remain stone and natural slate.

There is sufficient space to provide private garden ground within the walled courtyard and on-site car parking. The proposal would not constitute an over-development of the site.

The proposed external alterations to the buildings are considered to be in keeping with the character of the building. It is considered that the proposal would not harm the visual amenities of the area. The farm steading is in a rural area and is well screened by mature woodland. The proposal would not be prominent in the landscape or harm the special qualities of the Special Landscape Area.

Impact on Residential Amenities

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The farmhouse is approximately 14m from the building. No windows or extensions are proposed in the east elevation of the gable closest to this property and so no overlooking or overshadowing would occur. No other properties would be affected.

The agent has confirmed that the applicant own the surrounding farm buildings and stables and the conversion is for the applicant's daughter and her horses are stabled adjacent to the proposed house; the house will not be sold off by the applicant. This resolves concerns regarding any conflict of uses between the proposed residential use and farm buildings and stables adjacent to the site, due to the potential noise, odours and agricultural traffic.

The proposal demonstrates that an acceptable residential environment can be created for future residents.

A log burning stove and flue are proposed and Environmental Health required confirmation that the stove appliance is less than 45kW and the agent has confirmed this.

Road Safety, Access and Parking

Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The proposal would utilise the existing access track from the public road and two on-site parking spaces are proposed. The plan as originally submitted showed these on the southern boundary of the site adjacent to the building and accessed from the track that serves the farm buildings.

The Roads Planning Service has no objections to the proposal provided their requirements for passing places on the public road and on-site parking are met. These issues can be controlled by planning conditions.

The Roads Planning Service has concerns regarding the parking for the proposed conversion accessed via the existing farm yard and the potential conflict between agricultural and domestic traffic. A revised site plan has been submitted showing the parking within the courtyard accessed via a gated entrance. There appears to be sufficient space within the courtyard to park and turn two cars.

Archaeology

Policy EP8 states that development proposals which will adversely affect local archaeological assets will only be permitted if it can be demonstrated that the benefits of the proposal outweigh the heritage value of the asset. All proposals that adversely affect such an asset must include an acceptable mitigation strategy.

The Council's Archaeology Officer requires a historic building survey to be carried out and a report submitted, as traditional steading buildings such as this are generally features of local historic significance and require to be recorded before any conversion takes place. This will be secured by a condition.

Ecology

Policy EP3 states that development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development outweigh the value of the habitat for biodiversity conservation.

The Council's Ecology Officer advised that a bat and breeding bird survey is required before the application can be determined. This has now been submitted and the Ecology Officer re-consulted. She advises that evidence of bats was found. Since the proposed works involve substantial alterations and renovations, the destruction or disturbance of these roosts is likely to be unavoidable. A derogation licence from Scottish Natural Heritage Species Licensing Team is required before planned works can take place. Mitigation is also required in the form of a Species Protection Plan for bats.

Evidence of current and historic barn swallow *Hirundo rustica* nests was observed on site. Mitigation will be required to avoid damage or adverse impacts on nests, in the form of a Species Protection Plan for birds, where any works are proposed within the breeding bird season (March-September).

These issues will be secured by conditions.

Developer Contributions

No contribution is required towards affordable housing as this application is for only one unit but a contribution towards Denholm Primary School is required and this would be secured via a Section 69 legal agreement.

Contaminated Land

Policy IS13 advises that where development is proposed on land that is contaminated or suspected of contamination, appropriate site investigation and mitigation will be required.

The Council's Contaminated Land Officer advises that the site has previously been used for agriculture but the returned contaminated land questionnaire raised no concerns and so no further investigation or mitigation is required.

Water and Drainage

The proposed dwellinghouse would be served by a new septic tank with the outfall to a watercourse, though no details have been provided. The dwellinghouse would connect to the mains water supply.

Environmental Health has requested conditions be attached to the planning permission regarding the water supply and maintenance of the foul water drainage system. The exact details will be secure by conditions and the Building Warrant application.

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, inform & LA

- 1 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.
- 2 No development shall take place until the applicant has secured and implemented an approved programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Historic Building Survey. This will be formulated by a developer contracted archaeologist(s) and approved in writing by the Planning Authority. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- o The WSI shall be approved in writing by the Planning Authority.
- o Historic Building Survey will be in accordance with the ALGAO: Scotland guidance as requested by the Planning Authority.
- o In accordance with the WSI, access shall be afforded to the nominated surveyor to allow archaeological investigation, at all reasonable times.
- o Initial results shall be submitted to the Planning Authority for approval in the form of a Historic Building Survey Report (HBSR) within one month following completion of all on-site archaeological works.
- o The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological investigations, reporting and dissemination of results as required. The developer will be expected to fund and implement all further archaeological work.

Reason: To preserve by record a building of historical interest.

- 3 This permission shall only permit the conversion and adaptation of the existing structure as a single dwelling unit. It shall not purport to grant permission for the erection of any new dwellings nor for any extensive rebuilding which would be tantamount to the erection of a new building.
Reason: Permission has been granted for the conversion of the existing building to a dwellinghouse in a location where new dwellings would not be appropriate.
- 4 Details of all materials to be used on all exterior surfaces of the development hereby approved shall be submitted to and approved in writing by the Planning Authority before the development is commenced. The development then to be completed in accordance with the approved details.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 5 The colour/finish of all external joinery, including the timber cladding, doors and window frames, to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved scheme.
Reason: To safeguard the character and appearance of the building and the visual amenities of the area.

- 6 The roofing material of the steading building and porch to be natural slate. A sample of the slate to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved scheme.
Reason: To safeguard the character and appearance of the building and the visual amenities of the area.
- 7 The windows to be double glazed timber sash and case style with 22mm slim profiled astragals permanently adhered to the surface of the glass and fixed at the frame edge, and with a spacer bar the same colour as the window and fractionally smaller than the astragal thickness, unless otherwise agreed in writing by the Planning Authority.
Reason: To safeguard the character and appearance of the building and the visual amenities of the area.
- 8 The external flue to have a matt black or slate grey external finish.
Reason: To safeguard the character and appearance of the buildings and the visual amenities of the area.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent Order amending, revoking or re-enacting that Order):
- (i) There shall be no addition or extension to the dwellings (including the insertion of dormer windows or chimneys);
 - (ii) There shall be no further building, structure or other enclosure constructed or placed on the site;
 - (iii) No additional window or other opening shall be made in any elevation;
- unless an application for planning permission in that behalf has first been submitted to and approved by the Planning Authority.
Reason: To safeguard the character, appearance and setting of the building to be converted.
- 10 No development to commence until a drawing showing the position and specification (DC-1 or DC-1a attached) of two passing places within the local road network has been submitted to and approved in writing by the Planning Authority. The passing places then to be provided in the approved positions and to the approved specification before the dwellinghouse is occupied.
Reason: To ensure that the traffic created by this development can be safely accommodated on the local road network.
- 11 The car parking shown on Drawing Number 1205BW06A to be provided within the site before the dwellinghouse is occupied and retained in perpetuity.
Reason: To ensure on-site parking is provided and available for use by occupants of the dwellinghouse in the interests of road safety.
- 12 Prior to the commencement of development, the applicant/developer shall provide the Planning Authority with:
- a) a copy of the relevant European Protected Species licence, or,
 - b) a copy of a statement in writing from Scottish Natural Heritage (licensing authority) stating that such a licence is not necessary for the specified development.
- Reason: To protect protected species within the site.
- 13 The development to be carried out in strict accordance with the Bat Mitigation Plan contained within Appendices 4 and 5 of the Bat and Breeding Bird Survey Report (The Wildlife Partnership, September 2017) submitted in connection with this application (17/00915/FUL) and the applicant/developer shall notify the Planning Authority in writing that the mitigation measures have been implemented before the dwellinghouse is occupied.

Reason: To protect protected species within the site.

- 14 The development to be carried out in strict accordance with the Species Protection Plan for Breeding Birds contained within Appendix 6 of the Bat and Breeding Bird Survey Report (The Wildlife Partnership, September 2017) submitted in connection with this application (17/00915/FUL) and the applicant/developer shall notify the Planning Authority in writing that the mitigation measures have been implemented before the dwellinghouse is occupied.
Reason: To protect breeding birds within the site.
- 15 No development to commence until details of the foul and surface water drainage have been submitted to and approved in writing by the Planning Authority. This to include evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition. The drainage then to be installed in accordance with the approved details before the dwellinghouse is occupied and maintained thereafter.
Reason: To ensure that the development does not have a detrimental effect on amenity and public health.
- 16 No development to commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the dwellinghouse, written confirmation to be submitted by the applicant/developer to and approved in writing by the Planning Authority that the development has been connected to the public mains water supply. No water supply other than the public mains shall be used to supply the dwellinghouse without the 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 amenity of any neighbouring properties.

Informatives

It should be noted that:

- 1 In respect of condition 2, the level of recording should adhere to the BASIC standard as set out in ALGAO: Scotland guidance which can be found at <https://www.algao.org.uk/scotland>.
- 2 To discharge condition 15, relating to the private drainage arrangements, the applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified. The applicant should also discuss the private drainage arrangements with The Scottish Environmental Protection Agency (SEPA).
- 3 In respect of condition 10, it should be noted that all work within the public road boundary must be undertaken by a contractor first approved by the Council.

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

