

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997****Town and Country Planning (Development Management Procedure) (Scotland) Regulations  
2013****Application for Planning Permission****Reference : 15/00742/FUL****To : Mr Tim Ferguson & Simon Lawson per David Jane Architects Bank House Innerleithen  
Scottish Borders EH44 6HA**

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 : Change of use, alterations and extension to form dwellinghouse from  
outbuilding****At : Steading Buildings Haughhead Farm Innerleithen 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 4th April 2016  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

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

**APPLICATION REFERENCE : 15/00742/FUL**
**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
STRUCTURAL SURVEY	Report	Submitted
FLOOD RISK ASSESSMENT	Report	Submitted
15021-LOC-B	Location Plan	Submitted
15021-002-A	Site Plan	Submitted
15021-201	Elevations	Submitted
15021-101	Floor Plans	Submitted
15021-E-101	Existing Elevations	Submitted

**REASON FOR DECISION**

The application complies with Development Plan Policies and Supplementary Planning Guidance on conversion of surplus buildings in the countryside and, subject to conditions and a Legal Agreement, will result in a sympathetic development in keeping with the character of the building and the amenity of the area.

**SCHEDULE OF CONDITIONS**

- 1 The development hereby approved shall only be carried out in strict accordance with details of the materials to be used on the external walls and roof of the proposed building(s) which shall first have been submitted to and approved in writing by the Planning Authority.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting
- 2 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
  - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
  - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
  - iii. location and design, including materials, of walls, fences and gates
  - iv. soft and hard landscaping works
  - v. existing and proposed services such as cables, pipelines, sub-stations
  - vi. other artefacts and structures such as street furniture, play equipment
  - vii. A programme for completion and subsequent maintenance.
 Reason: To ensure the satisfactory form, layout and assimilation of the development.
- 3 No development should commence until that the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.  
Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.

- 4 No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition  
Reason: To ensure that the development does not have a detrimental effect on public health.
- 5 Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

and thereafter

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

- 6 Prior to the commencement of works a Bird Mitigation Plan, including measures identified in the Bat Survey Report shall be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme. To ensure that no works will commence during the breeding bird season (March-September) without the express written permission of the Planning Authority. Reason: To safeguard ecological interest at the site.

- 7 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 an 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 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.
- 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 archaeologist(s) 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 Once approved the site archive and HBSR shall also be reported to the National Monuments Record of Scotland (NMRS) via the OASIS system within three months of on-site completion.
- o Results will be summarised in Discovery and Excavation in Scotland (DES) within one year of on-site completion.
- 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.

- 8 No development shall take place until the developer has provided to the Planning Authority
- a) a copy of the relevant European Protected Species licence or
  - b) a copy of a statement in writing from SNH (licensing authority) stating that such a licence is not necessary for the specified development.

Reason: To safeguard ecological interests at the site.

- 9 Prior to the commencement of the development hereby permitted the developer shall submit in writing to the Planning Authority a full species protection plan for bats. Any mitigation should at least provide a 'like for like' replacement of what will be lost. This should include provision of bat boxes additional to any licensing requirements, as enhancements. Further guidance on mitigation can be found via the following link: <http://www.snh.gov.uk/about-scotlands-nature/wildlife-and-you/bats/mitigation/>

Thereafter, no development shall take place except in strict accordance with the protection plan so approved.

Reason: To safeguard ecological interests at the site.

- 10 No development to commence until further details are submitted of a foot/cycle path link between the public road and the multi-use path running along the north-western side of the adjoining proposed chalet site. The dwellinghouse not to be occupied until the approved path link has been completed. It should then be retained in perpetuity.

Reason: To maintain connection with the public path network.

- 11 The dwellinghouse not to be occupied until the access, parking and turning are completed as per the approved plan and the following specification:

Access to be formed over the initial 6m from the public road "40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1"

Visibility splays of 2 x 90 metres to be provided in both directions from the private access onto the public road. This will involve the removal of some roadside vegetation to gain the required visibility to the right on egress. This work must be retained in perpetuity thereafter. The gradient of the access to be no steeper than 1 in 15.

Two vehicular parking apaces and a turning area within the site, to then be retained in perpetuity.

Reason: In the interests of road safety.

- 12 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 a new dwelling nor for any extensive rebuilding which would be tantamount to the erection of a new dwelling.

Reason: Permission has been granted for the conversion of an existing building to habitable accommodation in a location where a new dwelling would not otherwise be appropriate.

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

It should be noted that:

- 1 The SBC Ecology Officer advises that opportunities exist to enhance the local habitat network for bats and breeding birds through planting of native thorn species-rich extended hedgerows (FCS Native seed zone 204)
- 2 There is a low potential for encountering buried archaeological features, finds or deposits during excavations. If buried features (e.g. walls, pits) or artefacts (e.g. pottery, ironwork) of potential antiquity are discovered, please contact the planner or Archaeology Officer immediately for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered.
- 3 SEPA strongly recommend that ground levels slope away from the developments to prevent any surface water ponding against the developments.

- 4 The developers will require a European Protected Species (EPS-bats) licence from SNH prior to the commencement of works and will need to meet the terms of any such licence. <http://www.snh.gov.uk/protecting-scotlands-nature/species-licensing/mammal-licensing/bats-and-licensing/development/>

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.