

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations  
2013**

**Application for Planning Permission**

**Reference : 15/00115/FUL**

**To : Sheik Fahad Al Thani per James Murdie Design 1 Deep Dene Lesburn Alnwick NE66  
3PL**

With reference to your application validated on **11th February 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Alterations and extension to dwellinghouse and erection of falcon breeding pens, hack pen, viewing room and storage building**

**at : Windrush And Land South East Of Windrush Highend Hawick Scottish Borders TD9  
9SA**

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 9th June 2015  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



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**Head of Planning and Regulatory Services**

**APPLICATION REFERENCE : 15/00115/FUL**

**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
2 REV A	Elevations	Approved
3	Elevations	Approved
4	Existing Elevations	Approved
5	Elevations	Approved
1 REV A	Location Plan	Approved
1A	Block Plans	Approved

**REASON FOR DECISION**

The proposed development, subject to the imposition of planning conditions, is considered acceptable and in compliance with policies G1, D1, NE5, H2, Inf4, Inf5 and Inf6 of the Scottish Borders Consolidated Local Plan Adopted 2011. The proposed business use would be appropriate for this rural location and the proposed development would not have a detrimental effect on the visual amenities of the area or on the residential amenities of occupants of neighbouring properties. Adequate access and on-site parking can be achieved.

**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 The external materials to be used on the extensions to the dwellinghouse shall match in all respects those of the existing building and no other materials shall be used unless the prior written consent of the Planning Authority is given for any variation thereto.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3 The breeding pens, storage building and hack pen hereby permitted shall be completed in the external materials shown on the plans hereby approved and no other materials shall be used without the prior written consent of the Planning Authority.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 4 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 use of the buildings hereby approved commencing.  
Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.
- 5 Details of any proposed security fencing and lighting to be submitted to and agreed in writing by the Planning Authority before the development commences. Only the approved fencing and lighting to be erected as part of the development.  
Reason: To safeguard the visual amenities of the area and limit light pollution.

- 6 Details of the foul and surface water drainage 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 details.  
Reason: To ensure the development is adequately serviced and to protect the environment.
- 7 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include (as appropriate):
- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
  - ii. location of new trees, shrubs, hedges and grassed areas
  - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
  - iv. programme for completion and subsequent maintenance.
- Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
- 8 No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.  
Reason: The existing trees represent an important visual feature which the Planning Authority considered should be substantially maintained.
- 9 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by herras fencing, or similar, a minimum of 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:
- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
  - (b) No fires shall be lit within the spread of the branches of the trees;
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
  - (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
  - (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.
- Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.
- 10 Details of measures to store and dispose of manure and other waste arising from the operation of the premises to be submitted to and approved in writing by the Planning Authority before the development commences. The use hereby approved shall then be operated in accordance with the approved details. Manure and waste to be stored away from nearby dwellings. Manure and waste storage areas to be constructed so as to ensure that contaminated run-off does not cause public health nuisance or contaminate water courses.  
Reason: To safeguard residential amenities and the environment.

- 11 Details of measures to control insects and other pests to be submitted to and approved in writing by the Planning Authority before the development commences. The use hereby approved shall then be operated in accordance with the approved measures.  
Reason: To safeguard residential amenities and the environment.
- 12 The development to be carried out in accordance with Section 2 of the Bat and Barn Owl Risk Assessment April 2015 by Ruth Hadden, including the implementation of the mitigation measures listed within the report.  
Reason: To protect protected species within the site.

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

It should be noted that:

- 1 The consultation response from SEPA is attached for the information of the applicant.
- 2 Environmental Health advises that:

In respect of condition 4, the applicant should provide the following information:

1. The type of supply i.e. 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.

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.

As the proposal may result in the general public consuming the water from the private water supply, the supply will be classed as a Type A. This will mean that the supply will be subjected to annual water testing and a risk assessment of the supply. The applicant should contact an Environmental Health Officer before becoming operational to discuss testing of the water.

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.