

Mr Hamad Alsowadain  
per KLD Architectural Design  
Per Steve Joyce  
2 Grange Avenue  
Fencehouses  
Tyne & Wear  
DH4 6JQ

**Please ask for:** Stuart Herkes  
01835 825039  
**Our Ref:** 19/00456/FUL  
**Your Ref:**  
**E-Mail:** sherkes@scotborders.gov.uk  
**Date:** 28th August 2019

Dear Sir/Madam

**PLANNING APPLICATION AT Windrush and Land South East of Windrush Highend Hawick  
Scottish Borders TD9 9SA**

**PROPOSED DEVELOPMENT:** Erection of natural pairs building, extension to existing  
natural pairs building and erection of annex to  
dwellinghouse

**APPLICANT:** Mr Hamad Alsowadain

Please find attached the decision notice for the above application.

Please read the schedule of conditions and any informative notes carefully.

Drawings can be found on the Planning pages of the Council website at  
<https://eplanning.scotborders.gov.uk/online-applications/> . Please see the requirement for notification  
of initiation and completion of development as well as for Street naming and numbering as  
appropriate.

It should be noted that before works commence, where applicable, all necessary consents should  
be obtained under the Building (Scotland) Act 2003. If you require any further information in this  
respect, please contact the relevant Building Standards Surveyor.

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

**Application for Planning Permission**

**Reference : 19/00456/FUL**

**To : Mr Hamad Alsowadain per KLD Architectural Design Per Steve Joyce 2 Grange Avenue  
Fencehouses Tyne & Wear DH4 6JQ**

With reference to your application validated on **3rd April 2019** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Erection of natural pairs building, extension to existing natural pairs building  
and erection of annex to dwellinghouse**

**At : Windrush and Land South East of Windrush Highend Hawick 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 (as amended), 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 August 2019  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 19/00456/FUL**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
A101	Location Plan	Approved
A102	Existing Plans & Elevations	Approved
A103	Proposed Plans & Elevations	Approved
A104	Proposed Plans & Elevations	Approved
A105	Proposed Plans & Elevations	Approved

**REASON FOR DECISION**

Subject to 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 new natural pairs building hereby consented and the extension to the existing natural pairs building hereby consented, shall both - and shall at all times - only be used for falcon breeding and rearing, and shall not, and shall not at any future time, be used for any other use (excepting only agriculture) unless an application for planning permission in such behalf has first been submitted to, and approved in writing by, the Planning Authority.  
Reason: To retain effective control over the use and operation of the non-residential buildings hereby consented, in the interests of conserving appropriately the amenity and environment of this isolated rural site and its surrounding area; including in the interests of road safety.
- 2 The residential annex (guest accommodation unit) hereby approved shall only be used in connection with the main dwellinghouse at Windrush, Highend, Hawick ("Windrush") as a single planning unit, and it shall at no time, in whole or in part, be converted to, or otherwise used as, a self-contained unit independent of Windrush, or otherwise be used or occupied as a separate residential property; or be used or occupied by any business that is not operated by the owners or occupants of Windrush, unless an application for planning permission in that behalf, has first been submitted to, and approved in writing by, the Planning Authority.  
Reason: To retain effective control over the use of the guest accommodation unit in the interests of ensuring that its operation is and, going forward, remains, appropriate to this locality in terms of the impacts upon the amenity of neighbouring residential properties (including Windrush itself) and the general amenity of the surrounding rural area, including in terms of road safety.

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any subsequent provisions amending or re-enacting that same Order), there shall be no extension carried out, in whole or in part, anywhere on, or in relation to, the structure of the residential annex building (guest annex accommodation unit) hereby approved, unless a planning application for such an extension, has first been submitted to, and approved in writing by, the Planning Authority. (For the avoidance of doubt, the provisions and requirements of this planning condition shall be held to be in operation at all times and in perpetuity, unless a planning application to the contrary, is first submitted to, and approved in writing by, the Planning Authority). Reason: To retain effective control over the operation of the residential annex in order to conserve appropriately the amenity of the site and surrounding area, including in the interests of road safety by ensuring that the level of accommodation is restricted to that which is reasonably capable of accommodation within the unit in the form in which it has been consented.
- 4 Unless otherwise agreed in writing by the Planning Authority in advance of the commencement of development, the external surfaces of all buildings hereby approved shall match precisely the finished external materials and finishes of the roof and walls of the existing natural pairs building. The door of the residential annex hereby approved shall also be finished to match this same colour unless otherwise agreed in writing by the Planning Authority. Reason: To ensure an appropriate finished appearance for all buildings hereby consented, in the interests of conserving the visual amenities of the site and surrounding area.
- 5 No development shall commence on the new natural pairs building hereby consented, until a scheme of details has first been submitted to, and approved in writing by, the Planning Authority, which shall describe:
- (i) the aforementioned building and associated paths described (and re-sited, if necessary) in plan, in accordance with the advice and guidance of Informative Note 1;
  - (ii) the proposed finished floor level of the aforementioned building;
  - (iii) the existing ground levels within the footprint of the aforementioned building; and
  - (iv) a clearly identifiable datum point, or clearly identifiable datum points, located outwith the site and sufficient for the purpose of establishing the heights of the existing and proposed levels required under items (ii) and (iii) above, relative to the existing level(s) of the existing road surface.
- Thereafter, the development shall be implemented in accordance with the approved scheme of details.
- Reason: To ensure that the development does not have any detrimental impacts upon the appearance, environment and amenity of the site and surrounding area, including upon the Root Protection Areas of existing field boundary hedges, or upon the amenity of any neighbouring properties as a consequence of the surface levels within the site being raised or lowered to any inappropriate height(s).
- 6 Notwithstanding the description of the Approved Location Plan, and unless otherwise agreed in writing by the Planning Authority in advance of the commencement of development, no development - including any ground works, or the formation of any paths or areas of hard standing - shall take place in the Root Protection Area of the tree to the immediate southeast of the existing natural pairs building, in connection with the progress of the development described by the Approved Drawings. Reason: In the interests of protecting adjacent trees - particularly that in closest proximity to the existing natural pairs building - which contributes value and amenity to the site and surrounding landscape.

- 7 All ground works associated with the development of the new natural pairs building hereby approved and the extension to the existing natural pairs building hereby approved, shall all be carried out in accordance with BS5837:12.  
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.
- 8 Unless otherwise agreed in writing by the Planning Authority in advance of the commencement of development upon the guest accommodation annex building hereby approved, the elevation of the same aforementioned building which is described by the elevation drawing annotated "Front Elevation" on Approved Drawing A105, shall only be orientated such as to face southeast (that is, inwards into, and towards, the residential property at 'Windrush') and not northwest (that is, outwards, and towards, the land to the north of 'Windrush').  
Reason: To retain effective control of the development because the annotations describing the relevant elevation drawings on the approved drawing do not identify the orientation of the same elevations. The annex as an ancillary building within the curtilage of the residential property at 'Windrush' is required to be fully capable of operation within that same curtilage, in the interests of conserving the amenity of the surrounding area.
- 9 Unless otherwise agreed in writing in advance by the Planning Authority, no development shall commence until a written scheme of details has first been submitted to, and approved in writing by the Planning Authority, which describes how the development hereby approved shall be developed and operated in accordance with the requirements of Planning Conditions Nos. 4, 10 and 11, attached to Planning Consent 15/00115/FUL. Thereafter, the development shall be implemented and operated in accordance with the approved details.  
Reason: To ensure consistency with the implementation and operation of Planning Conditions Nos. 4, 10 and 11 attached to extant Planning Consent 15/00115/FUL in the interests of development control; and specifically, of ensuring that there is, and remains, effective control over the operation of the development approved under Planning Consent 15/00115/FUL.
- 10 Surface water drainage shall be designed to comply with PAN 61 and CIRIA SUDs manual C697, and shall be designed and installed to maintain surface water run-off from the site (including from all areas of hard standing) at, or below, greenfield levels. Further, the buildings and extension hereby approved shall not be occupied until the surface water drainage system that serves them directly, has first been completed and is fully functional.  
Reason: To ensure the sustainable disposal of surface water and avoid additional run-off from the site to neighbouring land, including the public road. This is in the interests of road safety and protecting the amenity of residential properties in the surrounding area.
- 11 Details of the foul 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. (Please see Informative Note 2 for related advice and guidance).  
Reason: To ensure the development is adequately serviced and to protect the environment; and to ensure consistency with the operation of Planning Condition No 6 attached to Planning Consent 15/00115/FUL.

**FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

1      INFORMATIVE NOTE 1:

It is unclear from the description of the Approved Location Plan (including from the large-scale nature of the same plan) whether or not there would be any potential for works on the new natural pairs building hereby consented (or any associated access path), to impact the Root Protection Areas (RPAs) of any field boundary hedges to the southeast, south or southwest of the site of this same aforementioned building. However, even if there is a risk in these terms, there is ample potential for the building (and paths) to be micro-sited to avoid such impacts; principally in development being capable of being set back a sufficient distance from the field boundaries and hedges to avoid impacting the RPAs altogether. This is anticipated to involve only minimal adjustments to the siting as this is currently described on the Approved Location Plan, if indeed any such 're-siting' is actually required. Accordingly, the details required to address Planning Condition No 5, item i. should either demonstrate that there would be no impacts upon the RPAs of the hedges were the building and/or paths to be sited as proposed, or that the building and/or paths would instead be micro-sited in accordance with a proposed revised site plan or location plan, to avoid such impacts. In either event, the details should establish the distance of set-back for the building and path from the hedges, to demonstrate that the RPAs would be conserved appropriately.

2      INFORMATIVE NOTE 2:

The details required under Planning Condition No 11 attached to this same planning consent with respect to the proposed foul drainage arrangements, should be consistent with those required under Planning Condition No 6 attached to Planning Consent 15/00115/FUL.

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 1997 (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 available on the Council's website for this purpose.

## **Notice of Completion of Development**

Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) 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 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed to the Clerk of The Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells. TD6 0SA or sent by email to [localreview@scotborders.gov.uk](mailto:localreview@scotborders.gov.uk). The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

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 (as amended).