

Mr Alec Dale & Fjordhus Ltd  
per Ferguson Planning  
Per Ruaraidh Thompson  
54 Island Street  
Galashiels  
Scottish Borders

**Please ask for:** Julie Hayward  
01835 825585  
**Our Ref:** 19/01753/PPP  
**Your Ref:**  
**E-Mail:** JHayward2@scotborders.gov.uk  
**Date:** 18th March 2020

Dear Sir/Madam

**PLANNING APPLICATION AT Land North and East of Tweed Lodge Hoebridge East Road  
Gattonside Scottish Borders**

**PROPOSED DEVELOPMENT:** Demolition of agricultural building and erection of  
dwellinghouse and garage together with access and  
associated works.

**APPLICANT:** Mr Alec Dale & Fjordhus Ltd

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 : 19/01753/PPP**

**To : Mr Alec Dale And Fjordhus Ltd per Ferguson Planning Per Ruaraidh Thompson 54  
Island Street Galashiels Scottish Borders TD1 1NU**

With reference to your application validated on **16th December 2019** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Demolition of agricultural building and erection of dwellinghouse and garage together with access and associated works.**

**At : Land North and East of Tweed Lodge Hoebridge East Road Gattonside 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 (as amended), subject to the following direction:

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

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

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

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

**Dated 12th March 2020  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 19/01753/PPP**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
1035.PL1.1	Location Plan	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 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme shall be submitted 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.

- 4 A design Statement shall be submitted with the first detailed or Approval of Matters Specified in Conditions application for the approval of the planning authority. The design statement shall outline the design rationale in terms of design, proportions, materials, siting, size and height of the dwelling, as well as boundary treatment, orientation and landscaping.  
Reason: To demonstrate that the development preserves and enhances the special character and appearance of the Conservation Area.
- 5 A Species Protection Plan for breeding birds and reptiles shall be submitted with the first detailed or Approval of Matters Specified in Conditions application for the approval of the planning authority. The Species Protection Plan shall incorporate provision for a pre-development supplementary survey and a mitigation plan, as appropriate. Once approved in writing by the Planning Authority no development shall be undertaken except in accordance with the approved SPP.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
- 6 A proportionate Biodiversity Enhancement Plan (BEP), including provision of bat boxes and bird boxes (giving number, type and location of boxes) shall be submitted with the first detailed or Approval of Matters Specified in Conditions application for approval by the planning authority. Once approved in writing by the Planning Authority no development shall be undertaken except in accordance with the approved BEP.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
- 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 Planning Authority, and shall include:
  - 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, including replacement of any trees removed

- 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 Details of all proposed means of enclosure around the site shall be submitted with the first detailed or Approval of Matters Specified in Conditions application for the site. Once approved in writing by the Planning Authority the development then to be completed in accordance with the approved details.

Reason: To enable the proper effective assimilation of the development into its wider surroundings.

- 9 No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and foul drainage systems shall be made available to serve the development,

Reason: To ensure the development can be adequately serviced.

- 10 A scheme of details for improving the existing access track from the public road (to provide a level, self-draining running surface capable of taking a 14 ton axle loading) and further details of the diverted farm access (including route, dimensions, surfacing and drainage, and including details of trees and planting to be protected and retained, those to be removed and proposals for their replacement, including planting timescale and future maintenance) shall be submitted with the first detailed or Approval of Matters Specified in Conditions application.

Once approved in writing by the Planning Authority, the access road improvements and diverted farm access shall be completed in accordance with the approved plans prior to occupancy of the dwellinghouse and replacement planting, where specified, shall be carried out in accordance with the approved timescale and maintained as approved.

Reason: To minimise conflict between residential and agricultural vehicles, and to ensure the access track is suitable to serve the approved development in the interests of maintaining road safety, all in as visually sympathetic a manner as possible.

- 11 Parking and turning for a minimum of two vehicles, excluding any garages, must be included within the curtilage of the dwellinghouse and shown on a site plan drawing to be submitted with the first detailed or Approval of Matters Specified in Conditions application. Once approved in writing by the Planning Authority the parking and turning to be provided in accordance with the approved drawing prior to occupation of the dwellinghouse and to be retained in perpetuity thereafter.

Reason: To ensure adequate on-site parking and turning is provided within the plot to prevent parking on the public road, in the interests of road safety.

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

It should be noted that:

Approval of this application does not establish the principle for a replacement agricultural building elsewhere, should one be required. If a replacement building is required, the applicant should ensure the potential for agreeing a suitable site has been established with the Planning Authority before progressing with this site as a building plot and releasing the site for redevelopment.

In respect of condition 4, it is anticipated that the detailed application for the layout of the site should reflect the indicative scheme. However, this will be subject to detailed consideration of design, scale, materials and amenity impacts. In particular, avoiding overlooking of neighbouring properties from first floor windows is recommended, including the nearby wedge of garden ground of Cedarwood Bank to the north west.

With respect to conditions 7 and 8: landscaping and boundary treatments, hedging to the easterly boundary is, in particular, recommended to provide a firm but soft landscaped edge to the settlement. In addition, opportunities exist to enhance the local habitat network for biodiversity through planting of locally native species within the landscaping scheme.

In respect of condition 10, the Roads Planning Service advises that, given the use of the access by agricultural traffic, the surfacing should be a bituminous material.

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 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).