

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/01462/FUL

**To : Mr John Bondi per Gray Macpherson Architects LLP Tigh-Na-Geat House 1 Damhead Farm
Lothianburn Edinburgh EH10 7DZ**

With reference to your application validated on **24th October 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Change of use and alterations to form three dwellinghouses

at : Redundant Steading West Loch Farm Peebles 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 12th July 2018
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed


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Depute Chief Planning Officer

APPLICATION REFERENCE : 17/01462/FUL
Schedule of Plans and Drawings Approved:

| Plan Ref | Plan Type | Plan Status |
|----------|-----------------|-------------|
| | Location Plan | Approved |
| P02 | Existing Layout | Approved |
| P10 | Other | Approved |
| P01 | Block Plans | Approved |
| P04 | Floor Plans | Approved |
| P03 | Floor Plans | Approved |
| P07 | Elevations | Approved |
| P09 | Landscaping | Approved |
| P08 | Sections | Approved |
| P05 | Roof Plan | Approved |
| P06 | Sections | Approved |
| P08 | Sections | 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 This permission shall only permit the conversion and adaptation of the existing structures as three dwelling units. 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 any new dwellings.
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.

- 2 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any subsequent Order amending, revoking or re-enacting that Order), unless an application for planning permission in that behalf has first been submitted to and approved by the Planning Authority the following works shall not be undertaken;
 - (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;
 - (iv) No alteration to windows, doors or other openings shall be made;
 Reason: To safeguard the character, appearance and setting of the building to be converted.

- 3 No development shall commence until a the following details have been submitted to and agreed in writing with the Planning Authority and thereafter the development shall take place in strict accordance with the agreed details;

- i. A revised south west elevation detailing a smaller opening which serves the living room and matches the size of the openings which have been reduced on the north east elevation.
 - ii. Precise material and colour finishes of all new doors.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 4 All flues shall be externally coloured matt black and all rooflights indicated on the approved plans shall be of "conservation" design and materials and shall thereafter be so retained.
Reason: To safeguard the character of the building
- 5 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. location of new trees, shrubs, hedges and grassed areas
 - ii. details of all means of boundary enclosures which includes hedging at garden boundaries
 - 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
- 6 All works to demolish farm buildings within the site and erect the fence across the track to stop access to the Upper Farm (as illustrated on Drawing No P09) shall be completed before occupation of the first dwellinghouse and thereafter the fence shall be retained in perpetuity.
Reason: To avoid conflict arising between agricultural and the residential uses.
- 7 No development shall commence until a scheme of access improvements have been submitted to the Planning Authority. The details shall include upgrades to the access to the courtyard and including the area of ground between the western elevation of the steading and the public road and thereafter the first dwellinghouse shall not be occupied until the agreed access improvements have been completed.
Reason: To provide safe vehicle access onto the public road.
- 8 Two parking spaces for each dwellinghouse and visitor parking shall be provided within the courtyard before occupation of the first dwellinghouse and thereafter retained in perpetuity.
Reason: To provide adequate parking and turning
- 9 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.

- 10 No development shall commence 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 Scottish Natural Heritage (licensing authority) stating that such a licence is not necessary for the specified development.
- Reason: To safeguard ecological interests of the site.
- 11 No development shall commence until a Species Protection Plan for Bats and Breeding Birds, which includes measures identified in the Bat and Nesting Bird Survey Report (May - July 2017) has been submitted to and agreed in writing with the Planning Authority and thereafter no development shall take place except in strict accordance with the agreed details.
- Reason: To safeguard the ecological interests and biodiversity of the area.
- 12 Unless otherwise agreed in writing with the Planning Authority, no development shall commence until a ground investigation report shall be submitted to and approved by the Planning Authority. The report shall include identification and assessment of potential contamination on the site (in accordance with PAN 33 (2000) and BS10175:2011 or subsequent revisions/replacements) and shall include (as applicable) a remediation strategy, validation report and monitoring statements, including timescales for the implementation of all such measures. Development shall not commence until the report is approved by the Planning Authority and the development shall be carried out only in accordance with the approved report, including approved remediation, validation, monitoring measures and timescales for their implementation.
- 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.
- 13 No development is to commence until precise details of the following sites services have been submitted to the Planning Authority, details shall include;
- i. a report demonstrating the provision of an adequate water supply to the development in terms of quality and quantity. The report must also detail all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development.
 - ii. evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition

- iii. the means of surface water drainage methods to serve the site which comply with Sustainable Urban Drainage Systems (SUDS) regulations.
Once approved the development shall be completed in strict accordance with the approved details before occupation of the first dwellinghouse.
Reason: To ensure that the development is adequately serviced in a manner which does not detract from the amenity of any neighbouring properties or have a detrimental effect on public health.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 Stoves and solid fuel installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.

Accordingly this advice can assist you to avoid future problems.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s>.

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on -

[http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

- 2 The applicant is reminded that following erection of the fence required under Condition 6 all farm traffic should use the route to access farm buildings and farm land to the south west of the development illustrated on Drawing No P10.

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.