

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

7 AUGUST 2023

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 23/00033/FUL

OFFICER: Carlos Clarke
WARD: Tweeddale East
PROPOSAL: Change of use and alterations to derelict building to form recreational hut with new access and parking (retrospective)

SITE: Building East Of Peel Lodge, Craigmyle Park, Peel, Galashiels

APPLICANT: Mr Adam Elder
AGENT: Lowland Planning Associates Ltd.

SITE DESCRIPTION

The site comprises a derelict former kennels building sited within a woodland subject to Tree Preservation Order, located north-east of Craigmyle Park within the Peel Estate residential area. The site also includes that of a proposed new access road from Craigmyle Park to serve a new parking area to the west of the kennels building. To the east of the kennels building is Glenkinnon Burn Special Area of Conservation and Site of Special Scientific Interest.

PROPOSED DEVELOPMENT

Full Planning Permission is sought for the conversion and alteration of the former kennels building to a 'hut', for which the application submission states, "all requirements for the development of a hut, under the terms of SPP 2014 (Scottish Planning Policy 2014) will be met in terms of intermittent recreational use". Externally, the building's footprint and walls would be unaltered, with the walls reinstated and repointed; timber windows and doors installed; the roof replaced with black corrugated sheeting, incorporating solar/pv panels; and external walls and railings enclosing the yard retained and refurbished. Internally, 15sqm of usable space would be provided, within which a composting toilet, stove and sleeping deck above, are proposed. The application initially included a proposed extension to the building, which was omitted during the processing of the application (and for which renotification of neighbours was not necessary). As noted above, a new access road and parking area are also proposed.

PLANNING HISTORY

The relevant planning history for the site comprises:

17/01008/FUL: Erection of replacement dwelling house – Refused in September 2017 for the following reasons:

- 1 *The proposed development is contrary to policy EP13 (Trees, Woodland and Hedgerows) of the Scottish Borders Local Development Plan (2016), and*

contrary to adopted supplementary guidance on Trees and Development in that the development will result in significant removal of trees subject to Tree Preservation Order which provide a positive landscape contribution. Furthermore, the proposed development would lead to increased pressure to remove further trees in the future.

- 2 *The proposed development is contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), in that the proposed development would not sympathetically relate to the existing building group in terms of siting, scale, form or design. The existence of a building on site is inadequate justification for the proposed development*

The decision was upheld by the Local Review Body in April 2018, principally on the basis the proposed development would be contrary to Policies HD2 and EP13 of the Local Development Plan 2016.

22/01285/FUL - Change of use, alterations and extension to building to form recreational hut - Withdrawn in October 2022

REPRESENTATION SUMMARY

Objections on behalf of fourteen households have been submitted in response to the initial application and during its processing. As noted above, renotification of neighbours was not necessary for the omission of the extension (and all original representations remain material) though some objectors chose to comment again in response to that revision, and the submission of a structural survey. The representations can be viewed in full on *Public Access*. The following is a summary of the key issues raised:

- The application contains misleading information.
- This is the third application. A previous application was refused and appeal dismissed. This is a back door means of getting a house, a 'foot in the door', and the development is more akin to a residential dwelling.
- The site is subject to enforcement action, work is ongoing at an alarming pace, and there is a lack of confidence in the applicant complying with designs and specifications. Work is continuing, as is vehicular access which is affecting trees.
- The definition of the proposal as a 'hut'; its compliance with 'hutting regulations' and Building Standards; the need for it; and the benefit of it are all challenged, as is the need for overnight accommodation. The proposal is not in the spirit of hutting and there is no guarantee it will be used as a hut in the future. Hutting regulations were not intended to be used this way. Effective management of the woodland does not need a residential property, and the applicant lives less than 15 minutes away.
- Residents use the woodlands for recreation, and this proposal will result in loss of landscape, ecological, historic and shelter value with no public benefits whatsoever.
- Impact on woodland and wildlife already has occurred, including damage from vehicles, and this will result from the development. The woodland has not been managed sensitively, and should be left in peace, and the site is part of an ancient deciduous woodland, close to a SSSI (Glenkinnon Burn), the regulations for which the development 'blatantly' contravenes. There is no attempt to safeguard Tree No 22 behind the building.

- The composting toilet is challenged regarding waste disposal, seepage, contamination.
- Concerns regarding visitor volumes, and resulting litter, noise and security concerns.
- The development has no support under the Local Development Plan or LDP2 and there are no material considerations to warrant a departure.
- External materials are challenged regarding eco friendliness, and the development is not in keeping with other nearby structures. The need for the extension is challenged.
- The structure survey report does not inspire confidence, is superficial and the stability of the structure is questioned.
- Increase in traffic, parking issues and the access has not been upgraded as required.
- Solar panels and the stove are not required.
- The toilet and sleeping accommodation are unnecessary.
- Smoke and fire risk from stove flue.
- Waste management methods are queried.
- Processing of the application is most unsatisfactory, objections remain and additional information provided by the applicant does not persuade otherwise.

A supporting letter also raises the following key issues, in summary:

- Time and effort have been invested by the applicant in the woodland and structures, including safety and stability. Renovating the building and adding a small unobtrusive wooden structure will allow the applicant a secure base to continue to actively manage the woodland.
- The woodland is private, not public and the applicant should be allowed intermittent recreational occupation. Hutting principles are not restricted to the wilds of Rannoch Moor.
- The revised design remains within the overall building footprint and yard; the extension is in keeping with the woodland; and though slate is preferred for the roof, the corrugated material will be black and unobtrusive.
- A well-managed stove should not present a hazard.
- A dedicated off-road parking space is a positive step.
- No effects on neighbouring privacy.
- The development being off-grid should be applauded, including solar panels and composting toilet, which should present no concerns regarding odours
- It's close to but not within a SSSI and the survey indicates no adverse impacts on wildlife; and there are permanently occupied properties within the wildlife corridor now.
- The applicant continues to actively manage the woodland, and has at no time restricted access to it. Development would encourage long term positive management of it, and have immediate and lasting benefits to the aesthetic value of the building.

APPLICANT'S SUPPORTING INFORMATION

The initial application was supported by a Tree Survey and Arboricultural Impact Assessment; Supporting Statement; Phase 1 Habitat Survey; and Otter and Badger Survey. During the processing of the application, a structural survey report was also submitted.

DEVELOPMENT PLAN POLICIES:

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity

Policy 4: Natural Places

Policy 6: Forestry, Woodland and Trees

Policy 7: Historic Assets and Places

Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings

Policy 11: Energy

Policy 12: Zero Waste

Policy 13: Sustainable Transport

Policy 14: Design, Quality and Place

Policy 20: Blue and Green Infrastructure

Policy 22: Flood Risk and Water Management

Policy 23: Health and Safety

Policy 30: Tourism

Scottish Borders Council Local Development Plan 2016

PMD1 – Sustainability

PMD2 – Quality standards

ED7 – Business, Tourism and Leisure Development in the Countryside

HD3 – Protection of residential amenity

EP1 – International nature conservation sites and protected species

EP2 – National nature conservation sites and protected species

EP3 – Local biodiversity

EP5 – Special Landscape Areas

EP8 – Archaeology

EP13 – Trees, woodlands and hedgerows

EP16 – Air Quality

IS2 – Developer Contributions

IS5 – Protection of access routes

IS7 – Parking provision and standards

IS9 – Waste water treatment standards and SUDS

IS13 – Contaminated Land

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

Landscape and Development (2008)

Sustainable Urban Drainage Systems (2020)

Trees and Development (2020)

Waste Management (2015)

Guidance on Householder Development (2006)

Local Landscape Designations (2012)

CONSULTATION RESPONSES:

All consultations were undertaken on the basis of the original application submission, prior to omission of the proposed extension to the kennels building.

Scottish Borders Council Consultees

Roads Planning Service: No objections were raised to previous applications, and they have no reason to object to this proposal. The application is retrospective and previously they had requested information prior to works commencing. As such, the information must be provided prior to any further works taking place. Their main concern is that the initial section of the access track is at an unacceptable gradient. This will result in additional strain on the public road as vehicles are not sitting at an acceptable gradient on a suitable surface. A planning condition is recommended in this regard, as is one requiring the parking and turning to be made available prior to the use becoming operational.

Archaeology Officer: The building is of some architectural and historic interest, likely dating to when the Peel Estate established at the start of the 20th century. The landscape of Peel Estate has changed substantially with the introduction of the Second World War temporary hospital, before for the northern part its eventual replacement by a housing estate, but the immediate surroundings of the kennels building in all editions of the Ordnance Survey mapping from the mid-19th century onwards woodland. The building would be radically changed for the layout of the building and the characteristic railed yards of kennels overall would now enclose the new extension. The subdivisions of the railed yards, however, would be lost in the progression of this application. In this new application the extension proposed is parallel to the main length of the building and is to be within the yards and with the railings retained. There are no archaeological sites recorded in this area and it is perhaps unlikely that the limited groundworks would reveal any archaeological features and/or deposits. The historic nature of the building will be radically changed if this application is to occur though it is recognised that the building will have seen a number of changes and would further do so in any progression of this application. A historic building recording condition would be recommended.

Contaminated Land Officer: The requirement for a full site assessment and potential remediation may not be practical or proportionate, so an Informative Note is recommended so the applicant is advised of potential land contamination issues.

Ecology Officer: The otter and badger survey found no signs of either species in the vicinity of the derelict kennels. In a previous application, an ecological survey found that none of the trees within 30m of the kennels showed potential roosting features suitable for bats. The proposal should have no negative impacts on protected species.

From the submitted documents, it appears no trees are proposed for felling, and the Ecology Officer has no objection to the conversion of the building but raised strong concerns regarding the solar panels. The woodland is very dense and dark and the Ecology Officer cannot see how the panels would work. It seems likely trees will have to be felled to allow them to function properly. Most of the TPO-woodland trees are beech which grow about 30-35m tall, and the kennels and ancient woodland are circa 32m (south) and 20m (south-east) distant. It is likely a large number of TPO'd trees, and some Ancient Woodland trees will need felled to make the solar panels work. Even if no trees within the ancient woodland are felled, large scale removal of semi-mature and mature trees from the boundary could still have adverse impacts on its ecological condition. The proposal goes against LDP Policy EP13 and falls into the category of NPF4 Policy 6b

Following submission of information on the solar panels, the Ecology Officer subsequently removed her above-noted concerns in that regard. A comprehensive Construction Method Statement will, however, be required to protect the SSSI/Ancient

Woodland. With adequate protection, the Ecology Officer considers it unlikely there will be any impacts on the SAC.

Landscape Architect: The woodland which includes the site, is covered by Tree Preservation Order SBC No 20 – Peel House and grounds, and the woodland immediately to the east of the TPO woodland is part of the Glenkinnon burn SSSI. A Tree Survey and Arboricultural Impact Assessment shows that no trees will require to be felled to accommodate the development and a detailed method of construction will mitigate any potential damage to trees. The landscape architect is confident a track could be taken through these trees as detailed using a Cellweb track base to spread load and avoid potential root damage. Tree Inspection and Arboricultural Safety Audit reports have also been submitted that include woodland management and planting proposals that have formed the basis of applications to do work to the woodland which is covered by TPO. It is acknowledged that the track could be developed without significant impact on the adjacent trees and could be low key and not impact on the woodland overall. The landscape architect is less confident that the existing building, which includes a small additional lean-to extension and solar panels, could function successfully in this location surrounded by tall trees. The dense cover could put pressure on further tree removals and could in time effectively remove the central core of the woodland despite the modest nature of the proposal. For that reason, the landscape architect suggests the proposal does not comply with LDP Policy EP13 cannot be supported.

Environmental Health Service: No reply

Statutory Consultees

Clovenfords and District Community Council: Key issues and commentary raised by the Community Council are noted below, with their full response (including quotes from the code of practice referred to below) available to view on *Public Access*.

The objective of this application is in most respects the same as previous ones, the first of which went to Appeal at the Local Review Body and was refused (for the two reasons as noted above).

Under the first reason for refusal, the LRB ruling was right and, since it was made, many trees have been felled in Peel Wood, including in the SSSI. This present application would result in many more trees being removed. The proposed building would be under the present canopy with solar panels and a woodburning stove. Obviously, trees will have to be removed to allow light into the solar panels and to reduce the fire risk from the stove. The reasons for refusal of the original application and the appeal remain pertinent to this renewed attempt. On these grounds alone, the CC objects to this application. The reasons for refusal of the original application and the appeal remain pertinent to this renewed attempt. On these grounds alone, the CC objects to this application.

The CC refer to and quote from Reforesting Scotland's code of practice for hutting developments. In considering this, a summary of their points is noted below:

- The CC do not consider Peel Wood a suitable location for hutting developments
- There has been no participatory decision making
- The CC is concerned this will pave the way for a higher impact development and there are no safeguards to prevent this

- It will have a material impact on the current use of the land (particularly the SSSI) and a negative effect on the immediate and wider community's enjoyment of the site
- The CC is concerned this is a potential 'foot in the door' for a higher impact development. If hutting legalisation were used to support this application, the spirit and intent of it would be devalued and whole ethos of Scotland's hutting initiative brought into disrepute. Any person with a bit of woodland could maim the need to have to live in it and apply to building a hut, or convert any convenient old building into a dwellinghouse, calling it a hut.

The CC is in the early stages of introducing Placemaking under the auspices of the Tweeddale Area Partnership Placemaking Working Group. Applying the principles of Placemaking to the potential development of Peel Wood, the views of the surrounding community would be sought and input into the Local Development Plan. The conversion of the old derelict kennels into a dwelling is extremely unlikely to be supported by the "bottom up" process of Placemaking because of the known lack of support from the local community and, hence, a development such as that being proposed would not be permitted.

The reduction of the woodland amenity available to at least 50 residents to allow the intermittent recreational use by the applicant, does not constitute sensible Placemaking and is not supported by the majority of the immediate community.

The CC object for similar reasons to the previous application and because of lack of support from surrounding communities. It's simply another attempt to get permission to build a dwelling on land sold and bought as woodland, not a building site. A 'hut' could be a foot in the door leading to more significant development such as that initially refused, appealed and finally refused by the Local Review Body. Work has already started and been progressing for several weeks so its difficulty to see how escalation from a 'foot in the door' to a higher impact development would be prevented in the longer term.

KEY PLANNING ISSUES:

The key planning issues are whether the proposed development would comply with the Statutory Development Plan as regards leisure development in the countryside, having accounted for relevant supplementary guidance, particularly as regards the visual and amenity impacts of the development; risk to the woodland resource and ecology; and, whether there are sufficient material considerations to justify a departure from the Development Plan.

ASSESSMENT OF APPLICATION:

Principle

This application seeks to convert a former kennels building to a 'hut'. It should be clarified that there is no planning legislation that provides greater scope to build a 'hut', or convert a building to one, than any other recreational building in the countryside. Whether the proposed development is a 'hut' or not does not alter the need for Planning Permission for what is proposed, nor to account for the normal considerations required to be applied to policies within the Statutory Development Plan. National Planning Framework (NPF4) Policy 30 provides support for hutting developments, though the NPF also defines a hut as "*A simple building used intermittently as recreational accommodation (i.e. not a principal residence); having an internal floor area of no more than 30 square metres; constructed from low impact materials;*

generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups.” This proposal comprises refurbishment and reuse of a permanent building which, at the end of its life, will obviously leave a trace, as it has done to date following the cessation of its previous kennels use. Regardless of the size and use of the proposal, it does not comprise a ‘hut’ for which Policy 30 can provide direct support. Furthermore, Scottish Planning Policy 2014 no longer applies.

That said, Policy 9 of NPF4 does however support sustainable reuse of brownfield land and includes vacant and derelict buildings, as is the case here. Furthermore, Policy ED7 of the Local Development Plan 2016 (LDP) also provides support for leisure developments appropriate to a countryside location. Given this is for small scale leisure use associated with the applicant’s management and enjoyment of the woodland, this would comply with Policy ED7 in principle, and the inclusion of a sleeping deck (described in the supporting statement as being for the applicant to ‘bunk down overnight on an occasional basis’) does not undermine the merits of the application in that regard. There is no requirement under ED7 to demonstrate need for the development and, regardless of the proximity of the applicant’s place of residence, the proposed use complies with ED7 fundamentally. The proposal is not for a business use, so no business case is required. Nor is it for a tourism use, so compliance with the region’s tourism strategy is not required. Though the occupancy of the building may potentially generate more activity, it would do so on a small scale, providing amenity for the owner of the land and facilitate existing woodland management activities. A condition can regulate the use to that effect.

The sustainability of the proposed use is, however, a key consideration, as applied by Policy PMD1 of the LDP. This service raised concerns with the applicant that the financial investment in extending and refurbishing the building may result in a need for a more intensive use being required in order to justify the costs associated with redeveloping it. In response, the applicant has not provided information that would allay that concern. Instead, the originally proposed extension has been omitted, which has significantly reduced concerns in that regard. Combining the policy support for reuse of derelict buildings; the general benefit to be derived from restoring a building that would otherwise continue to fall to ruin in an area frequented by the public; and the small scale of the building which is unchanged from the footprint that currently exists, this aspect is not of overriding concern. Fundamentally, the scale of development is minimal, no greater than what exists now, and if an alternative use were proposed in future, any such application would not only be treated on its own merits but be based on what is a small-scale building with limited potential for an alternative use. Whether this proposal is an attempted ‘foot in the door’ or not, does not undermine the appropriateness of bringing a ruinous building back to use, as doing so is supported both at national and local policy level.

A structural survey also provides sufficient comfort, for planning purposes, that the building is capable of conversion without substantial rebuilding. Albeit criticism of the report from an objector is acknowledged, if it transpires that the building is unable to accommodate the alterations proposed such that the development is not capable of being implemented as proposed, then any prospective planning consent issued for it will be extinguished.

Services

Water is to be carried in, supplemented by rainwater capture. Ultimately, this is acceptable for planning purposes, as there is no need to provide a dedicated water supply for the type of use proposed. If private or public water supply connections are,

however, instead required, these are regulated by the Environmental Health Service and Scottish Water respectively.

For foul drainage, a composting toilet is proposed. Again, for planning purposes, this causes no concerns as there is no planning policy requirement to ensure this type of use is serviced with foul drainage nor that it is 'off-grid'. However, the applicant has been advised that a composting toilet will not comply with the Building Standards, and this proposal may, therefore, affect their ability to obtain a Building Warrant for the conversion. If a mains connection or private treatment plant is required, then these are suitably regulated again by Scottish Water and the Building Standards.

Surface water drainage from the building will be for the Building Warrant. As regards the proposed track, aside from the entrance, this will be cellweb construction, which should be able to provide sustainable drainage. A planning condition can ensure no increase in off-site run-off.

In all regards, however, provision of services, whether these are water supply pipes or drainage measures, have the potential to undermine trees within the woodland. A condition should therefore regulate those aspects and it will be for the applicant to ensure that, if required to adjust their servicing methods to satisfy the Building Standards, the servicing routes do not undermine trees.

Archaeology

The site is not designated, formally or informally. However, the building retains considerable character, and the Archaeology Officer recommends its recording. A condition to that effect is considered justifiable and will be required to be satisfied to ensure compliance with the prospective consent, regardless of any works having been undertaken to date.

Ecology

The development is not within a designated ecological site and, as noted below, there is no loss of woodland associated with the proposed development. The Glenkinnon Burn Special Area of Conservation/Site of Special Scientific Interest (SAC/SSSI) designations are approximately 80 metres and 20 metres to the east respectively. The application is supported by habitat and protected species surveys that identify no adverse impacts and that the woodland is of little habitat value. As noted, our Ecology Officer raises no concerns in those regards. A condition should ensure that construction activity associated with the development is managed in a manner that does not present any risk the SAC/SSSI, as required by the Ecology Officer. Also, in order to comply with the requirements of Policy 3 of NPF4, a condition should secure ecological enhancements.

Access and parking

The access and parking measures proposed will provide for improved accessibility to the building, albeit not fully to it. Given the type of use, this is acceptable, and the Roads Planning Service raise no concerns other than as regards gradient of the initial section. In that regard, the applicant has since provided further information and, in response, the RPS has confirmed acceptance, subject to the initial junction surfacing meeting their specification.

Trees and woodland

NPF4 Policy 6 supports developments that improve woodlands. This proposal will not require tree removal, and will facilitate its management, if used for the purposes specified. It will not fragment or sever woodland habitats, since the development comprises reuse of an existing building without any change to its footprint, with an improved vehicular access and parking arrangement over only part of the woodland, with no requirement to remove trees. Nor will it undermine the scope for the public to access the woodland as they are entitled to do now using their countryside access rights for the same reason.

The application is supported by an Arboricultural Impact Assessment which indicates that with a cellweb track as proposed, no trees will require removal to facilitate the development and, as regards direct impacts, our Landscape Architect is content (as noted above) on the basis the method statement within the AIA is complied with. As regards Tree 22 (which is directly behind the building) this will require tree protection around it as recommended by the AIA and its method statement.

In terms of future pressure to remove trees, the provision of solar panels generated a concern in this regard, however, the applicant's prospective installer advises that the calculations used to define the system factor in tree coverage, and the batteries will recharge from the solar panels in inclement weather and in shade. The Ecology Officer considers her concern in this regard satisfied and the Landscape Architect has less concern regarding the development if conditions on construction management/tree protection as noted above are complied with. Otherwise, given the type of use proposed, it is not considered that conflict with woodland management should arise. It is, fundamentally, better to have a building in viable use, facilitating management of the site, than it is to have a ruin within it and it is not considered the development would undermine the integrity of any decisions that may be required as regards removal of trees in the future.

Landscape and visual impacts

The access would comprise a tarred entrance with a cellweb construction for the remainder. The landscape and visual implications of the development, even with some upfill at the entrance, will be very minor. Its surfacing finish should, however, be clarified as references are made within the submissions to both gravel surfacing and block paving.

As noted, the proposal is now no longer to extend the building. The remaining works, therefore, comprise conversion and reinstatement of the existing building and will, fundamentally, retain its character and integrity, including the walling and railings around the yard. Albeit a slate roof rather than a corrugated roof, as proposed, would be preferred, this roofing finish is not inappropriate for this type of building or setting. The remaining works include timber windows and doors and repointed and reinstated walls. The alterations are fundamentally minimal and will be sympathetic to the character of the building. A planning condition can regulate details.

Neighbouring and countryside amenity

The alterations to the building itself will not undermine neighbouring amenity as regards light or privacy impacts, nor will the improved access and parking area. Though the use of the building may, potentially, generate more activity than at present, the current level of activity associated with management of the woodland cannot be regulated in any case, and the small scale of the development will considerably limit

its potential. Conditional control (as noted above) of the building will provide sufficient management of the likely level of activity, whereas the behaviour of persons on site is a matter for other authorities should anti-social behaviour or nuisance result.

Air quality

The location of the stove and chimney are unlikely to risk neighbouring amenity. If nuisance does arise, then that is a matter for regulation by the Environmental Health Service. The stove will require compliance with the Building Standards as part of the Building Warrant application, so fire risk would be for that process to account for.

Waste storage

The application submission states that waste will be removed following every visit. This is a matter for the applicant, just as it is now. For planning purposes, the primary concern is that, where external storage is required, it is sited appropriately. The applicant requires none according to the submission. A planning condition can regulate external storage if, however, it is ultimately required.

Contamination

An Informative Note can address the recommendation of the Contaminated Land Officer.

CONCLUSION

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the statutory Development Plan and there are no material considerations that would justify a departure from these provisions.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
2. This consent shall only permit the conversion and adaptation of the existing building in accordance with the approved plans and drawings, unless otherwise amended by any other condition in this schedule. It shall not purport to grant permission for the erection of a new building nor for any extensive rebuilding which would be tantamount to the erection of a new building.
Reason: To ensure the development is implemented in accordance with the approved plans and drawings, and complies with the statutory Development Plan
3. The development shall be implemented in accordance with the approved plans and drawings, including external material specifications and retention of yard, walls and railings, and subject to:
 - a) The roofing material being matt finished, and the frames of the solar panels being black
 - b) Design details and colours of the doors and windows, and the colour(s) of exposed rafter ends and eave/verge fascias (which shall all be timber), being

implemented in accordance with details approved in writing by the Planning Authority

c) All external walls including cills, lintels and quoins, being constructed of either stone salvaged from the existing building or matching stone

d) Notwithstanding the approved site plan 002, no extension to the existing building is approved under this consent

Reason: To ensure the development is sympathetic to the character of the building and its setting

4. The use of the building shall be limited to purposes wholly ancillary to the management and recreational use of the woodland within which it is located only by the owner of the building and woodland. The building shall not be sold or leased separately from the woodland, which incorporates the area identified in blue on the approved location plan 001. It shall not be used for any other purpose, including residential, holiday letting or other commercial or business purposes, and sleeping accommodation shall be limited to intermittent overnight use only by the owner.

Reason: To ensure the use of the building complies with the statutory Development Plan and does not have an adverse impact on the amenity of the surrounding area

5. No development shall commence under this consent until a Construction Method Statement has been submitted for the approval in writing of the Planning Authority, which incorporates measures to minimise risk to the integrity of the Glenkinnon Burn SAC and SSSI. Where water and/or drainage services are required, details of the same shall be included in the CMS.

Reason: To minimise the risk of the construction of the development, and services where required, of adversely impacting the Glenkinnon Burn SAC or SSSI

6. No development shall commence under this consent until the applicant/developer has secured the implementation of a programme of archaeological work (which may include excavation) in accordance with a Written Scheme of Investigation outlining a Historic Building Survey which has been formulated by, or on behalf of, the applicant/developer and submitted to and approved in writing by the Planning Authority. Access should be afforded to allow archaeological investigation, at all reasonable times, by a person or persons nominated by the applicant/developer and agreed to by the Planning Authority. Results will be submitted to the Planning Authority for review in the form of a Historic Building Survey Report

Reason: To preserve by record a building of historical interest.

7. No development shall commence under this consent until details of a scheme of post-construction ecological enhancements, including timescale for implementation, have been submitted to and approved in writing by the Planning Authority. The approved details shall be implemented within the approved timescale

Reason: To provide a reasonable level of ecological enhancement relative to the environmental impact of the development in accordance with the statutory Development Plan

8. The development shall be implemented in accordance with the method statement tree protection measures specified in "Tree Survey and Arboricultural Impact Assessment – Sam Lowe Tree Management – November 2022". There shall be no provision of external water or drainage measures to service the development unless in accordance with details that demonstrate that trees will be safeguarded in accordance with BS5837:12 and National Joint Utility Guidelines 4 during their

installation, which have been submitted to and approved in writing by the Planning Authority. The installation of all services shall comply with the approved details
Reason: To safeguard the integrity of the woodland, including trees subject to Tree Preservation Order

9. The access, parking and turning area shall be implemented in accordance with the approved plans and drawings prior to the use of the building commencing under this consent, subject to the initial two metres being constructed in accordance with the specification in Informative Note 3; the top surfacing finish being agreed in writing with the Planning Authority; surface water drainage being sustainably managed to ensure no off-site run-off; and all banking to be graded to the lowest practicable level outwith tree protection barriers. Following implementation, the access, parking and turning area shall be retained free from obstruction.

Reason: To ensure the development is adequately serviced with off-street parking in the interests of safeguarding road and pedestrian safety, has minimal visual implications and sustainably manages surface water

10. There shall be no external storage of bins associated with the consented use unless in accordance with details which have first been submitted to and approved in writing with the Planning Authority

Reason: To ensure that external storage of waste, where required, is visually sympathetic and appropriate to setting

Informatives

1. The former use of the site is potentially contaminative and may have resulted in land contamination. The land is not currently identified as contaminated land and the Council is not aware of any information which indicates the level of risk the potential contamination presents. The historic use of the site is recorded within a Council database. This database is used to prioritise land for inspection within the Council's Contaminated Land duties. Should the applicant wish to discuss these duties their enquiry should be directed to the Council's Environmental Health Service.
2. For the purposes of this Planning Permission, intermittent use described in Condition 4 should comprise overnight stays not exceeding periods of two nights within any calendar week and which shall occur during no more than two weeks in any calendar month
3. In relation to Condition 9 above, the initial two metres of the access track shall be constructed in accordance with the following specification: 75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.

DRAWING NUMBERS

001	Location Plan
002	Existing Site Plan
003	Existing Plans
005 - 1B	Proposed Plans
006 - 1B	Proposed Elevations
TR23-4292_RUR_CEL_ - cross section	Proposed Sections
TR23-4292_RUR_CEL - longitudinal section	Proposed Sections

Report – Tree Survey and Arboricultural Impact Assessment – Sam Lowe Tree Management – November 2022

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Carlos Clarke	Team Leader



23/00033/FUL

Peel Clovenfords

