



Head of Corporate Administration
Scottish Borders Council
Council Head Quarters
Newtown St Boswells
TD6 0SA

Chief Executive

29 MAR 2016

Democratic Services

23 March 2016

Dear Sir/Madam,

**Planning application 15/01323/FUL – application to Local Review Board
Proposed dwellinghouse on land adjacent to Lauder Barns Farm**

We are instructed by Angela Fairbairn to submit a Review against the decision of your Council to refuse the above planning application by refusal notice dated 12 January 2016.

We enclose your completed Notice of Review form and a Supporting Statement which includes Productions.

If you have any queries please contact me.

Yours faithfully,



Andrew McCafferty

Cc A Fairbairn



NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through
this representative:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed, renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | | |
|--|-------------------------------------|--------------------------|
| | Yes | No |
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE REVIEW STATEMENT ACCOMPANYING THIS SUBMISSION WHICH INCLUDES PRODUCTIONS

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

1. Photomontage of the proposal. The applicant considers that this indicative information assists in explaining the siting and appearance of the proposed dwelling
2. Photographs of the application site and surrounding area. The applicant considers that this information explains the character and appearance of the application site and its context.
3. Reference is made to the Reporters' Report into the Examination of the Scottish Borders Local Development Plan. This Report was not available at the time the application was made on 29 October 2015 and contains recommendations about housing land supply which are relevant to this Review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

PLEASE SEE LIST OF PRODUCTIONS CONTAINED IN THE REVIEW STATEMENT

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the ~~applicant~~ agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

[Redacted signature box]

Date

24 March 2016

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

Application for review by the Local Review Body of Scottish Borders Council

Erection of a dwellinghouse at:

**Land north east of The Cottage
Lauder Barns
Lauder
Scottish Borders**

Angela Fairbairn

Application 15/01323/FUL

March 2016



Andrew McCafferty Associates

01793 331000 • 01793 331001 • 01793 331002

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Productions

- P1 Title plan identifying application site and context
- P2 Extract from O/S plan 1859 showing the application site
- P3 Application 15/01323/FUL comprising:
- Cover letter dated 29 October 2015
 - Planning application forms
 - Planning Statement
 - Location plan scale 1:1250 @ A4
 - Proposed site plan and cross sections scale 1:150 @ A2
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 - Response from Transport Scotland

- **Response from Regulatory Services (re: amenity and pollution and contaminated land)**
- **Comments from Roads Planning Service**

P4 Refusal notice

P5 Intrusive environmental investigations (dated September 2015) on the application site

P6 SEPA approval letter for treatment system for discharge of sewage effluent on the application site.

P7 Photographs of the application site and surrounding area

P8 Photomontage of the proposal

P9 Lapsed outline consent for one dwellinghouse and detached garage on the application site (04/02254/OUT) and 06/01641/REM

P10 Planning history of adjacent site north west of Lauder Barns Farmhouse

- **Key plan showing site subject of review and adjacent site**
- **Indicative proposals for 2 units**
- **Approval Notice 11 November 2013**

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P12 Extracts from the Proposed Scottish Borders Local Development Plan 2016

1. The application site and proposal

The application site is approximately 0.122 ha in area and is triangular in shape lying between "The Cottage" and a farmhouse and steading, "Lauder Barns". The site is a former mill pond which has been in-filled and lies between two access tracks. **Production 1** contains a copy of the applicant's title plan identifying the site.

The mill pond existed in 1859 (see extract from ordnance survey sheet in **Production 2**) and appears to have been in-filled during the 20th Century. The site is generally level and adjoining farmland to the north falls gently towards Lauder Burn.

The A 68 lies a short distance south of the site and the proposed dwelling would utilise the existing access running along the western edge of the site to gain access on to the A68.

The applicant and her partner are a local couple working in the NHS and local Technical College respectively. They wish to erect a one and three quarter storeys house for their own occupation. The house would be sited towards the middle of the plot and the principal elevations would face south towards the A68 and north towards the Lauder Burn. A copy of the application submission is included as **Production 3** and the refusal notice is **Production 4**.

The proposed external finishes are as follows:

1. Slates to roof
2. Painted wet dashed render to walls
3. Facing brick base course
4. White UPV windows and French doors
5. Dark red composite front door
6. White composite rear door
7. White timber fascia
8. Lead dormer haffits

An air source heat pump with under floor heating to ground floor is proposed and radiators to first floor. A heat recovery system would be installed. The applicant's objective is to construct a house which is almost to "passivhaus" standard. Should planning permission be granted, the major construction phase of the house comprising a kit will be relatively quick.

The applicant commissioned an intrusive investigation of the site and **Production 5** contains a copy of this investigation report. There are no "Constraints" arising from these investigations and the Council's Regulatory Services has recommended a condition to cover this aspect which we include in Section 7 of this Statement.

A sewage treatment plant is proposed in the north west corner of the site incorporating a porous drain which would then discharge into the Lauder Burn via a high level overflow soakaway. **Production 6** contains an approval letter from SEPA for a treatment system to discharge sewage effluent on the application site.

A water supply would be sourced from south west of the plot from the Blainslie Road at the top of the track (see photo no. 11 in Production 7). The applicant has a verbal agreement with the landowner to allow access over his land to facilitate a water supply.

Production 7 contains photographs of the application site and surrounding area. **Production 8** is a photomontage of the proposal seen from the south west.

2. Planning history of the site and adjacent site at Lauder Barns

Outline planning consent (04/02254/OUT) for a dwelling and detached garage was granted on the site subject of this review but no history is available on the Council's website. Reserved matters for this development (06/01641/REM) were approved on 4 April 2007. Copies of the approval notice and supporting drawings are included in **Production 9**. The planning permission and associated reserved matters have lapsed.

An outline application for erection of two dwellinghouses on land north west of Lauder Barns (i.e. between the site subject of this review and the Lauder Barns steading) was submitted on 13 December 2007 and approved on 11 November 2013, subject to a S75 planning obligation. This consent for two dwellings is extant. **Production 10** contains copies of the location plan, sketch proposals, access plan and decision notice.

As long as the consent for two dwellings remains extant, the planning officers will not countenance approving a dwelling on the application site because of the conflict with housing in the countryside policy in the adopted Consolidated Local Plan 2011 and emerging local development plan. This is the determining issue which is fully discussed in Section 6.

3. The development plan

The development plan covering the application site comprises SESplan, including housing land supplementary planning guidance November 2014, together with the adopted Consolidated Scottish Borders Council Local Plan 2011. The proposed LDP has completed its examination process and is due to be adopted shortly (at the time of writing this statement in March 2016). We anticipate that the LDP will be adopted by the time of the Review hearing and therefore refer to this plan below.

a) SESplan Strategic Development Plan approved by Scottish Ministers on 27 June 2013 and adopted Housing Land Supplementary Guidance November 2014.

SESplan includes Policy P5 (Housing Land) setting out the amount of new housing to be provided in each of the six planning authority areas within the SESplan area including Scottish Borders. Scottish Ministers required the Supplementary Guidance to be prepared to set out additional housing land in each planning authority area over the plan period to 2024.

The guidance states that the most appropriate locations for additional sites required are in the City of Edinburgh, Fife and the **Scottish Borders** (our emphasis). The additional allowance for Scottish Borders (see Table 3.2 in **Production 11**) is 80 units.

b) Scottish Borders Council Local Development Plan 2016

At its meeting on 17 December 2015 the Council decided to proceed to adopt the local development plan following conclusion of the examination and publication of the Reporters' Report in October 2015. This plan therefore carries considerable weight in the determination process. Extracts from the proposed Local Development Plan are contained in **Production 12**.

Policy D2 is referred to in the refusal notice for the proposal but does not exist in the proposed local development plan. Policy HD2: Housing in the Countryside in the LDP applies to this proposal and the relevant parts of the policy state:

"The Council wishes to promote appropriate rural housing development:

- a) In village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate site.
- b) Associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) In dispersed communities in the Southern Borders housing market area.

These general principles in addition to the requirement for suitable roads access will be the starting point for the consideration of applications for housing in the countryside, which will be supplemented by Supplementary Planning Guidance/ Supplementary Guidance on New Housing in the Borders Countryside and on Placemaking and Design.

[A] BUILDING GROUPS

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

- a) The Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented.
- b) The cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts.

- c) Any consents for new build granted under this part of the policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access and materials and should be sympathetic to the character of the group.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point.

In ALL instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning Guidance where it meets the terms of this policy and development must not negatively impact on landscape and existing communities. The cumulative effect of applications under this policy will be taken into account when determining impact."

4. Material considerations

a) Scottish Planning Policy June 2014

National planning policy seeks to promote rural development and there are two policy principles at paragraph 75 which are relevant to this proposal. The planning system should:

- In all rural and island areas promote a pattern of development that is appropriate to the character of the particular area and the challenges that it faces;
- Encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality;

b) Place-Making and Design Supplementary Planning Guidance Note (January 2010)

This SPG note contains advice relating to single houses in an urban or rural context and states:

"Development of a single house in the countryside has obvious sensitivities relating to the rural landscape and potential visual prominence." (page 75).

c) Shortfall in housing land supply in the Scottish Borders Local Development Plan 2016

The Reporter's recommendation (30 October 2015) in relation to meeting the Housing Land requirement is to include two additional paragraphs in the LDP as follows:

"1.2 The examination of the proposed plan failed to adequately address the housing land requirement set out in SESplan and in its supplementary guidance on housing land. The Council will, accordingly, within 12 months of adoption of this plan, prepare and submit to Scottish Ministers supplementary guidance in order to identify additional sites to provide for a further 916 units. The longer term housing and mixed use sites identified in the plan will be considered first, but that will not preclude looking beyond those in the event that the shortfall cannot be met from those sites considered to have acceptable impacts. In preparing the supplementary guidance, the Council will assess the candidate sites against the criteria set out in SESplan Policy 7: *Maintaining a five year housing land supply*. The Council will also consider whether, as part of that process, to seek to replace those longer term sites as part of the supplementary guidance or to leave that to the next review of the plan.

As the plan does not adequately address the housing land requirement set out in SESplan and its Supplementary Guidance on Housing Land, the Council will prepare and adopt supplementary guidance in order to identify additional sites to provide for a further 916 units during the plan period"

5. Report of Handling by the planning officer

The applicant agrees with the officer's assessment that the building group at Lauder Barns comprises "The Cottage", "Riverside" and Lauder Barns farmhouse.

It is also correct that the application site benefitted from a full planning permission for a single dwellinghouse and detached garage until this lapsed in 2009.

We welcome the officer's acceptance, which is repeated in reason 1 on the refusal notice, that:

"...the application site was sufficiently well-related to the building group at Lauder Barns as to be capable of accommodating an acceptable addition to this group".

The officer's report points out that the policy used to be that building groups could expand by up to 100% within any one development plan period. This would translate to 3 units at Lauder Barns. The relevant policy changed, however, and now allows only 2 new dwellings to be added within the development plan period.

The applicant does not accept the officer's criticisms of the appearance of the south, front elevation. The officer suggests that there is no door in this side of the dwelling; however this is incorrect because there is a door in the west elevation next to the

lounge serving the front of the house. These aspects are addressed in the following section of this statement.

The applicant notes concerns raised by the officer about the proposed fencing. This aspect i.e. boundary treatment, can be controlled by imposing a condition requiring details of the means of enclosure to be submitted to the Council for approval and stating that consent is not granted for the proposed fencing. A condition to this effect is included in Section 7 of this statement.

The officer considers that if the 2 dwellings which have the benefit of an extant consent (adjacent to the application site) remain unimplemented, then the proposal would remain contrary to policy within the current and next statutory development plan period. The applicant assumes this could be at least 3-5 years into the future.

The officer refers to the need for development contributions towards the upgrade of local education provision and the reinstatement of the Waverley rail link. The applicant is willing to agree these contributions should planning permission be forthcoming as a result of this Review process.

6. Planning assessment

There are two issues in this case. The first issue is whether there is conflict with policy for housing in the countryside (Policy D2 in the Consolidated Local Plan 2011 and Policy HD2 in the Scottish Borders Council Local Development Plan 2016). The second issue is whether there is conflict with Policy G1 in the Consolidated Local Plan 2011 and advice in "Place-Making and Design" Supplementary Planning Guidance Note 2010.

(1) Policy for Housing in the Countryside

The proposal conflicts with Policy D2/Policy HD2 in the (soon to be adopted) LDP as long as the planning permission in principle for two dwellings on land north west of Lauder Barns Farmhouse remains extant.

It is accepted by the planning officer that the application site would be appropriate for a dwellinghouse, in principle, were it not for the 2 dwelling limit within Policy D2/Policy HD2. The site's suitability has been confirmed previously by the detailed planning permission granted on the application site.

In the face of this conflict with policy it is necessary to consider whether there are any material considerations which outweigh the conflict after consideration has been given to alleged conflict with design policy and guidance.

(2) Design Policy and Guidance

The officer has criticised the elevations facing the access road (the South/West Elevations) on the grounds that there is an absence of a "principal" elevation and no door. The applicant rejects these criticisms. The southern elevation has a prominent central element with twin glazed areas and four pairs of windows including two dormers. There is also a single window in the single storey western element. The western elevation which faces the access road contains a single window and front door. These elevations cannot be described as uninteresting or lacking in character and certainly do not look like rear elevations.

The applicant considers that the siting and design of the proposed dwelling are acceptable and comply with Policy G1 in the Consolidated Local Plan 2011 and advice in the Place-Making and Design SPG.

Material considerations

The applicant accepts that there is a conflict with Policy D2/Policy HD2. It is therefore necessary to consider whether there are material considerations which outweigh this conflict. It is common ground that SPP encourages rural development of the right kind in the right location and we consider that the site's location is suitable to accommodate a dwelling were it not for the policy conflict. The site is brownfield and should be seen as a priority for development.

A new material consideration of weight which is not addressed in the Report of Handling is the finding of the Reporter who conducted the Examination into issues related to the Proposed LDP. The Council has to find additional sites for 916 dwellings in order to comply with housing land requirements set out in the strategic development plan SESplan. Approving this application would contribute towards this additional requirement.

The applicant rejects the criticisms made by the officer about the design and siting and lack of a door in the south/west elevations. The proposed siting and design are appropriate.

We submit that the application should be permitted as an exception to Policy D2/Policy HD2 on the basis that there is a need to identify additional sites to comply with strategic housing policy and that the application site and detailed proposal are acceptable.

The following section sets out suggested conditions to be attached to a planning permission for the proposal.

7. Planning obligation and suggested conditions

The applicant is willing to enter into a planning obligation with the Council to make financial contributions towards education and transportation infrastructure as set out in the letter from the Council's Development Negotiator 1 December 2015.

The following list of conditions has been informed by consultation responses and comments made by the case officer in the Report of Handling.

1. A tree/shrub planting scheme shall be submitted for the approval of the planning authority before the development commences. Once approved, the planting shall be implemented concurrently with the development or during the next planting season thereto and maintained thereafter to the satisfaction of the planning authority.

Reason: To safeguard the visual amenity of the area.

2. The proposed fencing is not approved. The means of boundary treatment specifying the route, height, materials and colour of boundary markers shall be submitted for the approval of the planning authority before the development commences.

Reason: To safeguard the visual amenity of the area.

3. The vehicular access into the site, and parking and turning area, shall be implemented to the satisfaction of the planning authority before the dwellinghouse is occupied and retained in perpetuity.

Reason: To ensure the site is adequately serviced and in the interests of road safety.

4. The width of the access shall be at least 5.5 metres wide for a distance of 5 metres from the nearest edge of the trunk road carriageway.

Reason: To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict.

5. The visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the planning authority. These splays are the triangles of ground bounded on 2 sides by the first 2.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimensions.

Reason: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.

6. No development shall commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition.

Reason: To ensure that the development does not have a detrimental effect on public health.

7. Unless otherwise agreed in writing and in advance by the planning authority, prior to any development commencing on site, a scheme will be submitted by the developer (at their expense) 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 BS 10175:2011 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 used (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 the 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.

8. Any noise emitted by plant used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.

Reason: To protect the residential amenity of nearby properties.

9. Samples of materials to be used, including for windows and doors, shall be submitted to and approved by the planning authority before development commences.

Reason: To safeguard the visual amenity of the area.

10. No development shall commence on site until written approval is given by the planning authority of the existing and finished site and floor levels measured against Ordnance Survey datum.

Reason: To ensure that the details of the proposal are appropriate.

11. Details of the design, operation and appearance of the high level overflow soakaway shall be submitted to and approved by the planning authority before development on site is commenced.

Reason: To ensure that the proposed drainage measures are appropriate and that the development will not have an adverse impact upon the surrounding area and the Lauder Burn.

Andrew McCafferty Associates

March 2016

Production 1

Title Plan identifying application site and context



LAND REGISTER
OF SCOTLAND

Officer's ID / Date

2719
20/9/2013

TITLE NUMBER

BER5005



ORDNANCE SURVEY
NATIONAL GRID REFERENCE

Scale

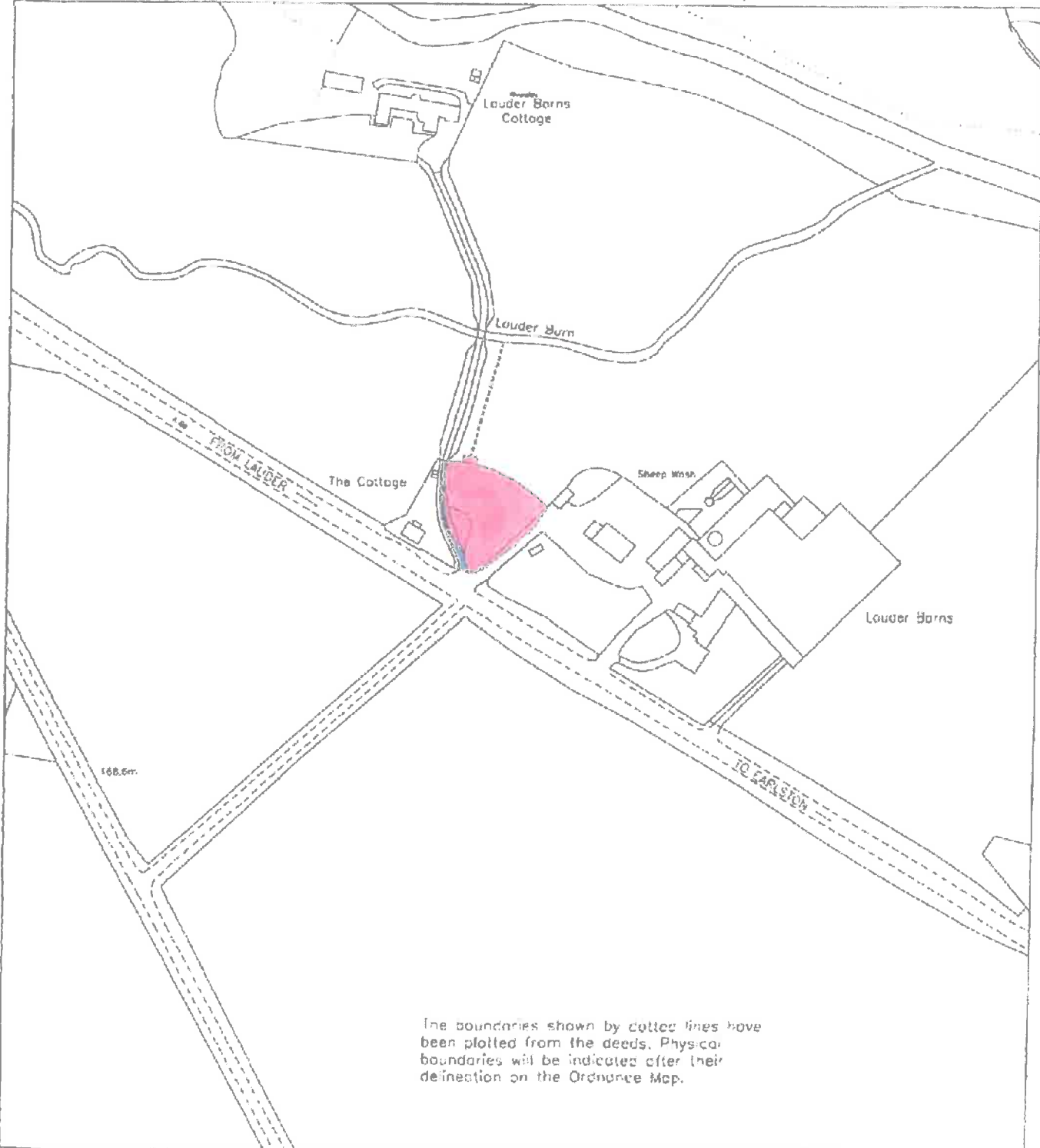
1/2500

NT5346 NT5446 NT5347 NT5447

Survey Scale

1/2500

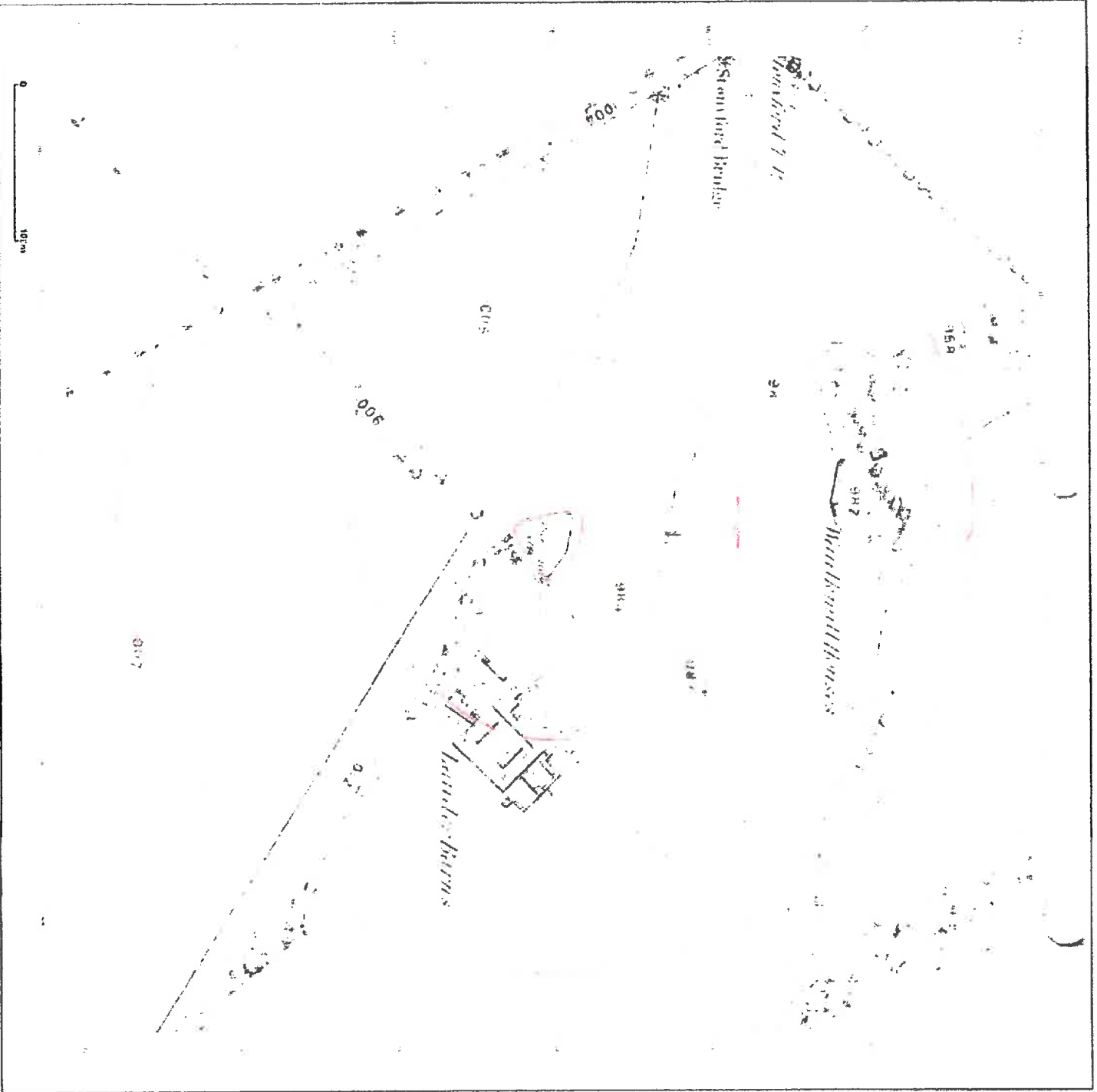
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The boundaries shown by dotted lines have been plotted from the deeds. Physical boundaries will be indicated after their definition on the Ordnance Map.

Production 2

Extract from O/S plan of 1859



Site Details:

PLOT 2, LAUDER BARNS
 COTTAGE, LAUDER, TD2 6RX

Client Ref: P14154
 Report Ref: GSinsgo-1770126
 Grid Ref: 354159, 848694

Map Name: County Series

Map date: 1859

Scale: 1:2,500

Printed at: 1:2,500



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 Groundsure Environmental Insight
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Production date: 17 November 2014

To view map legend click here [Legend](#)

Production 3

Application 15/01323/FUL



Andrew McCafferty Associates

01463 840200 • 01463 840201

Planning and Regulatory Services
Environment and Infrastructure
Scottish Borders Council
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

29 October 2015

Dear Sir or Madam,

Town and Country Planning (Scotland) Act 1997
Land adjacent to Lauder Barns, Lauder, Scottish Borders

I am instructed by Angela Fairburn to apply for planning permission for the erection of a dwelling house on land adjacent to Lauder Barns. This application has no fee as it is a re-submission following withdrawal of application 15/00094/FUL.

The application consists of the following:

- Completed application forms including certificate of ownership submitted via eplanning
- Location plan scale 1:1250 @ A4 (drawing ref. LOC-01)
- Planning Statement prepared by Andrew McCafferty Associates
- Floor plans and elevations scale 1:50 and 1:100 @A1 (drawing ref. SF23346-001)
- Title plan scale 1:2500 @ A4
- Topographical survey scale 1:200 @A1 (drawing ref. EX-01)
- Site plan and cross sections 1:150 @A2 (drawing ref. PL-01)
- Phase 1 Desk Study July 2015 prepared by Insight GEO
- Interpretative Ground Investigation Report Complete Version 2 September 2015 prepared by Insight GEO

Please contact me if you have any queries about this submission.



Yours faithfully,



Andrew McCafferty

cc A Fairbairn



Newtown St Boswells Melrose TD6 0SA

Tel. 01835 825251

Fax: 01835 825071

Email: itsystemadmin@scotborders.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid

Thank you for completing this application form:

ONLINE REFERENCE 000135497-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- Application for Planning Permission (including changes of use and surface mineral working)
- Application for Planning Permission in Principle
- Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed new dwelling house on land adjacent to Lauder Barns Farm.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use) * Yes No

Have the works already been started or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

ANDREW MCCAFFERTY
ASSOCIATES

Ref. Number:

First Name: *

ANDREW

Last Name: *

MCCAFFERTY

Telephone Number: *

01337 810440

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

andrewmccafferty@btconnect.com

You must enter a Building Name or Number, or both:*

Building Name:

Burn House

Building Number:

Address 1 (Street): *

Collesie

Address 2:

AUCHTERMUCHTY

Town/City: *

CUPAR

Country: *

Scotland

Postcode: *

KY15 7RQ

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *

Other

Other Title: *

First Name: *

Angela

Last Name: *

Fairbairn

Company/Organisation:

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

You must enter a Building Name or Number, or both:*

Building Name:

Building Number:

19

Address 1 (Street): *

Everest Road

Address 2:

Town/City: *

Earlston

Country: *

Scotland

Postcode: *

TD4 6HD

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1

Address 5:

Address 2:

Town/City/Settlement

Address 3:

Post Code

Address 4:

Please identify/describe the location of the site or sites

House plot

Northing

646698

Easting

354153

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

Exchange of emails on 31 March 2015 between Andrew McCafferty and Carlos Clarke about Local Plan policy and design matters

Title:	Mr	Other title:	
First Name:	Carlos	Last Name:	Clarke
Correspondence Reference Number:		Date (dd/mm/yyyy):	31/03/15

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

Email from Carlos Clarke 6 May 2015 to Angela Fairbairn regarding house design

Title:	Mr	Other title:	
First Name:	Carlos	Last Name:	Clarke
Correspondence Reference Number:		Date (dd/mm/yyyy):	06/05/15

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

1553.85

Please state the measurement type used.

Hectares (ha) Square Metres (sq m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

Scrub land

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
- No – proposing to make private drainage arrangements
- Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

Yes No

Note -

Please include details of SUDS arrangements on your plans.

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
- No, using a private water supply
- No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details:(Max 500 characters)

Space internally and externally for recycle bins

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal.

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that -

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: ANDREW MCCAFFERTY

On behalf of Angela Fairbairn

Date 29/10/2015

Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and County Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan
- Elevations.
- Floor plans
- Cross sections.
- Roof plan
- Master Plan/Framework Plan.
- Landscape plan
- Photographs and/or photomontages.
- Other.

Provide copies of the following documents if applicable:

- | | |
|---|--|
| A copy of an Environmental Statement * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems) * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application.

Declaration Name: ANDREW MCCAFFERTY

Declaration Date: 29/10/2015

Submission Date: 29/10/2015

Town and Country Planning (Scotland) Act 1997

**Proposed erection of a dwellinghouse
Land east of "The Cottage", Lauder Barns, Lauder TD2 6RX**

Planning Statement

October 2015



Andrew McCafferty Associates

Consultants in Planning and Architecture

Contents

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2. The proposed development	3
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4. Material considerations	5
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6. Proposed conditions.....	9

Appendices

1. Title plan showing the application site and context
2. Application forms, location plan and reserved matters approval (06/01641/REM) for the application site granted on 4 April 2007
3. Planning history context plan
4. Planning history key documents for two dwellinghouses (07/02397/OUT), land north west of Lauder Barns Farmhouse:
 - Location plan
 - Sketch layout
 - Plan showing 3 existing accesses to be closed off
 - Report to Committee (20 December 2013)
 - Decision notice 07/02397/OUT
5. Discharge licence for the application site issued by SEPA, 5 February 2015

1. The site and surroundings

- 1.1 The application site is approximately 0.122 ha in area and is broadly triangular in shape lying between "The Cottage" and a farmhouse and steading known as "Lauder Barns". The site is generally level and adjoining land to the north falls gently towards Lauder Burn.
- 1.2 The site was a former mill pond which has been in-filled and lies between two access tracks. The track running along the west of the site serves "The Cottage" and "1 Lauder Barns Cottage" across the Lauder Burn. Along the eastern boundary is a track serving Lauder Barns farm steading.
- 1.3 From evidence of historic ordnance survey sheets obtained as part of the intrusive environmental investigation that has been undertaken, the mill pond existed at 1859 and appears to have been in-filled during the 20th century.
- 1.4 The A68 lies a short distance south of the site and the proposed dwelling would utilise the existing access onto this road.
- 1.5 The context of the site is shown on the title plan included in **Appendix 1**.

2. The proposed development

- 2.1 The applicants are a local couple and wish to erect a one and a half storey house for their own occupation. The main "core" of the dwelling is L-shaped and would be sited broadly in the centre of the site. There would be two single storey elements on the south and western sides.
- 2.2 Access would be taken off a track running along the western side of the site which serves "The Cottage" and Lauder Barns Cottages on the north side of Lauder Burn.
- 2.3 The proposed external finishes are as follows:
 1. Slates to roof
 2. Painted wet dashed render to walls
 3. Facing brick base course
 4. White UPV windows and French doors
 5. Dark red composite front door
 6. White composite rear door
 7. White timber fascia
 8. Lead dormer haffits
- 2.4 An air source heat pump with underfloor heating to ground floor is proposed and radiators to first floor. A heat recovery system would be installed. The applicants' objective is to construct a house which is almost "passivhaus" standard.

3. The development plan covering the application site

SESplan, approved June 2013

- 3.1 There are no policies in this strategic development plan that are relevant to the proposal.

Consolidated Local Plan 2010 (adopted 2011)

- 3.2 **Policy D2 HOUSING IN THE COUNTRYSIDE** seeks to promote appropriate rural housing development and sets out five categories when new housing may be appropriate. Building Groups are category A (out of 5) and the policy states:

"[A] BUILDING GROUPS

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

1. The Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
2. Any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the plan period. No further development above this threshold will be permitted,
3. The cumulative impact of new development on the character of the building group and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Plan period. This will include those units under construction or nearing completion at that point."

Proposed Local Development Plan (LDP) 2013

- 3.3 The proposed Local Development Plan was submitted to Scottish Ministers for Examination on 22 October 2014.
- 3.4 Policy HD2: HOUSING IN THE COUNTRYSIDE sets out the Council's proposed policy approach and is similar to the policy of the same title in the Consolidated Local Plan. The Council remains supportive of appropriate rural housing development associated

with existing building groups where this does not adversely affect their character or that of the surrounding area.

- 3.5 The first category of countryside location where new housing may be permitted remains "HOUSING GROUPS". The three criteria in the proposed policy are the same as Policy HD2 in the Consolidated Local Plan. There is an additional paragraph within the proposed policy which states:

"In addition, where a proposal for new development is to be supported, the proposal should be of appropriate in scale, siting, design, access and materials and should be sympathetic to the character of the group."

4. Material considerations

Scottish Planning Policy, June 2014

- 4.1 National planning policy seeks to promote rural development and there are two policy principles at paragraph 75 which are relevant to this proposal. The planning system should:
- In all rural and island areas promote a pattern of development that is appropriate to the character of the particular area and the challenges that it faces;
 - Encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality;
- 4.2 Paragraph 109 of SPP encourages provision for new homes to be made to support population retention in rural areas.

Planning history of the application site and building group

- 4.3 Outline planning permission (ref. 04/02254/OUT) for a dwelling on the application site was granted in 2004. Reserved matters approval for a dwelling and detached garage (ref. 06/01641/REM) on the site was granted on 4 April 2007. **Appendix 2** contains copies of the application forms, location plan and reserved matters approval decision notice. The approval lapsed in April 2009.
- 4.4 Planning permission for erection of two dwellinghouses (07/02397/OUT) was granted on 11 November 2013 on land north west of Lauder Barns Farmhouse, Lauder. This site lies on the east side of the application site and is shown on the planning history context plan in **Appendix 3**. **Appendix 4** contains copies of the location plan, sketch layout, plan of accesses to be closed off, report to Committee (20 December 2013) and decision notice.
- 4.5 The building group identified by the Council when the consent for two dwellings was approved in October 2008 comprises:

- The Cottage
- Lauder Barns Farmhouse
- 1 Lauder Barns Cottage

4.6 Approval was given for the two dwellings adjacent to the farmhouse on the basis that the 100% threshold for increasing the group (based on there being three dwellings in the group) had not been exceeded and accepting a "commitment" of one approved but not yet built dwelling on the application site. The second paragraph of the recommendation in the report to Committee (See Appendix 4) states:

"There is an existing building group here comprising three dwellinghouses – while not previously accepted by this department, the area committee approved one house in the site alongside this on the basis that a third house located further to the north formed part of the group. This house has not yet been built, but given that the decision was made, it is considered that this establishes the authority's interpretation of the existing cluster of buildings. Since the group has so far expanded in consent terms only by one, and that preceded the adoption of the Local Plan 2008, there is no risk to the 100% threshold."

4.7 The approval in November 2013 of the application for two houses accorded with Policy D2 in the adopted 2011 Consolidated Local Plan because by 2013, Policy D2 allowed only two dwellings to be added to a building group and the consent for one house on the application site had lapsed.

4.8 To what extent have the owners of the land with planning permission in principle (ref. 07/02397/OUT) made efforts to purify conditions on this consent or applied for approval of matters specified by condition? There have been no requests by the owners of the site to purify conditions on the consent and no application made for matters specified by condition. There has been no application to renew the 2013 permission and this permission is not capable of implementation without taking further positive steps to purify conditions and/or obtain approval of matters specified by condition on consent 07/02397/OUT. This planning permission in principle is, in effect, blocking any other planning applications for a dwelling from being granted within the building group.

4.9 It is also important to note the "informative" at the end of the consent 07/02397/OUT:

"The applicant is also advised that any planning application submitted to the Planning Authority for the formation of a new farmhouse and farm steading shall be required to be supported by adequate supporting information demonstrating that the relocation is essential, not just desirable, to the future operations of the farm steading, and that the size and location of the farm requires a permanent residential presence. The applicant should ensure that the processing of any such application has been fully concluded, prior to progressing with detailed proposals for the approved dwellinghouses, including the sale of the plots, holding and the existing farmhouse."

- 4.10 There has not been any planning application made for such development. The informative states clearly that an application for a new farmhouse and steading should be submitted before detailed proposals for the two dwelling plots are progressed or the plots are sold. There is no evidence of progress in relation to relocation of the farm steading by the owners of the two plots or submission of detailed proposals for the two units even though the planning history for this proposal dates back to 2007.

Transportation considerations

- 4.11 The response by Transport Scotland dated 12 February 2015 to application 15/00094/FUL for a dwelling on the application site (subsequently withdrawn) recommended imposition of a condition to widen the access off the A68. This would be acceptable to the applicants.
- 4.12 The Roads Planning Service had no objections in principle to the proposal for a dwelling on the application site (response dated 27 February 2015 to application 15/00094/FUL).

Drainage

- 4.13 A private drainage system is proposed and a discharge licence was granted by SEPA on 5 February 2008. A copy of the discharge licence is included in Appendix 5. The applicant is willing to accept a condition as follows:

"No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition.

Reason: To ensure that the development does not have a detrimental effect on public health."

Scottish Borders Council Proposed Local Development Plan 2013

- 4.14 This proposed LDP is currently at Examination. The plan is focused on the period to 2024 which is ten years beyond the anticipated year of adoption (paragraph 2.3). Clearly, the timescale for adoption has slipped and it is anticipated that adoption will take place in late 2015/early 2016.
- 4.15 At the start of the new Local Development Plan period it is likely that the number of dwellings (i.e. in existence) in the Building Group of Lauder Barris will be the same as it was in 2007 when reserved matters approval was granted on this application site.

Ground conditions investigations

- 4.16 A full intrusive investigation of the application site has been undertaken by Insight GEO. The applicants' consultant engineer is in dialogue with the Council's contaminated land officer (Gareth Stewart) about the report's findings and a condition dealing with this issue is included in Section 6 of this statement.

5. Planning assessment

- 5.1 This application should be judged against the development plan and any material considerations.
- 5.2 The proposal does not adversely affect the character of the building group at Lauder Barns or the character of the surrounding area. Planning permission for one dwelling on the site followed by reserved matters approval were granted in 2007 in and the site was judged at that time to be part of the Lauder Barns building group. There has been no building or development in the intervening eight years and development on the application site would still be appropriate now.
- 5.3 The application site is well related to the existing group at Lauder Barns and lies in a gap between The Cottage and Lauder Barns steading. As long as the planning permission for two dwellings adjacent to the site remains extant however, this proposal on the application site is in conflict with the second (point 2) of the criteria under [A] Building Groups in Policy D2 of the 2011 adopted local plan.
- 5.4 There would not be any harmful cumulative impact on the character of the building group or on the landscape and amenity of the surrounding area by permitting this proposal.
- 5.5 The only issue in this case is the conflict with the provision in Policy D2 restricting more than two housing dwellings or a 30% increase to the group during the Plan period. The planning permission in principle for two units on the adjacent site has not progressed further since approval in 2013 and cannot be implemented without matters specified by condition approval. The consent for two units also notes that planning permission for the relocation of the farm steading must be obtained before detailed proposals for the two units are progressed or the plots sold. None of this has been done. In effect, the extant PPP is preventing provision of one dwelling for a local professional couple on the application site who have demonstrated their commitment by undertaking an intrusive ground investigations study and submitting a detailed planning application.
- 5.6 The site is brownfield and there is strong national planning policy support for use of such sites for development. The Proposed LDP is heading for adoption in the next six months or so and a new plan period will then begin. In all the circumstances and bearing in mind that planning permission was previously granted for a dwelling on this site, planning permission should be granted for the current application. The planning history is a material consideration and the application should be determined on its merits. Approval of this application would not affect the fundamental strategy or basis of the proposed LDP and the material considerations set out in this statement outweigh the minor conflict with Policy D2.

6. Proposed conditions

1. A tree/shrub planting scheme shall be submitted for the approval of the planning authority before the development commences. Once approved, the planting shall be implemented concurrently with the development or during the next planting season thereto and maintained thereafter to the satisfaction of the planning authority.
Reason: To safeguard the visual amenity of the area.
2. The means of boundary treatment, specifying the route, height, materials and colour of boundary markers, shall be submitted for the approval of the planning authority before the development commences.
Reason: To safeguard the visual amenity of the area.
3. The vehicular access into the site, and parking and turning area, shall be implemented to the satisfaction of the planning authority before the dwellinghouse is occupied and retained in perpetuity.
Reason: To ensure the site is adequately serviced and in the interests of road safety.
4. The width of the access shall be at least 5.5 metres wide for a distance of 5 metres from the nearest edge of the trunk road carriageway.
Reason: To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict.
5. The visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the planning authority. These splays are the triangles of ground bounded on 2 sides by the first 2.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimensions.
Reason: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.
6. No development shall commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition.
Reason: To ensure that the development does not have a detrimental effect on public health.
7. Unless otherwise agreed in writing and in advance by the planning authority, prior to any development commencing on site, a scheme will be submitted by the developer (at their expense) 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 BS 10175:2011 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 used (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 the 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.

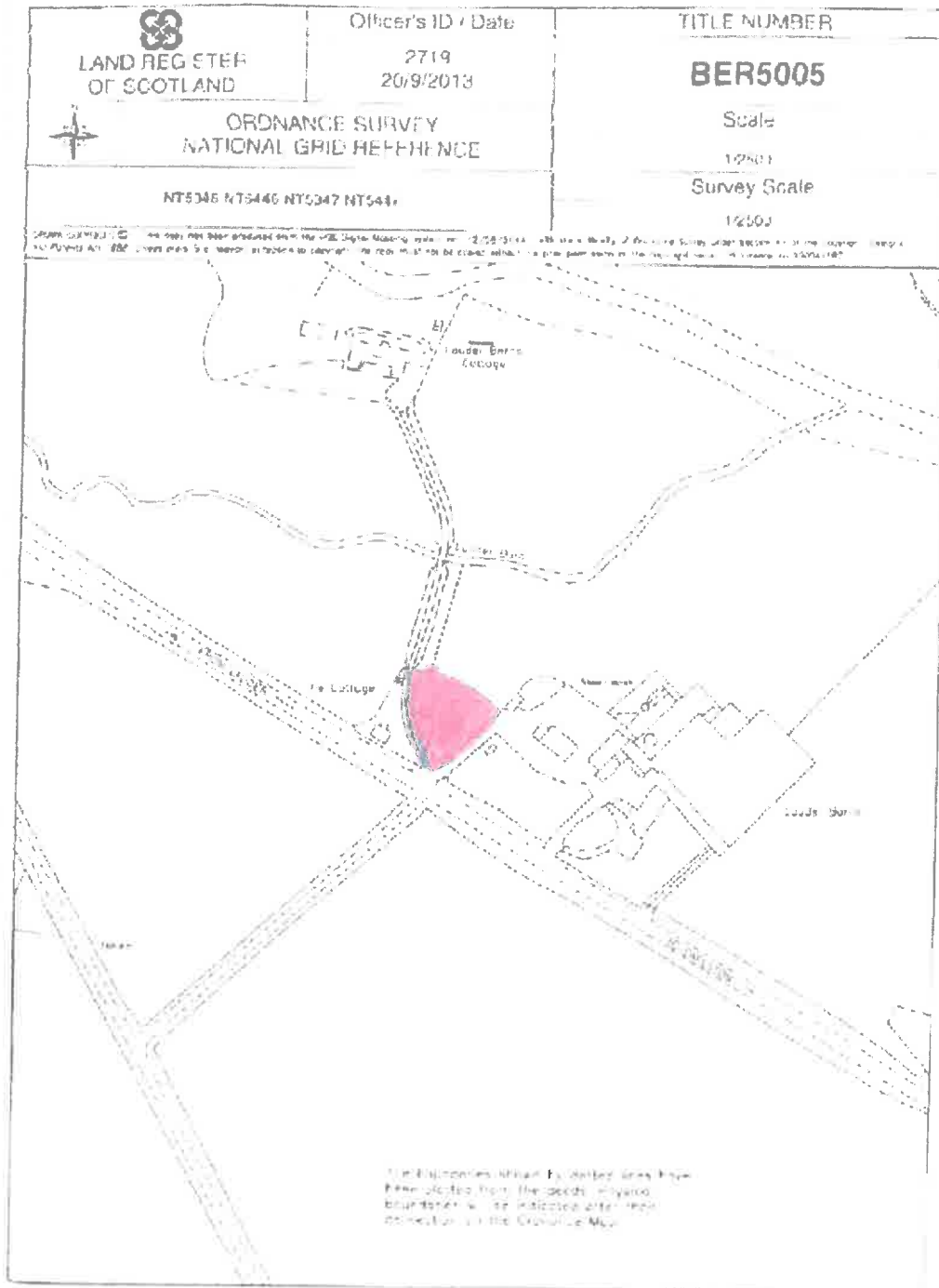
Written confirmation from the Council, that the scheme has been implemented, completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development 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.

Andrew McCafferty Associates

October 2015

Appendix 1



Appendix 2

Economic Development
& Environmental Planning
Rec'd 21 AUG 2015
Scottish Borders
COUNCIL
File U.N.C.I.L.
Comment/Complaint
Ref No.....

FOR OFFICIAL USE ONLY
Reference No: 06/01641/REM
Registration Date:
Technical Services: Yes No

Planning Application

TOWN & COUNTRY PLANNING (SCOTLAND) ACTS

Please Read the Notes for Guidance Before Completing this form
It is important that this form is completed correctly so that it can be processed

1 // WE APPLY TO THE COUNCIL FOR: Please tick relevant box

Full Planning Permission Renewal of Temporary Permission
 Outline Planning Permission Modification of a planning condition(s)
 Approval of Reserved Matters (following outline permission)

Date and reference number of previous permission (if known) 04/02/64/OUT
 Have there been any pre-application discussions? YES NO

2 **APPLICANT'S NAME** DEREK McDERMID
 (if applicable) **ADDRESS** AIDEN SPRINGFIELD TERRACE
 ET BOWBILLS
 TO2 6RP
POSTCODE
TELEPHONE [REDACTED] **FAX**

3 **AGENTS NAME** DAN-WOOD CONCEPT PLNS LTD
ADDRESS 1 WILDERHAUGH
 GALASHIELS
POSTCODE TD1 1QT
TELEPHONE 01896 752271 **FAX** 01896 756046

4 **ADDRESS OR LOCATION OF PROPOSED DEVELOPMENT**
 LAND IN FIELD NO 1569
 NORTH EAST OF THE COTTAGE
 LAUDER BARNES, LAUDER
 TO2 6RX

5 **EXISTING USE OF LAND AND/OR BUILDINGS** Please give details
 RESIDENTIAL PLOT

6 **DESCRIPTION OF PROPOSED DEVELOPMENT**
 ERECTION OF SINGLE DWELLING AND DETACHED GARAGE

7 **RESIDENTIAL DEVELOPMENT**
 Number of dwelling houses proposed 1 Site Area (hectares) 0.122

8 COMMERCIAL/INDUSTRIAL DEVELOPMENT

		Existing	Proposed
(a)	Site Area (gross)	_____ hectares	_____ hectares
(b)	Manufacturing/Production area	_____ sq m	_____ sq m
(c)	Storage Area	_____ sq m	_____ sq m
(d)	Office/Ancillary Area	_____ sq m	_____ sq m
(e)	Retail (excludes c and d)	_____ sq m	_____ sq m
(f)	Intended hours of operation	_____	_____

9 PROPOSED ACCESS ARRANGEMENTS *Please tick relevant boxes*

Do you intend to:

use an existing access improve an existing access

form a new access from a public road

10 PARKING

Number of existing parking spaces on site 0 Number of additional parking spaces 2

11 PROPOSED EXTERNAL BUILDING MATERIALS *Please give details*

Outside walls RENDER - WHITE

Roof covering CONCRETE ROOF TILES

Boundary walls (fences, walls etc) 2m & 1.2m TIMBER PELM FENCE FENCE

12 PROPOSED DRAINAGE CONNECTIONS *Please tick relevant boxes*

(a) Foul Drainage to public sewer to septic tank (watercourse/soakway)

(b) Surface Water to public sewer to watercourse/soakway

13 HAZARDOUS MATERIALS *Please tick one box*

(a) The proposals do not involve the use, storage or manufacture of hazardous materials

(b) The proposals involve the use, storage or manufacture of hazardous materials

If you are in any doubt please check with the Planning Authority

14 CHECKLIST *Please tick all boxes*

I enclose 2 additional copies of this form

I enclose 4 sets of the necessary plans and drawings

I have completed and enclose the land ownership certificate

I have completed and enclose the neighbour notification certificate

I enclose the necessary fee of £ 260.00

Your application cannot be registered until all these documents and the fee are received

DECLARATION

I HEREBY CERTIFY THAT THE INFORMATION GIVEN BY ME IN THIS FORM IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature of applicant/agent (delete as appropriate) _____
 Date 16/10/06



NEIGHBOUR NOTIFICATION CERTIFICATE

AT THE SAME TIME AS SUBMITTING YOUR PLANNING APPLICATION, YOU MUST NOTIFY YOUR NEIGHBOURS USING THE NOTICE PROVIDED.

PLEASE READ THE NOTES FOR GUIDANCE BEFORE COMPLETING THIS CERTIFICATE. IT WILL EXPLAIN WHICH NEIGHBOURS REQUIRE TO BE NOTIFIED

A I hereby certify that: Please tick the relevant box(es)

1. There are no neighbours that have to be notified.

2. The applicant has given notice to the neighbours listed below in section B, together with a plan showing the location of the proposed development.

3. The applicant could not carry out notification since there are no buildings on the neighbouring land to which the notice could be sent.

B The applicant has given notice to the following persons.

1. DOMESTIC PROPERTY

Address

1. The Owner: THE COTTAGE, LAUDER BARN5, LAUDER, TD2 6RX
The Occupier: " " " " "

2. The Owner: LAUDER BARN5 FARM, LAUDER, TD2 6RX
The Occupier: " " " " "

3. The Owner: RIVERSIDE, LAUDER BARN5 COTTAGES, LAUDER TD2 6RX
The Occupier: " " " " "

4. The Owner:
The Occupier:

5. The Owner:
The Occupier:

2. NON-DOMESTIC PROPERTY

Name

Address

1. The Owner:
The Lessee:
The Occupier:

2. The Owner:
The Lessee:
The Occupier:

3. The Owner:
The Lessee:
The Occupier:

Please continue on another sheet as necessary and attach it to the application form.

DECLARATION

I HEREBY CERTIFY THAT THE INFORMATION GIVEN BY ME IN THIS CERTIFICATE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature of applicant/agent (delete as appropriate)

[Redacted Signature]

Date

18/10/06

16

LAND OWNERSHIP CERTIFICATE

IF YOU DO NOT OWN ALL OF THE LAND OR PROPERTY TO WHICH THIS APPLICATION RELATES, YOU MUST NOTIFY ALL THE OWNERS AT THE SAME TIME AS SUBMITTING THIS FORM

PLEASE READ THE NOTES FOR GUIDANCE CAREFULLY BEFORE COMPLETING THIS CERTIFICATE.

A I hereby certify that: Please tick one box

- 1. 21 days before the date of this planning application, the applicant owned all the land to which this application relates.
- OR
- 2. The applicant has given notice to all persons who, 21 days before the date of this planning application, owned any parts of the land to which it relates. They are:

NAME OF OWNER	ADDRESS	DATE NOTIFIED
DAVID BUNNMAN & SON	EDINGTON MAINS FARM, OWNS BLENICKSHIRE TOU 3LE	18/8/06

B I further certify that: Please tick one box

- 1. 21 days before the date of this planning application, none of the land to which this application relates formed part of an agricultural holding.
- OR
- 2. The applicant has given notice of this planning application to every person who, 21 days before the date of this application, was a tenant of an agricultural holding, any part of which formed part of the land to which the application relates. These persons are:

NAME OF TENANT	ADDRESS	DATE NOTIFIED

If you do not know who owns the land or who is an agricultural tenant, contact the Development Control Service.

DECLARATION

I HEREBY CERTIFY THAT THE INFORMATION GIVEN BY ME IN THIS CERTIFICATE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature of applicant/agent (delete as appropriate) _____

Date _____ 18/8/06

IMPORTANT: Information provided on this form will be used for Development Control purposes and held in accordance with the Data Protection Act.

IMPORTANT: ANYONE WHO KNOWINGLY OR RECKLESSLY MAKES A FALSE DECLARATION IS LIABLE, ON CONVICTION, TO A FINE OF CURRENTLY UP TO £1,000

J3820 476





Planning and Economic Development

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Approval of Reserved Matters Reference: 06/01641/REM

To: Derek McDermid per Dan-Wood Concept Plus Ltd 1 Wilderhaugh Galashiels Scottish Borders TD6 0EP

With reference to your application validated on 25th August 2006 for approval under the Town and Country Planning (Scotland) Act 1997 for reserved matters relating to outline planning permission for the following development:-

Proposal: Erection of dwellinghouse and detached garage

at: Land In Field No 1569 North East Of The Cottage Lauder Barns Lauder Scottish Borders TD2 6RX

The Scottish Borders Council hereby approve the application in accordance with the approved plan(s) and the particulars given in the application, and in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 subject to the following standard condition:-

that the development to which this approval relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of five years from the date of the original outline planning permission
(ii) the expiration of two years from the date of this approval.

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

Dated 4th April 2007
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Signed [Redacted Signature]
Head of Planning & Building Standards

1
Visit <http://planning.scotborders.gov.uk/> to access or view Planning information online



*Planning and
Economic Development*

Application reference : 06/01641/REM

SCHEDULE OF CONDITIONS

- 1 A tree/shrub planting scheme shall be submitted for the approval of the planning authority before the development commences. Once approved, the planting shall be implemented concurrently with the development or during the next planting season thereto and maintained thereafter to the satisfaction of the planning authority.
Reason: To safeguard the visual amenity of the area.
- 2 The means of boundary treatment, specifying the route, height, materials, and colour of boundary markers, shall be submitted for the approval of the planning authority before the development commences.
Reason: To safeguard the visual amenity of the area.
- 3 The dwellinghouse roof shall be surfaced in natural, grey roofing slate.
Reason: To safeguard the visual amenity of the area.
- 4 The vehicular access into the site, and parking and turning area, shall be implemented to the satisfaction of the planning authority before the dwellinghouse is occupied and retained in perpetuity.
Reason: To ensure the site is adequately serviced and in the interests of road safety.
- 5 The visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the planning authority. These splays are the triangles of ground bounded on 2 sides by the first 2.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimensions.
Reason: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.

FOR THE INFORMATION OF THE APPLICANT

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.

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



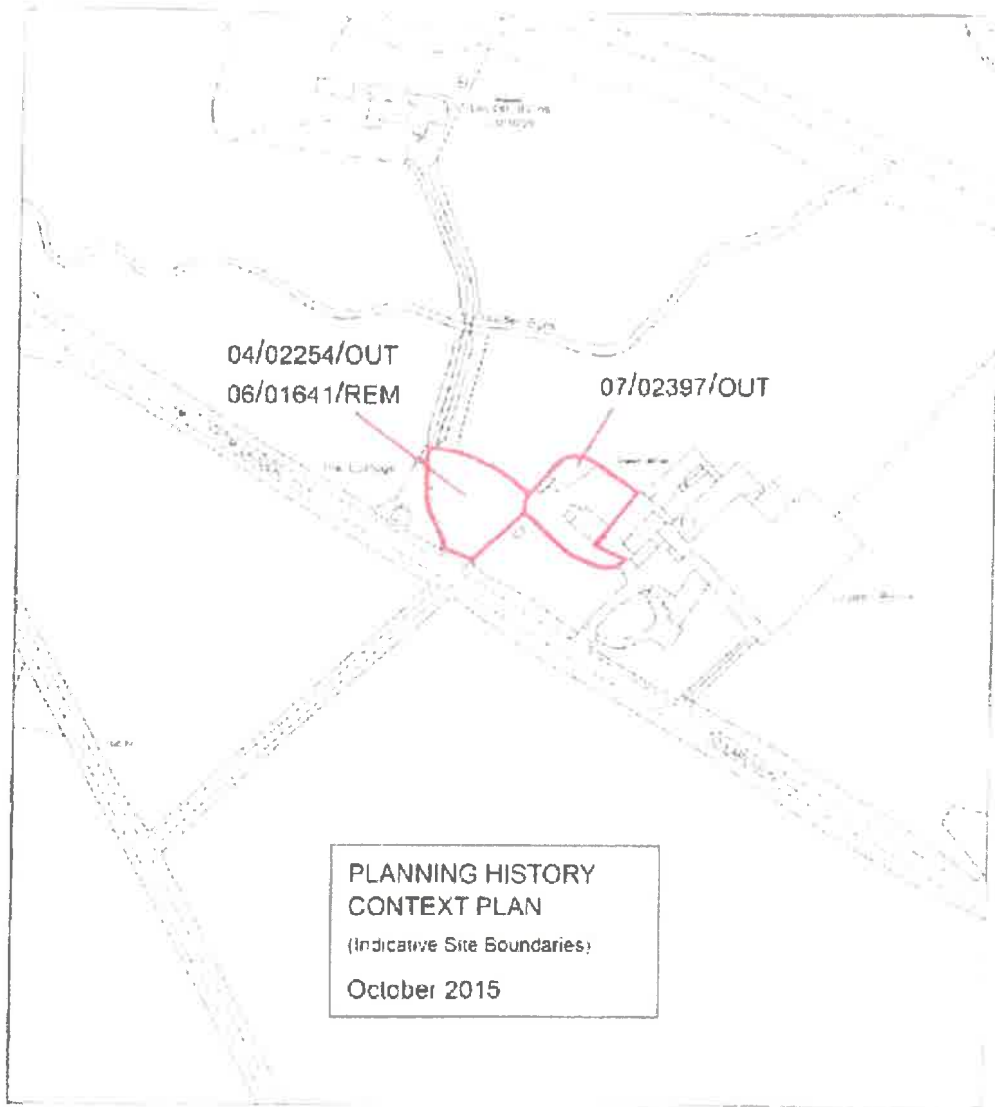
*Planning and
Economic Development*

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 the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

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 V of the Town and Country Planning (Scotland) Act, 1997

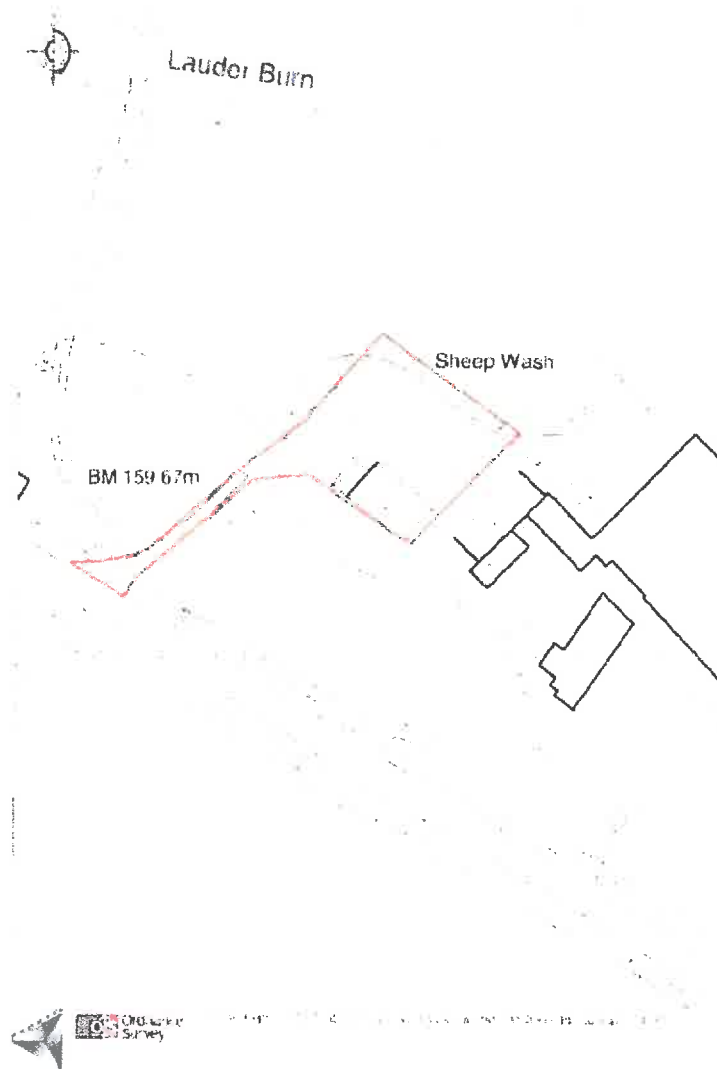
Appendix 3

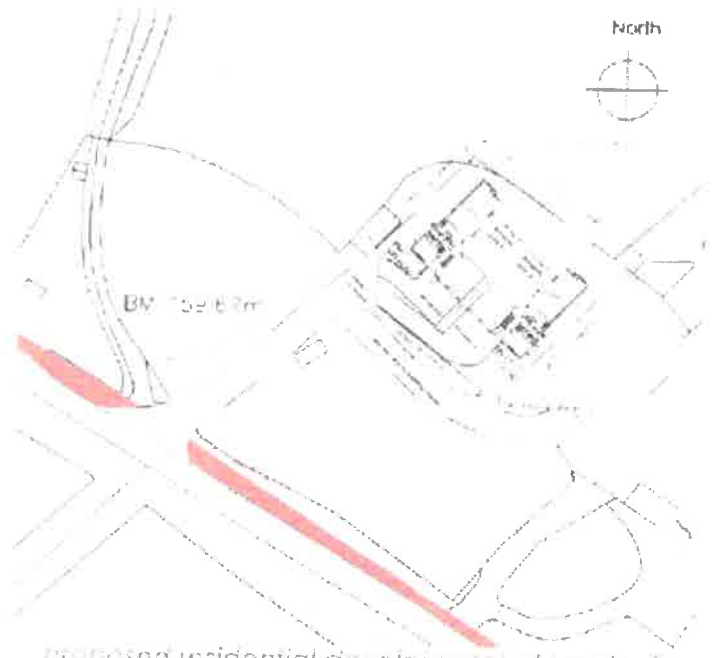


PLANNING HISTORY
CONTEXT PLAN
(Indicative Site Boundaries)
October 2015

Appendix 4

Lauder Barns





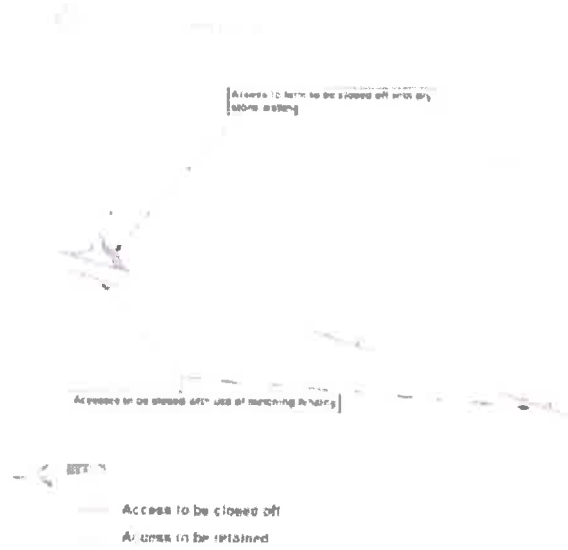
indicative proposal

sketch proposals

proposed residential development of Lauder barns
DPL 05/07/15 1:500 @ A3

keppie

27/10/15
4:27 PM



SCOTTISH BORDERS COUNCIL**APPLICATION FOR PLANNING PERMISSION TO BE DETERMINED UNDER
POWERS DELEGATED TO THE HEAD OF PLANNING AND BUILDING
STANDARDS****PART III REPORT**

REF : 07/02397/OUT

APPLICANT : John Damerell

AGENT : Callum Fraser DTZ

DEVELOPMENT : Erection of two dwellinghouses

LOCATION: Land North West Of
Lauder Barns Farmhouse
Lauder
Scottish Borders

TYPE : OUT Application

Observations by Development Control Officer - Mr Carlos Clarke

This application seeks outline consent for two dwellinghouses located in a yard alongside the applicant's farmhouse and steading, and a short distance south-east of Lauder.

There is an existing building group here comprising three dwellinghouses – while not previously accepted by this department, the area committee approved one house in the site alongside this on the basis that a third house located further to the north formed part of the group. This house has not yet been built, but given that the decision was made, it is considered that this establishes the authority's interpretation of the existing cluster of buildings. Since the group has so far expanded in consent terms only by one, and that preceded the adoption of the Local Plan 2008, there is no risk to the 100% threshold.

The site is enclosed by a wall, contains various farm buildings, and has a conifer belt on the southerly side facing the road. The more obvious choice for a site is the paddock between the site and the road. However, this proposed site is agreeable, since it is firmly located within the group and, whether conifer belt stays or not, two houses could sit comfortably. The indicative layout certainly suggests overdevelopment though, and more modest footprints would be necessary to achieve a more comfortable layout, thus the reason for the 'informative'. No neighbours have objected, and there is no likely risk to neighbouring amenity

The site is directly adjacent the existing farm steading, and would share the same access. This would be unacceptable. The applicant has already declared his intention to seek a new site for a farmhouse and steading on land to the other side of the A68 because the majority of his land is on that side, and there are dangers associated with crossing a very busy section of the A68. The existing buildings are also somewhat

beyond their functional capabilities. That all said, no indication has been sought or given that a new site would be appropriate in planning terms, and any application would have to be treated on its own merits. While there may indeed be a case for a more appropriate site to serve a more efficient farm, that will be a matter to be considered on its own terms.

In terms of access, the considerable delay in processing this application has been as a result of concerns raised by Transport Scotland regarding further traffic off a very speedy, busy section of the A68. Following lengthy correspondence, it has now been agreed that the central access is appropriate, subject to improved width and visibility splays (there appear to be no obstacles to either of these being provided, or any requirement to lose boundary trees), and the other three accesses serving the farm being closed.

A contaminated land survey is required, given the historic use, and a survey of breeding birds before existing buildings are demolished. Contributions are also required towards the Waverley Line, local schools and affordable housing.

Recommendation: Approve subject to a legal agreement addressing developer contributions, the following conditions and applicant informative;

1. Approval of 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 hereinafter called "the reserved matters" shall be obtained from the Local 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.
2. Two parking spaces shall be provided within each plot to serve each dwellinghouse, prior to the occupancy of each unit, and in accordance with a layout and specification to be submitted for the approval of the Planning Authority with the applications for approval of Reserved Matters
Reason: To ensure the development is adequately serviced by off-street parking in the interests of road safety
3. The means of water supply, foul drainage and surface water drainage shall be agreed with the Planning Authority before the development is commenced
Reason: To ensure the development is adequately serviced
4. The visibility splays shall be provided and maintained on each side of the new access to the specification of the Planning Authority prior to any works commencing on site. These splays are the triangles of ground bounded on 2 sides by the first 2.4 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure driver visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 10.05 metres anywhere along the y dimension
Reason: To minimise interference with the safety and free flow of the traffic on the trunk road and ensure that drivers of vehicles leaving the site are enabled to

size and location of the farm requires a permanent residential presence. The applicant should ensure that the processing of any such application has been fully concluded, prior to progressing with detailed proposals for the approved dwellinghouses, including the sale of the plots, holding and the existing farmhouse.

Mr Carlos Clarke
Principal Planning Officer

Recommended On: 26.09.08



*Planning and
Economic Development*

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1987
**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2006**

Application for Planning Permission Reference : **07/02397/OUT**

**To : John Damerell per Callum Fraser DTZ One Edinburgh Quay 133 Fountainbridge
Edinburgh EH3 9QG**

With reference to your application validated on **13th December 2007** for planning permission under the Town and Country Planning (Scotland) Act 1987 for the following development :-

Proposal : Erection of two dwellinghouses

at : Land North West Of Lauder Barns Farmhouse Lauder 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 1987

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

Dated 11th November 2013
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA



Signed

.....
Head of Planning and Regulatory Services

Visit <http://replanning.scotborders.gov.uk/publicaccess/> to view Planning information online



*Planning and
Economic Development*

APPLICATION REFERENCE : 07/02397/OUT

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
1	Location Plan	Approved
2 (ACCESSES)	Other	Approved
3 (VISIBILITY SPLAY)	Other	Approved

REASON FOR DECISION

This application was determined on 1st October 2008. Consent is now issued following conclusion of a legal agreement addressing developer contributions.

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, parking provision and the landscaping of the site, including proposed building and ground levels relative to the existing and any means of boundary retention or treatment, 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. 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.
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. 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.
4. 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.
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.



*Planning and
Economic Development*

5. Two parking spaces shall be provided within each plot to serve each dwellinghouse, prior to the occupancy of each unit, and in accordance with a layout and specification to be submitted for the approval of the Planning Authority with the applications for approval of Condition 1.
Reason: To ensure the development is adequately serviced by off-street parking in the interests of road safety.
6. The means of water supply, foul drainage and surface water drainage shall be agreed with the Planning Authority before the development is commenced.
Reason: To ensure the development is adequately serviced.
7. The visibility splays shall be provided and maintained on each side of the new access to the specification of the Planning Authority prior to any works commencing on site. These splays are the triangles of ground bounded on 2 sides by the first 2.4 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure driver visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.25 metres and 10.05 metres anywhere along the y dimension.
Reason: To minimise interference with the safety and free flow of the traffic on the trunk road and ensure that drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the trunk road carriageway and join the traffic stream safely.
8. The improved access to the site shall be formed and the existing access closed off before any works commence on site as illustrated on the approved plan stamp-dated 4th September 2008.
Reason: To ensure that the use of the existing accesses are discontinued and the safety of traffic on the trunk road is improved.
9. The improved access shall join the trunk road at an improved junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TA 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with layout 3 (the layout will be similar to layout 8). The upgraded junction shall be constructed in accordance with details that shall be submitted to and approved by the Planning Authority, after consultation with the Roads Authority, before any part of the development is commenced. The throat width shall be 5.5 metres for the first 15 metres from the edge of the Trunk Road.
Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.
10. The existing farming activities shall cease from the adjoining steading, and all redundant buildings on the site shall be removed, before the occupancy of the first dwellinghouse.
Reason: To avoid conflict with the operations of a working farm.
11. A survey of all buildings to be demolished shall be submitted for the approval of the Planning Authority before the development commences and which shall identify all breeding birds within the site and a scheme of protection. The development shall proceed in accordance with the agreed scheme of protection.
Reason: To ensure that breeding bird habitats are appropriately safeguarded.
12. Details of a survey and investigation of the ground conditions of the site, sufficient to identify the nature and extent of any contamination, together with a schedule of the



*Planning and
Economic Development*

methods by which it is proposed to neutralise, seal or remove the contamination substances, shall be submitted to and approved in writing by the planning authority and shall be carried out before any works in connection with this permission are begun Reason To ensure that the site is made safe before works commence

FOR THE INFORMATION OF THE APPLICANT

It should be noted that

The applicant is advised that the indicative proposals submitted in support of this application do not form part of this consent. The layout of the site suggests that the proposals would amount to overdevelopment. Any detailed scheme would likely require adjustment to ensure that the scale of the dwellinghouses is appropriate to the size of the plot, to each other and the surrounding context.

The applicant is also advised that any planning application submitted to the Planning Authority for the formation of a new farmhouse and farm steading shall be required to be supported by adequate supporting information demonstrating that the relocation is essential, not just desirable, to the future operations of the farm steading, and that the size and location of the farm requires a permanent residential presence. The applicant should ensure that the processing of any such application has been fully concluded, prior to progressing with detailed proposals for the approved dwellinghouses, including the sale of the plots, holding and the existing farmhouse.

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.

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 G52 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, Business Road, Grangemouth, FK2 9XH
 THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7ED
 Susiephone System - 0800 800 333

If you are in a Coal Authority Area (Carlisle or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Litchfield 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



*Planning and
Economic Development*

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

Appendix 5

Our Ref: CAR/R/1024012
Your Ref:

The Occupier
New Plot
Lauder Barns
Lauder
TD2 6RX

5 February 2008

**WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND) REGULATIONS 2005
("THE 2005 REGULATIONS")
NOTIFICATION OF REGISTRATION: DISCHARGE (SEWAGE)
Registration Reference: CAR/R/1024012**

Further to your application received on 18 January 2008 for authorisation under regulation 9 of the 2005 Regulations, the Scottish Environment Protection Agency ("SEPA") hereby notifies you that it has granted your application and has authorised the carrying on of the controlled activity specified below at the site specified below ("the Authorised Activity"), subject to the conditions specified below, from the date specified below, by registering the following particulars in the register maintained by it under regulation 33 of the 2005 Regulations.

Site Details

Site	New Plot
Address or Location	Lauder Barns Lauder
Postcode	TD2 6RX

Authorised Activity

The discharge of sewage effluent from a treatment system serving the above property to the Lauder Burn via 25m² partial soakaway at national grid reference NT 5416 4648

Conditions of authorisation

- 1 The discharge of sewage effluent shall be from a population equivalent not exceeding 7.
- 2 Prior to discharge, the effluent shall be treated by septic tank.
- 3 Other than as specifically permitted or limited by any condition of this authorisation, the controlled activity authorised shall not have a significant adverse impact on or cause pollution of the water environment.

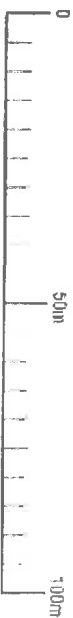
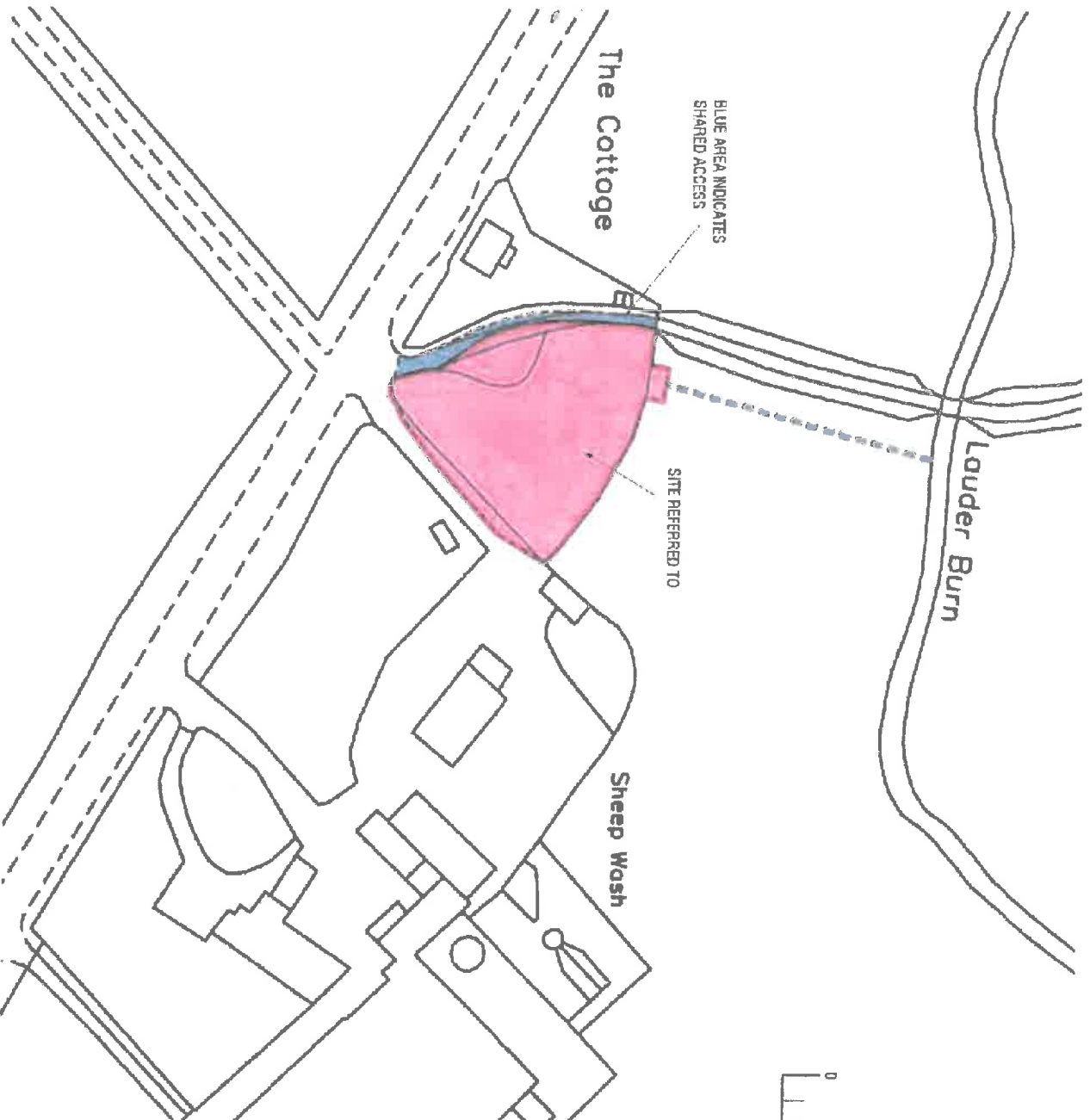
4. The treatment system specified in Condition 2 above shall be operated and maintained in accordance with the manufacturer's or designer's recommendations, and in any event, shall be maintained in good working order.

Date of Authorisation

5 February 2008

Should you have any queries regarding this authorisation, please contact the Registry Department at the Edinburgh office on 0131 449 7296.

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L. ARMSTRONG & A. THOMSON
PROPOSED NEW HOUSE ON LAND ADJACENT TO:
LAUDER BARNS FARM
LAUDER, TD2 6RX

01896 829 084
01896 757 622
07976 721 222
office@amcgill.co.uk
www.amcgill.co.uk

LOCATION PLAN

WARRANT -

WARRANT LODGED -

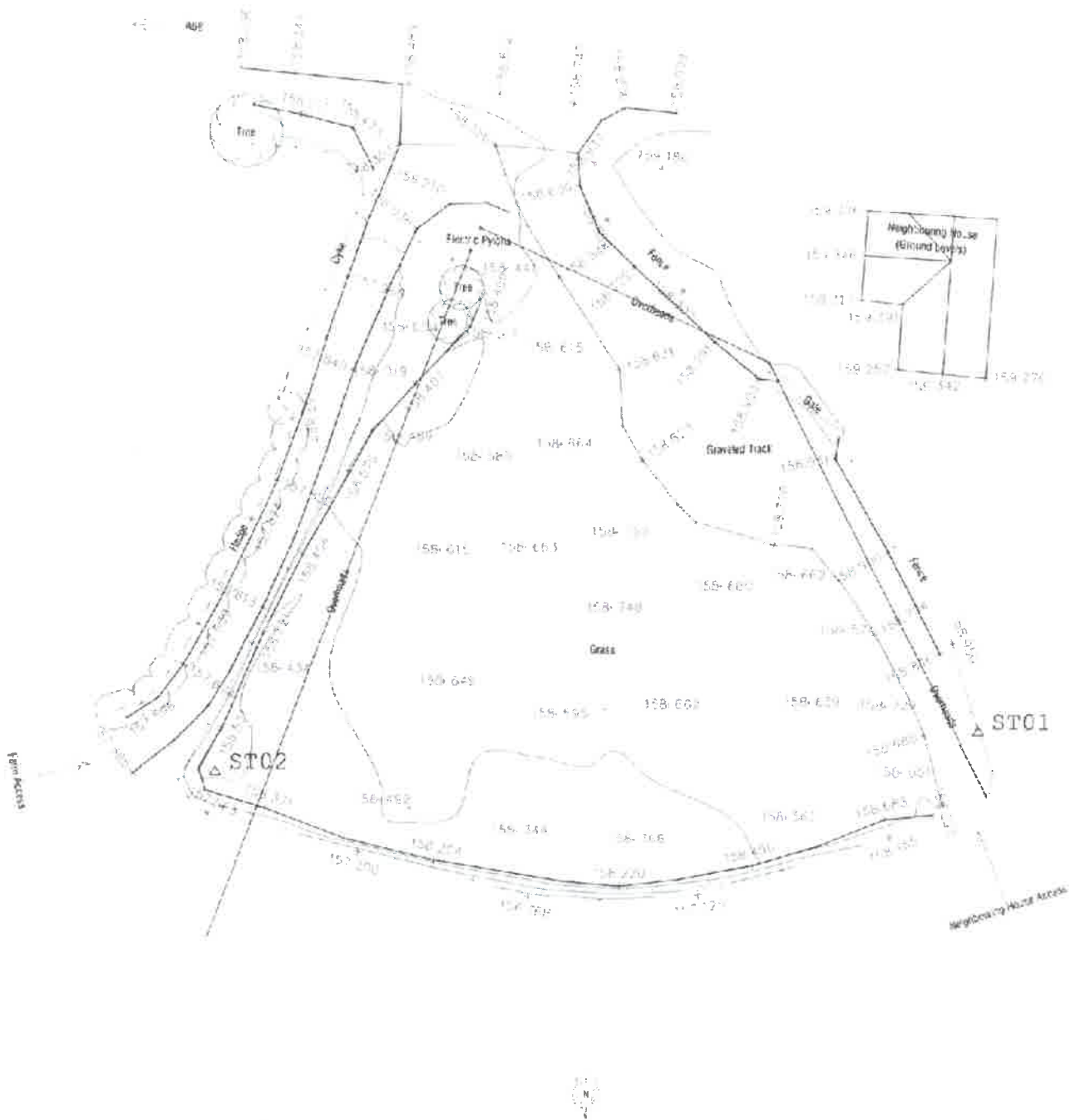
SCALE - 1:1250 @ A4

PLANNING -

PLANNING LODGED -

DWG No. **LOC-01**

DATE DRAWN / REVISED - **29.01.15**



EXISTING TOPOGRAPHICAL SURVEY
5 JUL 11

Alan McGill
Architectural Design Services
01896 829 084
01896 757 622
07976 721 222
office@armcgill.co.uk
www.armcgill.co.uk


Geartyr House
Kettle Dale
Gairloch
Scottish Borders
TD1 3EY

L. ARMSTRONG & A. THOMSON
PLANNING CONSULTANTS
LAUDER BARN FARM
LAUDER, TD
EXISTING TOPOGRAPHICAL SURVEY
DRAWN BY: J. ARMSTRONG
CHECKED BY: A. THOMSON
SCALE: 1:200 @ A1
DATE: 29.01.15

Ian Aikman
Chief Planning Officer

Angela Fairbairn
per Andrew McCafferty Associates
Burn House
Collessie
Auchtermuchty
Cupar

Please ask for: Jon Bowie
☎ 01835 825583
Our Ref: 15/01323/FUL
Your Ref:
E-Mail: jbowie@scotborders.gov.uk
Date: 3rd November 2015

Dear Sir/Madam

DEVELOPMENT CONTRIBUTIONS

PLANNING APPLICATION AT: Land North East Of The Cottage Lauder Barns Lauder
Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse

I refer to the Planning Application for the above site registered on 30th October 2015. Please be advised that, in terms of current Planning Policy, it would provisionally appear that the following Development Contributions are required in respect of your planning application:

- Education and Lifelong Learning
- Waverley Line Re-instatement

This requirement currently totals £16,195, though the amount to be settled may change over time as some contributions are indexed annually with effect from 1 April.

Applicants for developments exceeding 16 residential units will be required to provide a proportion of them as Affordable Housing and in compliance with Scottish Borders Council Policy.

Please note that this comprises a provisional indication of contribution requirement. Additional service provision, such as Play Facility or Access, may also be sought, these being identified in the course of processing the application. The necessity for and level of contributions required may change pending clarification via a formal consultation response and/or in the course of application determination.

A Legal Agreement to govern the terms of contribution settlement will therefore need to be concluded. It is desirable that the Applicant enters into a Processing Agreement with the Council to regulate the actions required to ensure its completion within agreed time-frames. Please find enclosed relevant Guidance Notes which will either answer any queries you may have, or will direct you to additional information sources for your assistance.

It is necessary that you contact me to discuss the drafting of the associated Legal and Processing Agreements at your earliest convenience.

To view Planning Application information on-line visit:
http://eplanning.scotborders.gov.uk/online_applications/

To view other Planning information visit: www.scotborders.gov.uk

Yours sincerely

Jon Bowie MA (Hons), MRICS
Development Negotiator

Council Headquarters, Newtown St Boswells, MELROSE, Scottish Borders, TD6 0SA
Customer Services: 0300 100 1800 www.scotborders.gov.uk

Ian Aikman
Chief Planning Officer

Angela Fairbairn
per Andrew McCafferty Associates
Burn House
Collessie
Auchtermuchty
Cupar

Please ask for: Jon Bowie
☎ 01835 825583

Our Ref: 15/01323/FUL

Your Ref:

E-Mail: jbowie@scotborders.gov.uk

Date: 1st December 2015

Dear Sir/Madam

DEVELOPMENT CONTRIBUTIONS

PROPOSED APPLICATION AT: Land North East Of The Cottage Lauder Barns Lauder
Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse

I refer to the Development Contributions required in respect of the Planning Application for the above site and note that, to date, you have not responded to my previous letter on this matter.

Please be advised that, in terms of current Planning Policy, it would appear Development Contributions are required in respect of:

- Affordable Housing Commuted Sum
- Education and Lifelong Learning
- Waverley Line Re-instatement
- Central Borders Road Traffic Infrastructure
- Peebles Bridge Study and Traffic Management

This requirement currently totals £ though the amount to be settled may change over time as some contributions are indexed annually with effect from 1 April.

Applicants for developments exceeding 16 residential units are required to provide a proportion of them as Affordable Housing and in accordance with Scottish Borders Council Policy.

Play Facility or Access contributions may also be necessary. Any such requirement will be identified in the course of processing the planning application.

It is necessary that you contact me within seven days of receipt of this letter to resolve the drafting of a Legal and Processing Agreement.

Applications which do not satisfy Council policies will be recommended for refusal.

To view Planning Application information on-line visit:
<http://eplanning.scotborders.gov.uk/online-applications/>

To view other Planning information visit: www.scotborders.gov.uk

Yours sincerely

JON BOWIE

Jon Bowie MA (Hons), MRICS
Development Negotiator

Development Contributions

Introduction

This note provides brief guidance on Development Contributions which Scottish Borders Council (SBC) may require Planning Applicants to agree to settle in respect of their development proposals.

More detailed information can be found in [Guidance Notes](#) on the Council website, hard copy supplied upon request, and applicants are encouraged to access and familiarise themselves with them accordingly.

Before submitting any Application for Planning Permission you should check whether it complies with all relevant planning policies and guidance. A development proposal that does not satisfy Planning Policy and guidance will not be supported just because a Development Contribution is agreed to be settled.

The need for Development Contributions

Development Contributions help the Council to provide proper, and necessary, infrastructure, services and facilities. They can allow developments to proceed that might otherwise have to be refused Planning Permission were there insufficient existing infrastructure, service and facility capacity to support the development proposal.

Where there is no identified infrastructure, service or facility expansion requirement, Development Contributions will not be sought.

Examples of infrastructures, services and facilities for which contributions may be required include, but are not restricted to, Affordable Housing, Waverley Line Project, school extension or new provision, transport projects, access provision, play facility enhancement and open space.

SBC Development Contribution policy reflects Scottish Government (SG) policy. The main document setting out SG policy on this matter is [Planning Circular 3-2012 - Planning Obligations and Good Neighbour Agreements](#).

More details on SBC Development Contribution policy, including current Waverley Line and School contribution rates, are published in [Supplementary Planning Guidance](#).

Complying with Development Contribution Policy

Where a Planning Application is identified to generate a requirement for Development Contributions a Legal Agreement shall need to be concluded between the Applicant, Landowner if different, the Council and any other party with an interest. The Legal Agreement will set out what contributions shall be paid and when. It will also specify for what purpose the Council can spend the contributions and within what timeframes. The consequences of not conforming with the associated obligations for parties to the Legal Agreement will also be detailed.

Planning Permission will not be released by the Authority until the Legal Agreement process is completed. Where a necessary Legal Agreement is not concluded within 3 months of the commencement of negotiations, the Planning Authority will review its decision.

The Council offers applicants two Legal Agreement options to settle Development Contributions - Section 69 (s69) and Section 75 (s75) Legal Agreements. Links to more information on the differences between, and implications of, these Legal Agreement types are detailed below. **All potential Planning Applicants are strongly encouraged to read and consider these Guidance Notes accordingly.**

Essentially, s69s are quicker and cheaper to conclude than s75s and do not attract SBC Legal Fees or Recording Dues. However, the Applicant is required to make full settlement of identified contributions prior to the release of Planning Permission and the commencement of the proposed development.

S75s allow contribution settlement to be deferred to a mutually agreeable point in the future e.g. upon completion, occupation, habitation or sale of houses. The contributions can therefore be settled once cash-flow is realised from the proposed project or borrowing capacity achieved. However, these are more complex legal documents than s69s, need to be registered as a burden against title, and consequently attract SBC Legal Fees (£315 - £525) and Recording Dues (£60). They also take longer to complete than s69s therefore potentially impacting on the time taken to release Planning Permission, this authorising the development to start.

As a result, SBC encourages the drafting of Legal Agreements prior to the Application's determination and Applicants are asked to enter into an associated Processing Agreement. Although not legally binding, these will set out the dates by

which key actions necessary to conclude the Legal Agreement process will be undertaken by the respective parties to it. Where appropriate, these target dates can, by mutual agreement, be amended.

SBC only seeks settlement of Legal Fees where the associated Planning Application is approved.

Information Resources

Scottish Borders Council's Website provides a wide range of information to assist your decision making should you consider applying for Planning Permission for a development proposal.

Internet

Information on the Website is available free of charge.

http://www.scotborders.gov.uk/info/16/1/planning-and_building_standards

More detailed information on SBC Development Contribution policy, Legal Agreements and Affordable Housing policy can be obtained from the SBC Website.

http://www.scotborders.gov.uk/directory/13/supplementary_planning_guidance/category:28

Planning Briefs provide information on SBC's guidelines and requirements, including Developer Contributions, of a particular key site or collection of sites.

http://www.scotborders.gov.uk/directory/15/planning_briefs/category:30

If you do not have access to a computer at home, internet accessible computers are available to use free of charge in all SBC libraries. Booking of this service is advisable. Contact Library Headquarters for more information. Tel: 01750 726400.

Hard copies of the Structure Plan, Local Plan and Supplementary Planning Guidance notes may be obtained from:

Planning and Regulatory Services

Council Headquarters

Newtown St Boswells

Melrose

TD6 0SA

Tel: 0300 100 1800

Email: localplan@scotborders.gov.uk

There will normally be a charge for these documents.

Hard copies of these documents are available for inspection at SBC libraries as well as Council HQ – contact Library Headquarters for more information.

Transport Scotland

Trunk Road and Bus Operations (TRBO)
Network Operations - Development Management



Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Scottish Borders Council	Council Reference:-	15/01323/FUL
	TS TRBO Reference:	SE/106/2015

Application made by Angela Fairbairn per Andrew McCafferty Associates. Burn House .Collessie,Auchtermuchty,Cupar,KY15 7RQ and received by Transport Scotland on 04 November 2015 for planning permission for erection of dwellinghouse located at Land north east of The Cottage, Lauder Barns, Lauder affecting the A68 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Route Manager (A68) 0141 272 7100 Network South, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Operating Company:-

SOUTH EAST

Address:-

6a Dryden Road, Bilston Glen Industrial Estate, Loanhead, Edinburgh, EH20 9LZ

Telephone Number:-

0800 0420188

e-mail address:-

OCCR.SESCOTLAND@amey.co.uk

CONDITIONS to be attached to any permission the council may give:-

1	The width of the access shall be at least 5.5 metres wide for a distance of 5 metres from the nearest edge of the trunk road carriageway
---	--

REASON(S) for Conditions (numbered as above):-

1	To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict
---	---

ADVISORY NOTES (to be passed to applicant):-

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

Transport Scotland Response Date:- 13-Nov-2015
Transport Scotland Contact:- Fred Abercrombie
Transport Scotland Contact Details:-
Trunk Road and Bus Operations, Network Operations - Development Management
Buchanan House, 58 Port Dundas Road, Glasgow. G4 0HF
Telephone Number: 0141 272 7382
e-mail: development_management@transportscotland.gsi.gov.uk

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Trunk Road and Bus Operations, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

Any noise emitted by plant used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation) The noise emanating from any plant used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason To protect the residential amenity of nearby properties.

The Unit shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason To protect the residential amenity of nearby properties.

Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) 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

REGULATORY SERVICES



To: **Development Management Service**
FAO S.HERKES

Date: **4/12/15**

From: **Roads Planning Service**
Contact: **John Frater**

Ext: **5137**

Ref: **15/01323/FUL**

Subject: ERECTION OF DWELLINGHOUSE
LAUDER BARNs - LAUDER

I concur with the views of Transport Scotland regarding the junction onto the A68. Within the site there is ample provision for parking and turning.

No roads objections.

JAF

Production 4

Refusal Notice

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 15/01323/FUL

**To: Angela Fairbairn per Andrew McCafferty Associates Burn House Collessie Auchtermuchty
Cupar KY15 7RQ**

With reference to your application validated on **30th October 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal: Erection of dwellinghouse

a : Land North East Of The Cottage Lauder Barns Lauder Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule.**

**Dated 12th January 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE: 15/01323/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
A4	Location Plan	Refused
LOC-01	Location Plan	Refused
PL-01	Site Plan	Refused
	Elevations	Refused
EX-01	Other	Refused

REASON FOR REFUSAL

- 1 Notwithstanding that the site is well-related to the existing building group at Lauder Barns, and taking account of a live outline planning consent (07/02397/OUT) for two dwellings within the same building group, the proposal is contrary in principle to Adopted Local Plan Policy D2 in that approval would increase the number of new dwellings capable of being developed within the current Local Plan period in association with the existing building group at Lauder Barns, above two, which is the maximum number of additional dwellings that are explicitly allowed by Policy D2 in relation to a building group of three existing dwellings. Furthermore, there is no operational need for a new dwellinghouse to be located at the site to serve any agricultural business, or other business with a justifiable requirement for a full-time worker to be accommodated on-site, on a permanent basis; and there are no other considerations material to this planning decision that outweigh the need to determine this application in strict accordance with planning policy.
- 2 The design and layout of the proposal are contrary to Adopted Local Plan Policies D2 and G1, and the advice of the approved 'Place-Making and Design' Supplementary Planning Guidance Note, in that these are unsympathetic to the prevailing sense of place within, and setting of, the building group at Lauder Barns and to the character and appearance of the surrounding landscape. This is because the elevation facing the access road (the South Elevation) would not have the appearance, or setting, of a principal elevation, but instead, would have a notably secondary, even 'rear elevation', character. The visual impact of this would be further exaggerated by the erection of a 1.8m high boundary fence along the boundary with the access road, which would convey a very strong visual impression of the land to the south of the dwellinghouse being a rear garden area when this would more sympathetically be a front garden area.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

INFORMATIVE NOTE 1:

Notwithstanding that the site is considered to be both well-related to the residential building group at Lauder Barns and to be capable of accommodating an appropriate addition to that same building group, the latter is only capable of augmentation by up to two dwellings within the current statutory development plan period. Since there is currently a live but unimplemented planning permission (07/02397/OUT) for two new dwellings on another site within the same building group that is not due to expire until 11 November 2016, there is currently no capacity in principle for the building group to be expanded by any additional dwelling, until, or unless, one or other of the following scenarios occurs:

- (i) Construction is commenced on at least one of the dwellings within the development consented by Planning Consent 07/02397/OUT AND the new statutory development plan period is commenced with the adoption of the Scottish Borders Council Local Development Plan; or
- (ii) Planning Consent 07/02397/OUT expires unimplemented on 11 November 2016.

However, and as noted in the Report of Handling informing this planning decision, any future planning application for the proposal that was the subject of Planning Application 15/01323/FUL, would still require to be assessed on its own planning merits at the time of this application's submission, and no matters can be pre-judged in advance of the determination of any such future planning application, including whether or not there would be support for the principle of such a proposal. (For the avoidance of doubt, and due to the potential for other variables, there is in fact no certainty, let alone any inevitability, that the principle of the current proposal would be capable of support at some point later in 2016).

INFORMATIVE NOTE 2:

The dwellinghouse described by the current Proposal Drawings, is not orientated sympathetically to the existing building group, in that what appears to be its principal elevation would face away from the access road, to the north, and towards open countryside.

In the event of a new planning application being made for this proposal, the South Elevation of the dwellinghouse would more appropriately be given the character of a principal elevation, primarily by removing the proposed conservatory to another elevation, and by including a front door, ideally within a front porch on the South Elevation. In this way, an acceptable relationship to the building group should be established, and there would be some potential for the development to contribute positively towards the sense of place of the existing building group, which is ultimately one centred around the farmyard at Lauder Barns. This relationship should be inherent and appropriately reflected within the design and orientation of the dwellinghouse.

It is additionally considered that the overall design of the dwellinghouse would benefit from a deeper gable, and the roof pitch being dropped to 45 degrees to ensure a more comfortably traditional appearance.

Further, the southern boundary of the property should have a more open 'front garden' character, with a low fence or hedge in proximity to the access, in the manner of a farm cottage garden, rather than a 1.8m high timber fence along the boundary. The latter is considered to contribute to an incongruous urban or suburban appearance in this rural locality. Any more private 'rear garden area' would be more appropriately accommodated to the north of the dwellinghouse with no overly high boundary feature being erected to the front (south).

INFORMATIVE NOTE 3:

Notwithstanding that any works required to the junction with the A68 and out with the verge of the same, if required at all, would be both minimal and in the wider interests of all users of the same access, it is not clear whether or not, or to what extent, the Applicant would have any legal right to carry out such works.

For her own reassurance, and in advance of making a new planning application for this proposal, the Applicant is strongly advised to establish whether or not there would be any legal obstacle to her carrying out the works that Transport Scotland had identified.

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.

Production 5

Phase 1 Intrusive Environmental Study

Report Control Sheet

Report Title: **Interpretative Ground Investigation Report**

Project Name: **Plot 2 Lauder Barns, Lauder**

Project Reference: **P14154**

Engineer:

Client: **Angela Fairbairn**

Report Status: **Complete Version 2**

Issue Date: **September 2015**

This report has been authorised for issue on behalf of Insight GEO Limited by:



Judith B Dickinson BSc MSc DIC FGS

Technical Director

T: 01786 824414

E: access@insightgeo.co.uk

W: www.insightgeo.co.uk

Office Address: Insight GEO Limited Unit 1 RFL House Anderson Street Dunblane FK15 9AJ

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2	The Site	1
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5	Proposed Development	5
6	Published Geology	5
7	Ground Model	5
8	Geotechnical Assessment	7
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Appendices

- A Site Location Plan
- B Exploratory Hole Location Plan
- C Borehole Records
- D Trial Pit Records
- E Trial Pit Photographs
- F Post Fieldwork Monitoring
- G Geoenvironmental Laboratory Test Results and Analysis
- H Proposed Development
- I Revised Conceptual Model

1 Introduction

Insight GEO Limited were commissioned by the Client, Angela Fairbairn, to undertake a Phase 1 Desk Study Report for Plot 2 Lauder Barns, Lauder; it is proposed the site is redeveloped for residential use.

Initially a Phase 1 Desk Study Report for the site was completed; the potential environmental risks associated with the proposed redevelopment of the site were generally considered to be medium, but medium to high for potentially contaminated groundwater. The Phase 1 Desk Study concluded that further geoenvironmental investigation of the site was required prior to development.

The objectives of this subsequent Phase 2 investigation were to establish the ground conditions present at shallow depth beneath the site; provide geotechnical data for use in foundation design and undertake an assessment of the potential for contamination in advance of detailed development design. The combined geotechnical and geoenvironmental investigation scope included fieldwork, geoenvironmental laboratory testing, post fieldwork gas and groundwater monitoring and preparation of an Interpretative Ground Investigation Report. The Phase 1 Desk Study is presented as a separate volumes, which should be read in conjunction with this Interpretative Report.

References applicable to this Project and general Advisory Notes are included following the report text.

2 The Site

The site is located on the A68 approximately 3km south east of Lauder in the Scottish Borders. The site comprises an approximately triangular area of around 0.13 hectares, is relatively level and the boundaries are well defined by roads to the west & south as well as dry-stone retaining walls to the north & east of the site. The site is currently undeveloped but is understood to have been previously used as a mill pond. A Site Location Plan is included as Appendix A.

Postal Address:

Plot 2 Lauder Barns

Lauder

TD2 6RX

National Grid Reference: NS 354 646

Site Identifier Details Table

3 Fieldwork

3.1 Context

The agreed scope of work comprised three cable percussion boreholes and seven machine excavated trial pits, with associated sampling and in situ testing.

The procedures followed in this site investigation are based on BS 5930:1999 + Amendment 2:2010 - Code of Practice for Site Investigations. The fieldwork was supervised on site by an Engineering Geologist from Insight GEO Limited. All exploratory hole locations were CAT scanned for the presence of buried services and service inspection pits hand excavated at the borehole locations.

The locations of the exploratory holes were set out by Insight GEO Limited. The positions were measured from known features and are shown on the Exploratory Hole Location Plan, presented in Appendix B.

Fieldwork was undertaken between 21st and 23rd January 2015. A summary of the exploratory holes completed has been tabulated below:

Exploratory Hole		Depth	Further Detail
Type	Reference	(mbgl)	
Machine Excavated Trial Pit	TP1	2.80	
	TP2	2.80	
	TP3	2.80	
	TP4	2.30	
	TP5	2.80	
	TP6	1.80	
	TP7	2.80	
Cable Percussion Borehole	BH1	3.50	
	BH2	4.20	Standpipe installed.
	BH3	3.00	Standpipe installed.

Fieldwork Summary Table

3.2 Cable Percussion Boreholes

Three 150mm diameter boreholes were sunk to depths of between 3.00m (BH3) and 4.20m (BH2). Representative samples were obtained at regular intervals for description; in situ

Standard Penetration Tests were also performed. On encountering groundwater boring operations were suspended and any rise in level was monitored for 20 minutes. Samples were retrieved for description and laboratory test scheduling. Two boreholes were installed with monitoring standpipes on completion and BH1 was backfilled with arisings.

Engineers Borehole Records are included as Appendix C.

3.1 Trial Pits

Seven trial pits were excavated to depths of between 1.80m and 2.80m using a mechanical excavator on 23rd January 2015. The profiles of strata or other features were recorded as excavation proceeded. Representative environmental and disturbed samples were taken where appropriate for laboratory testing and description. The trial pits were backfilled upon completion.

The Trial Pit Records are presented in Appendix D and Trial Pit Photographs are included as Appendix E.

3.2 Post Fieldwork Monitoring

Post fieldwork monitoring of the gas and groundwater levels in the boreholes was scheduled following installation of slotted 50mm diameter standpipes with gravel response zones, as detailed in the table below:

Exploratory Hole Reference	Standpipe Response Zone (mbgl)
BH2	3.00 - 1.00
BH3	3.00 - 1.00

Summary of Standpipe Response Zones

During fieldwork, an initial monitoring visit was performed to prove correct functioning of the installations on 23rd January 2015.

Characterisation of the gassing regime of the site was based on the guidance of CIRIA C665. It was considered the potential gas source of Made Ground was of low generation potential. However, the sensitivity of the proposed residential development is high. Due to the size of the site and taking the end use sensitivity and gas hazard into account, the standpipes were located within 50m of each other.

In compliance with the guidance of Table 5.5a and Table 5.5b in CIRIA C665, the gas monitoring should be undertaken on six occasions over a minimum three month period, this is also the recommendation of the NHBC. If consistently high or variable concentrations of ground borne gas had been recorded, it is recognised that an extended monitoring programme may have been required. The initial postfieldwork monitoring visit was performed on 4th February 2015 and the sixth monitoring visit on 5th June 2015.

On every visit and at each standpipe location, gas monitoring was performed using a Geotechnical Instruments GA2000+ gas monitor. Initially peak and steady state gas flow was measured. The peak and steady concentrations of five gases, (Oxygen, Methane, Carbon

Dioxide, Hydrogen Sulphide and Carbon Monoxide) were then recorded by pumping the standpipe gas through the monitor.

The groundwater level in each standpipe was also determined on each visit using an electronic dipmeter. Borehole BH2 remained dry throughout the monitoring period; BH1 was also dry during the first three visits, but subsequently a water level of between 2.95m and 2.96m depth was recorded, i.e. a maximum of 5cm of water at the base of the standpipe. It cannot be confirmed that this represents the depth to groundwater table at this location, it may represent surface water percolation and a perched water table. There was either no, or insufficient groundwater present in the standpipes for the wells to be purged and groundwater samples obtained.

The post fieldwork monitoring results are presented in Appendix F.

4 Geoenvironmental Laboratory Testing

Geoenvironmental laboratory testing schedules were prepared by Insight GEO Limited, to determine the concentrations present for a range of commonly occurring contaminants hazardous to human health, as identified in the Phase 1 Desk Study. The testing was carried out at the UKAS accredited laboratories of Scientific Analysis Laboratories (SAL) in East Kilbride (UKAS Testing No. 1977). Any descriptions, opinions and interpretations are outside the scope of UKAS accreditation. The laboratory tests scheduled are summarised below and the results received presented in Appendix G.

Seven shallow environmental soil samples across the site were scheduled for a general soils suite of commonly occurring contaminants as summarised in the table below:

Test Description	Number of tests
CLEA metals suite: Arsenic, Barium, Beryllium, Boron (water-soluble), Cadmium, Chromium, Copper, Lead, Mercury, Nickel, Selenium, Vanadium, Zinc	7
Cyanide (total and free)	7
Total Phenol	7
Speciated PAH (polyaromatic hydrocarbons) USEPA 16	7
Total TPH (total petroleum hydrocarbons)	7
Water soluble Sulphate	7
pH	7
Soil Organic Matter	7

Geoenvironmental Laboratory Test Summary – General Soils Suite

On encountering potential asbestos containing materials during trial pitting, additional targeted testing included:

- ▶ Asbestos screening on three samples of Made Ground. One sample analysed was of bulk material visually identified as cement sheeting (TP7 – 1.20m). The remaining two tests were performed on the finer grained Made Ground material matrix, where no visually identified asbestos was noted, but the material was in close proximity to the cement sheeting fragments.

Test Description	Number of tests
Asbestos – polarised light microscopy	3

Geoenvironmental Laboratory Test Summary – Targeted Testing of Soils

5 Proposed Development

It is proposed to develop the site for residential use with the construction of a single two-storey detached dwelling, with associated hard and soft landscaped domestic garden areas and driveway. Current proposed development plans are included in Appendix H.

For the purposes of this report, the contamination risk assessment in respect of human health is considered in the context of a residential generic land use with plant uptake scenario. This is the most sensitive CLEA categorisation applicable to the proposed development.

6 Published Geology

The geology of the site was determined through review of both the British Geological Survey Onshore GeoIndex (BGS) and the GroundSure GeoInsight Report (GroundSure GeoInsight Report, 2013).

Published geology from the BGS (BGS) indicates the site to be underlain a series of superficial deposits in the form of alluvium which forms of silt, sand and gravel which lie above Devensian glacial till. Glacio-fluvial deposits are shown to lie approximately 300m north-east of the site but are not noted as present beneath the site's location. The bedrock of the region which underlays the site is the Great Conglomerate Formation, of Silurian to Devonian in age, which forms part of the Lower and Middle Old Red Sandstone Supergroup. This unit is primarily a conglomerate with interbedded sandstones, siltstones and mudstones also present.

Desk Study research confirmed the site to be situated within an area formerly used as a mill pond, then marsh-land before being eventually backfilled. There is evidence available indicating the former pond/marsh was backfilled prior to 2002 and possibly as early as 1963; Made Ground deposits used to backfill the pond are therefore anticipated to be present beneath the site.

7 Ground Model

7.1 Strata Encountered

The ground conditions encountered during the investigation generally agree with published geological maps of the area, although Made Ground deposits associated with backfilling of the former pond occupying the site were also present.

The following strata were encountered at each exploratory hole location

- ▶ Made Ground
- ▶ Silt (Basal pond sediment?)
- ▶ Granular Glacial Till

The strata identified are discussed in more detail in the following sections.

7.2 Made Ground including Topsoil

The site surface was covered with sparse grass and vegetation, generally directly overlying Made Ground deposits, which in places were visible at surface. However, topsoil was noted to be present at two locations; from surface to 0.15m depth in TPS and to 0.40m depth in TP4.

Made Ground deposits were encountered at each exploratory hole location, generally to depths of between 1.20m and 1.90m. However, at one end of TP6, the Made Ground thickness was recorded to be 0.30m, deepening to 1.10m at the other end of the pit, this was the only location where less than 1m of Made Ground was encountered and at the far west of the site, is probably located at the edge of the former pond.

The Made Ground deposits were variable, but generally comprised a matrix of either dark brown and red brown sandy gravelly clay, or brown sandy gravel; cobbles and boulders were also present throughout. The Made Ground matrix is consistent with reworked local drift deposits. The range of detritus included within the Made Ground deposits varied across the site, the greatest quantity of detritus was encountered in trial pits TP5, TP7 and TP3, to the west, north and south of the site respectively. The majority of detritus comprised buried demolition rubble, old pipes and plastic, but potentially more contaminated materials including tarmac gravel, clinker, ash and old oil drums (TP5) were also present.

Within the Made Ground deposits, a potential asbestos containing material (ACM), was encountered, infrequent 'hand sized' pieces of grey roofing sheet with fibres were noted. This bulk material was carefully subsampled for Asbestos analysis in TP7 at 1.20m depth and excavation recommenced with care. Further fragments of similar material were noted in TP3 and TP5. The material not sampled was re buried.

No odours were noted emanating from the Made Ground deposits during fieldwork.

7.3 Silt (Basal pond sediment?)

The Desk Study research highlighted that the site was formerly occupied by a pond, retained in part by the existing stone walls. Underlying the Made Ground deposits, a dark grey sandy silt was encountered at all locations, except BH1 and would be consistent with accumulated basal

pond sediment. Where present, the sediment varied in thickness from 0.30m to 0.70m. Generally the base of this stratum was proved to range between 1.80m and 2.30m, except at the location of TP6 (probable edge of pond) where the base of the silt was at 0.60m depth.

7.4 Glacial Till

Underlying the Made Ground and silt described above, insitu Glacial Till drift deposits were proved at each exploratory hole location. The Glacial Till was generally granular and comprised very dense red brown clayey sandy GRAVEL with medium to high cobble and low boulder content. Locally the Glacial Till graded to cohesive, e.g. at the location of BH2, between 2.00m and 3.00m depth, firm red brown slightly sandy slightly gravelly silty CLAY with medium cobble content was encountered. All exploratory holes were terminated in Glacial Till deposits at a maximum depth of 4.20m (BH2).

Five standard penetration tests were performed in this deposit and all tests failed to achieve full penetration, it is therefore considered that an SPT N value of 50 would be suitable for use in preliminary foundation design. It is noted that chiselling was required to advance the three cable percussion boreholes into this stratum.

7.5 Groundwater Conditions

7.5.1 Fieldwork

During fieldwork, groundwater was not encountered.

7.5.2 Postfieldwork Monitoring

Borehole BH2 remained dry throughout the monitoring period; BH1 was also dry during the first three visits, but subsequently a water level of between 2.95m and 2.96m depth was recorded, i.e. a maximum of 5cm of water at the base of the standpipe. It cannot be confirmed that this represents the depth to groundwater table at this location, it may represent surface water percolation and a perched water table. There was either no, or insufficient groundwater present in the standpipes for the wells to be purged and groundwater samples obtained.

8 Geotechnical Assessment

It is proposed to construct a single detached two storey house on the site, with associated driveway, domestic garage and residential garden area.

The inherently variable Made Ground deposits encountered at each exploratory hole location are not considered to represent a suitable founding stratum for the proposed development. It is therefore recommended that the foundations for the proposed development are extended through the Made Ground materials, including basal pond sediment and into the underlying Glacial Till stratum. It is anticipated that Glacial Till will be consistently present beneath the site and would be encountered at depths of between 1.90m (BH1) and 2.30m (BH3) beneath the proposed building footprint. was encountered below 2.30m in BH1 and 1.60m in BH2 respectively.

In order to utilise the Glacial Till as a founding stratum, the use of conventional shallow spread foundations would not be appropriate, as the upper boundary of the Glacial Till is anticipated at

depths greater than 1.80m and the variability of this boundary is not fully established. It would however be possible to utilise deep trench fill foundations into the Glacial Till to depths of up to 3.00m.

Due to the presence of cobbles and boulder obstructions within the Glacial Till and Made Ground encountered during the investigation, the use of a mini piled foundation option into the Glacial Till deposits is unlikely to be appropriate without significant pre-boring.

As discussed in Section 7.4, an N value of 50 would be suitable for use in preliminary foundation design and indicates a bearing capacity in excess of 150kN/m² could be achieved within the top metre of insitu Glacial Till deposits. For the proposed lightly loaded structure it is anticipated that settlement of the Glacial Till founding stratum would remain within tolerable limits of less than 25mm.

Excavation of the materials encountered during this investigation should generally be achieved using conventional back hoe plant, although overbreak associated with cobbles, boulders and large fragments of detritus may be expected. Based on trial pitting observations, excavations within the Made Ground are generally likely to be stable in the very short term above any groundwater ingress. However, it would be prudent to allow for localised close support of trench walls through the Made Ground deposits during foundation construction.

Dewatering of excavations by sump pumping or similar would also need to be considered if excavations extend beneath the groundwater table, although this is not anticipated.

9 Geoenvironmental Assessment

9.1 Context

During preparation of the Phase 1 Desk Study Report for the site, an Initial Conceptual Model was developed and preliminary risk assessment applied. The tabulated model is reproduced below. At the Phase 1 Desk Study stage of investigation, the potential environmental risks associated with the proposed redevelopment of the site were generally considered to be medium, but medium to high for potentially contaminated groundwater. The main source of potential contamination was identified as any soils and detritus (Made Ground deposits), imported onto site to backfill the former pond.

Contamination Linkage Elements			Qualitative Risk Assessment			Managing Risk
Sources	Pathways	Receptors	Complete Linkage	Severity	Risk Rating	Action required
Potentially contaminated soils	Inhalation/ Ingestion/ Dermal Contact	Human Receptors - site users following construction	Possible	Moderate	Medium	Potentially contaminated soils anticipated. Sample and analyse soils on a non-targeted grid across the site to obtain baseline
	Inhalation/ Ingestion/ Dermal	Human Receptors-	Possible	Moderate	Medium	

Contamination Linkage Elements			Qualitative Risk Assessment			Managing Risk
Sources	Pathways	Receptors	Complete Linkage	Severity	Risk Rating	Action required
	Contact	construction workers				data during Phase 2 investigation.
	Direct contact/ Root uptake	Flora and Fauna	Unlikely	Moderate	Medium	
	Direct Contact	Building Fabric including service pipes	Unlikely	Moderate	Medium	
	Migration/ leaching of soil contaminants	Groundwater of Principal Aquifer	Possible	High	Medium to High	
Potentially contaminated ground water	Flow off site	Surface Waters (Including the River Tweed)	Unlikely	High	Medium	Sample and analyse groundwater to obtain baseline data where encountered during Phase 2 investigation.
	Net deterioration of Groundwater	Groundwater in larger area (Including the Great Conglomerate Formation)	Possible	High	Medium to High	
Hazardous ground gas (methane and carbon dioxide)	Inhalation, migration and accumulation in confined areas	Human Receptors - construction workers and site end users	Possible	Moderate	Medium	Significant thicknesses of potentially gas generating Made Ground or organic rich deposits may be present. Gas monitoring programme to confirm low risk recommended during Phase 2 investigation.

Initial Conceptual Model

The geoenvironmental focus of this investigation phase was to obtain data relevant to the initial contamination hypotheses. The data has been used to assess the validity of the initial assessment and prepare a Revised Conceptual Model (Section 9.4).

9.2 Human Health Risk Assessment

Made Ground deposits were identified across the whole site area during investigation, as detailed in Section 7.

The Made Ground deposits are of unknown origin, but are understood to have been historically imported onto site to backfill the former pond, rather than being associated with any former industrial and commercial development on the site itself. The Phase 1 Desk Study research of site history did not identify any previous potentially contaminated land uses. Made Ground deposits of unknown origin may contain a range of contaminants including petroleum hydrocarbons, polycyclic aromatic hydrocarbons and various inorganic contaminants such as heavy metals.

Seven environmental soil samples of the Made Ground deposits were selected across the site from depths of between 0.50m and 1.70m below ground level. These samples were scheduled to be analysed in the laboratory for a range of commonly occurring contaminants (General Soils Suite, Section 4), which could be compared to current published soil guideline values (SGVs), or generic assessment criteria (GACs), for Human Health Risk Assessment.

It is noted that the LQM/CIEH (2009) GAC screening values are published for three values of Soil Organic Matter Content (SOM). For the seven samples analysed, a SOM range of 5.87% to 23.2% was determined. The GAC value for 2.5% SOM has been conservatively been used as the organic matter is highly variable throughout the samples obtained and the elevated values may be affected by extraneous materials such as wood, plastic and ash, which would not influence contaminant behaviour in the same way as soil organic matter distributed through the material matrix.

Targeted asbestos analysis was added to the General Soils Suite of laboratory analysis two samples of Made Ground (TP3 at 0.40m and TP7 at 0.50m). Although these contained no visible evidence of asbestos contamination, following identification of potentially asbestos containing material during the excavation of TP7, it was considered prudent to assess the Made Ground matrix materials for the presence of microscopic fibres in close proximity to the visually identifiable asbestos sheeting fragments.

The bulk sample of potential asbestos containing material recovered from TP7 at 1.20m depth was also scheduled for targeted asbestos screening. A visually similar sample of potential asbestos sheeting was recovered in TP5, but this was not analysed as it was assumed that the analysis of the sample from TP7 would confirm that the cement sheeting present across the site contained asbestos.

A review of the geoenvironmental laboratory test results and the results obtained are included in Appendix G. The proposed low rise housing development has been assessed where soil guideline values or Generic Assessment Criteria are currently available, using the residential generic land use with plant uptake scenario. This is the most sensitive CLEA categorisation applicable to the proposed development.

The review included comparison of baseline data obtained from laboratory testing with available assessment criteria, the conclusions are summarised below:

General Soils Suite

The majority of results obtained remained below relevant assessment levels and approximately one third of the results were below the limit of detection for the analyses undertaken.

A highly elevated lead concentration of 1600ppm was recorded for the sample from TP5 at 0.70m. The mean value of all lead results was 268ppm. No other elevated concentrations of metals were recorded. It is possible this sample included a small fragment of lead detritus, rather than the result being representative of the Made Ground matrix. Although not currently adopted in Scotland, it is noted that the recently published residential (with home grown produce) Category 4 Screening Level (C4SL) for lead is only 200mg/kg, indicating that lead is a contaminant of concern for the proposed development.

Four of the seven samples contained slightly elevated concentrations of between one and five of the sixteen polycyclic aromatic hydrocarbon (PAH) congeners analysed. Potentially carcinogenic

Benzo(a)Pyrene was elevated in four samples, with a maximum value of 10ppm obtained and a mean over all seven results of 2.36ppm. Both the mean and maximum values exceed the soil guideline value (SGV) applied of 0.94ppm. Two samples contained slightly elevated Benzo(a)Anthracene and Benzo (b/k)Flouranthene, but the overall mean of the results remained below the guideline values applied. Sample TP3 at 0.40m also contained slightly elevated Chrysene and Dibenzo(ah)Anthracene. It is noted that the Made Ground samples from TP1 at 1.70m and TP3 at 0.40m contained tarmac gravel, which could have contributed to the elevated PAH concentrations, but these levels would not be as detrimental to long term human health exposure as the PAHs being distributed within the soil matrix.

Asbestos

During excavation of three of the seven trial pits (TP3, TP5 and TP7), potential asbestos containing material (ACM), was encountered, comprising approximately 'hand sized' pieces of the grey cement sheeting with fibres, all samples were visually similar. This bulk material was carefully and appropriately subsampled for asbestos analysis by polarised light microscopy and excavation recommenced with care. The material not sampled was re buried at this location. No other potential ACMs were visually identified during fieldwork.

The results of the polarised light microscopy test on the bulk sample of sheeting with fibres confirm the material to contain crysotile asbestos. Although potential ACMs were not visible in the soil samples obtained and already scheduled for the General Soils Suite of analysis, two of these samples of Made Ground, from TP3 at 0.40m and TP7 at 0.5m, were also scheduled for asbestos analysis by polarised light microscopy. The tests did not detect any asbestos fibres these two additional samples. It was therefore not confirmed that harmful asbestos fibres are also present within the Made Ground matrix, but the presence of asbestos was confirmed to be present as a bulk product, which could be visually identified.

The presence of asbestos on the site within the Made Ground deposits is a significant environmental risk which requires remediation prior to redevelopment.

9.3 Hazardous Ground Gases

Post fieldwork gas monitoring of standpipes installed in boreholes BH2 and BH3 was undertaken as justified in Section 3.2. On each visit and at each standpipe location, gas monitoring was performed using a Geotechnical Instruments GA2000+ gas monitor. Initially peak and steady state gas flow were measured. The peak and steady concentrations of five gases, (Oxygen, Methane, Carbon Dioxide, Hydrogen Sulphide and Carbon Monoxide) were then recorded by pumping the standpipe gas through the monitor. The results are tabulated in Appendix F.

On each monitoring visit no detectable levels of Hydrogen Sulphide or Carbon Monoxide were recorded. Low concentrations of Carbon Dioxide were recorded in all boreholes on most visits. The maximum concentration of Carbon Dioxide recorded was 3.5% volume of gas. Oxygen levels were correspondingly slightly depleted, with a minimum value of 17.6% being recorded.

In accordance with the guidelines of CIRIA C665, the soil gas investigation to date has identified a maximum Carbon Dioxide concentration of 2.5%, with a worst case positive flow rate of 0.00/hr. A maximum concentration of 0.1% of methane was determined on one occasion in BH2 and twice in BH3, on the remaining visits no methane was recorded. Using the maximum carbon dioxide concentration, the gas screening value for this site (GSV) can be calculated as:

$$GSV = 0.025 \times 0.0 = 0.0 \text{ l/hr}$$

Characteristic situation 1 has an upper GSV threshold of 0.07 l/hr; typical Carbon Dioxide and Methane concentrations should also not exceed 5% and 1% respectively. On the basis of the monitoring results available the site is therefore classified as Characteristic Situation 1. The CIRIA guidance states the source of gas generation for Situation 1 is usually natural soils with a low peat/organic content or 'typical' Made Ground. This would support the investigation findings.

On the basis of the monitoring completed, the site is characterised as Situation 1; the proposed development therefore does not require any gas protection measures.

9.4 Revised Conceptual Model

The factual data obtained during the Phase 2 investigation has been evaluated and interpreted within the context of current legislation and guidance, to identify potential contamination source-pathway-receptor linkages applicable to the site and the proposed development. The Preliminary Conceptual Model formulated in the Phase 1 Desk Study identified imported Made Ground deposits as a potential source of contamination, which have been investigated further and are discussed in Section 9.2 above.

Following preliminary risk assessment, the Phase 1 Desk Study concluded that if the potential contamination sources were present, the environmental risks associated with the proposed development would be generally medium, but medium to high for potentially contaminated groundwater. Groundwater was not encountered during the investigation, whilst the risk of this being a contamination source has been reduced to low, the underlying principal aquifer is still a sensitive receptor. The environmental risks associated with the Made Ground deposits on site are revised to be low to medium, increasing to medium to high where asbestos is present.

The revised conceptual model incorporating the Phase 2 investigation findings is included in Appendix I and reproduced below:

Contamination Linkage Elements			Qualitative Risk Assessment			Managing Risk
Sources	Pathways	Receptors	Complete Linkage	Severity	Risk Rating	Action required
Potentially contaminated soils	Inhalation/ Ingestion/ Dermal Contact	Human Receptors - site users following construction	Possible	Moderate	Low to Medium	Remediation Required
	Inhalation/ Ingestion/ Dermal Contact	Human Receptors- construction workers	Possible	Moderate	Low to Medium	
	Direct contact/ Root uptake	Flora and Fauna	Possible	Low	Low	
	Direct Contact	Building Fabric including service pipes	Possible	Low	Low	

Contamination Linkage Elements			Qualitative Risk Assessment			Managing Risk
Sources	Pathways	Receptors	Complete Linkage	Severity	Risk Rating	Action required
	Migration/ leaching of soil contaminants	Groundwater of Principal Aquifer	Possible	High	Medium to High	
Contaminated soils - asbestos	Inhalation	Human Receptors – construction workers and site end users	Possible	Moderate to High	Medium to High	Remediation Required
Potentially contaminated ground water	Flow off site	Surface Waters (Including the River Tweed)	Unlikely	High	Low	None. Groundwater not encountered during investigation.
	Net deterioration of Groundwater	Groundwater in larger area (Including the Great Conglomerate Formation)	Unlikely	High	Low	
Hazardous ground gas (methane and carbon dioxide)	Inhalation, migration and accumulation in confined areas	Human Receptors – construction workers and site end users	Unlikely	Moderate	Low	Site is classified as Characteristic Situation 1 by post fieldwork monitoring. Protection Measures not required.

Revised Conceptual Model

9.5 Remaining Geoenvironmental Uncertainties

Following this Phase 2 investigation, some geoenvironmental uncertainties of varying relevance to the proposed development remain and may need to be addressed either during remediation, or by further investigation:

- ▶ Depth to groundwater table beneath the site and potential impact of development on water environment.
- ▶ Groundwater quality beneath the site
- ▶ Potential for leachability of any Made Ground deposits which remain on site after remediation.
- ▶ The total TPH screening tests indicate that hydrocarbon contamination is not of significant concern to human health, but this has not been proved by comparison of banded analysis with guideline values.
- ▶ Whether the site is large enough to support a targeted remediation approach, beneath the proposed domestic garden areas only.
- ▶ The extent of any asbestos present as fibres within the Made Ground matrix materials.

9.6 Remediation Strategy Proposals

This Phase 2 investigation has confirmed that the former pond which occupied the site has been backfilled with imported Made Ground materials, which are generally between 1.20m and

1.90m in thickness. The majority of these Made Ground deposits appear to comprise reworked local drift deposits, which are largely uncontaminated and coarse grained, including many cobbles and boulders. However, a wide variety of detritus is included within the Made Ground which predominantly comprises buried demolition rubble, old pipes and plastic etc., but also contains lesser quantities of potentially more contaminated materials, including layers of tarmac gravel, pieces of asbestos (crysotile) cement sheeting, clinker and ash. Old oil drums (TP5) were also present. Further detritus of concern not encountered during the investigation may also therefore be present.

The presence of contaminated soils (Made Ground) beneath the development site has been confirmed by this Phase 2 investigation and remediation of the site will be required prior to residential development to address the two most relevant pollutant linkages (RPL) for this site identified in the Phase 1 Desk Study and reproduced below.

Potential RPL	Source	Pathways	Receptor
1	Potentially contaminated soils used to backfill former pond (whole site area at shallow depth)	Inhalation Ingestion Dermal Contact	Human Receptors - residential occupiers following construction
2	Potentially contaminated soils used to backfill former pond (whole site area at shallow depth)	Migration/ leaching of soil contaminants into groundwater	Groundwater of Highly Productive Aquifer

Identified Relevant Pollutant Linkages (RPL)

There are three main ways to reduce unacceptable risk in contaminated land applications. Remediation can either; remove the source, modify pathways, or change the behaviour of receptors. For the proposed development, the main remediation objective is to enable the domestic garden area to be used safely.

For this site it is not practicable to modify the behaviour of the site end user receptors. Effective remediation options are therefore limited to removing the source of potentially contaminated soils, or modifying the pathways of inhalation, ingestion and dermal contact. It is however understood that the Council would not accept a remediation solution based upon reducing exposure, rather than breaking an identified pollution linkage and therefore the only available remediation option is to remove the source.

As the site is relatively small and remediation is to be compatible with other site activity, only tried and tested remediation options are considered suitable for this site. Civil engineering remediation options are therefore considered to be most feasible and would be suitable for the nature of contamination identified. More specialised remediation options such as biological, chemical, stabilisation and thermal methods have therefore not been considered further on the basis of cost and practicality.

The simplest remediation option, unlikely to be cost effective for a private development, would be to remove all Made Ground deposits to appropriate landfill and replace with imported inert material. However, to prevent the large proportion of Made Ground comprising 'inert' rock cobbles and boulders being expensively disposed of off-site, segregation of the Made Ground deposits is recommended during an iterative approach to remediation and validation testing. The first stage would be to excavate the Made Ground sequentially across the site under the watching brief of a suitably qualified geoenvironmental engineer. During this process, detritus fragments only, such as old pipework, storage drums and old farmyard equipment could be collected in skips and disposed of off-site to appropriate landfill. Any fragments of visually identifiable potential asbestos containing materials should be hand-picked under a site specific Asbestos Management Plan and suitably containerised for off-site disposal as hazardous waste. After this initial stage, it is anticipated the remaining excavated Made Ground materials would predominantly comprise large inert fragments, i.e. cobbles and boulders of rock or masonry. The remaining finer grained 'matrix' material within the Made Ground, where any residual contamination is likely to be concentrated, could be stockpiled for verification analysis to assess if it is either suitable to be reused on site, or is too contaminated and must be disposed of off-site as waste.

Once the potential contamination sources within the Made Ground deposits have been removed, the identified pollutant linkages for the site will be broken and the Conceptual Site Model can be revised so that all environmental risks are reduced to low and therefore acceptable for the proposed development.

It is noted that a legal Duty of Care applies to anyone who produces, imports, transports, stores, treats or disposes of controlled waste. The waste producer (in this case, site owner) must check that the waste is passed to someone authorised to accept it as a waste. Each load of waste would also require a consignment note available from SEPA. Additional regulations apply to the handling and disposal of asbestos; it is recommended that specialist advice is sought to ensure compliance.

A Remediation Strategy for the site would need to be agreed with the Council, prior to implementation of any remediation and this strategy should outline the frequency and specific contaminants to be targeted in verification analysis, including provision for waste classification.

Prepared by



Judith B Dickinson BSc MSc DIC FGS

Technical Director

Plot 2 Lauder Barns, Lauder

Project Ref: P14154

References Applicable To This Project

- ▶ British Standards Institute: BS10175: 2011: Investigation of potentially contaminated sites - Code of practice.
- ▶ British Standards Institute: BS 5930:1999 + Amendment 2:2010: Code of practice for site investigations.
- ▶ British Standards Institute: BS 1377: 1990: Methods of tests for civil engineering purposes.
- ▶ Insight GEO Limited. P14154 – Plot 2 Lauder Barns, Lauder. Phase 1 Desk Study Report. 2014.
- ▶ <http://www.bgs.ac.uk/geoindex>
- ▶ CIRIA C665: Assessing risks posed by hazardous ground gases to buildings. 2007.
- ▶ Environment Agency: Using Soil Guideline Values. Science Report SC050021/SGV introduction. 2009.
- ▶ Nathanail, C.P. et al, The LQM/CIEH Generic Assessment Criteria for Human Health Risk Assessment (2nd edition). Land Quality Press, Nottingham. 2009.
- ▶ Environmental Protection Act 1990: Part IIA Contaminated Land Statutory Guidance: Edition 2. Published by the Scottish Executive, June, 2006.

Advisory Notes

- ▶ Unless otherwise identified, this project has been performed under the ICE Conditions of Contract, Ground Investigation Version, 2nd Edition, November (2003) and in accordance with the Specification for Ground Investigation (1993); both published by Thomas Telford Limited.
- ▶ The report is prepared for the exclusive use of the named Client and the copyright remains with Insight GEO Limited. Third parties using this report do so at their own risk, no extended duty of care is implied, or offered to them.
- ▶ The principles of best practice, guidance and legislation which were available and current at time of contract award have been used in the preparation of this report. It is noted that these principles may change and be revised over time. It is recommended that the consequences of any updates on the assessment and recommendations made, are confirmed, when relying on this report.
- ▶ Any assessment presented in the report is based on the ground conditions encountered in any exploratory holes, together with the results of any field and laboratory testing, in the context of the proposed development information provided. Information obtained from any commissioned desk study, site specific research and site reconnaissance is also considered. However not all site conditions may be revealed by the agreed scope of investigation and therefore may not have been taken into account during report preparation.
- ▶ In developing the site Ground Model, extrapolation of strata boundaries between exploratory holes may be conjectured. This assessment is for guidance only and no liability can be accepted for its accuracy.
- ▶ Where an italicised report summary is presented, this is to be considered and relied upon only in conjunction with the complete report text and all appended data.
- ▶ Any comments on groundwater conditions are based on observations made at the time of fieldwork and any post fieldwork monitoring, unless specifically stated otherwise. It should be noted that fieldwork observations are subject to the method and speed of boring, drilling or excavation. Additionally groundwater levels will vary due to seasonal or other effects.

Production 6

SEPA approval letter

Our Ref: CAR/R/1024012
Your Ref:

The Occupier
New Plot
Lauder Barns
Lauder
TD2 6RX

5 February 2008

**WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND) REGULATIONS 2005
("THE 2005 REGULATIONS")
NOTIFICATION OF REGISTRATION: DISCHARGE (SEWAGE)
Registration Reference: CAR/R/1024012**

Further to your application received on 18 January 2008 for authorisation under regulation 8 of the 2005 Regulations, the Scottish Environment Protection Agency ("SEPA") hereby notifies you that it has granted your application and has authorised the carrying on of the controlled activity specified below at the site specified below ("the Authorised Activity"), subject to the conditions specified below, from the date specified below, by registering the following particulars in the register maintained by it under regulation 33 of the 2005 Regulations.

Site Details

Site	New Plot
Address or Location	Lauder Barns Lauder
Postcode	TD2 6RX

Authorised Activity

The discharge of sewage effluent from a treatment system serving the above property to the Lauder Burn via 25m partial soakaway at national grid reference NT 5416 4678.

Conditions of authorisation

1. The discharge of sewage effluent shall be from a population equivalent not exceeding 7.
2. Prior to discharge, the effluent shall be treated by septic tank.
3. Other than as specifically permitted or limited by any condition of this authorisation, the controlled activity authorised shall not have a significant adverse impact on, or cause pollution of, the water environment.

4. The treatment system specified in Condition 2 above shall be operated and maintained in accordance with the manufacturer's or designer's recommendations, and in any event shall be maintained in good working order.

Date of Authorisation

5 February 2008

Should you have any queries regarding this authorisation, please contact the Registry Department at the Edinburgh office on 0131 449 7296.

NOTES

1. In an offence under regulation 46(1) of the 2005 Regulations to fail to comply with an authorisation (a registration including any condition imposed).

If you are aggrieved by any of the terms and conditions attached to your registration you have a right of appeal to the Scottish Ministers under regulation 46(c) of the 2005 Regulations. The bringing of an appeal against a condition will not have the effect of suspending the operation of the condition. You may also appeal if you have been granted a form of authorisation which is different from the form of authorisation which you believe ought to have been granted under regulation 46(b) of the 2005 Regulations. Any such appeal should be made in writing to the Scottish Ministers within 3 months of the date of this notification. The detailed provisions for appeals are set out in Schedule 9 of the 2005 Regulations. Appeals should be sent to:

**The Scottish Ministers
Scottish Executive
Air Climate & Engineering Unit
Determinations Team
Area 1-G (North)
Victoria Quay
Edinburgh, EH6 6QQ**

Production 7

Photographs of the application site





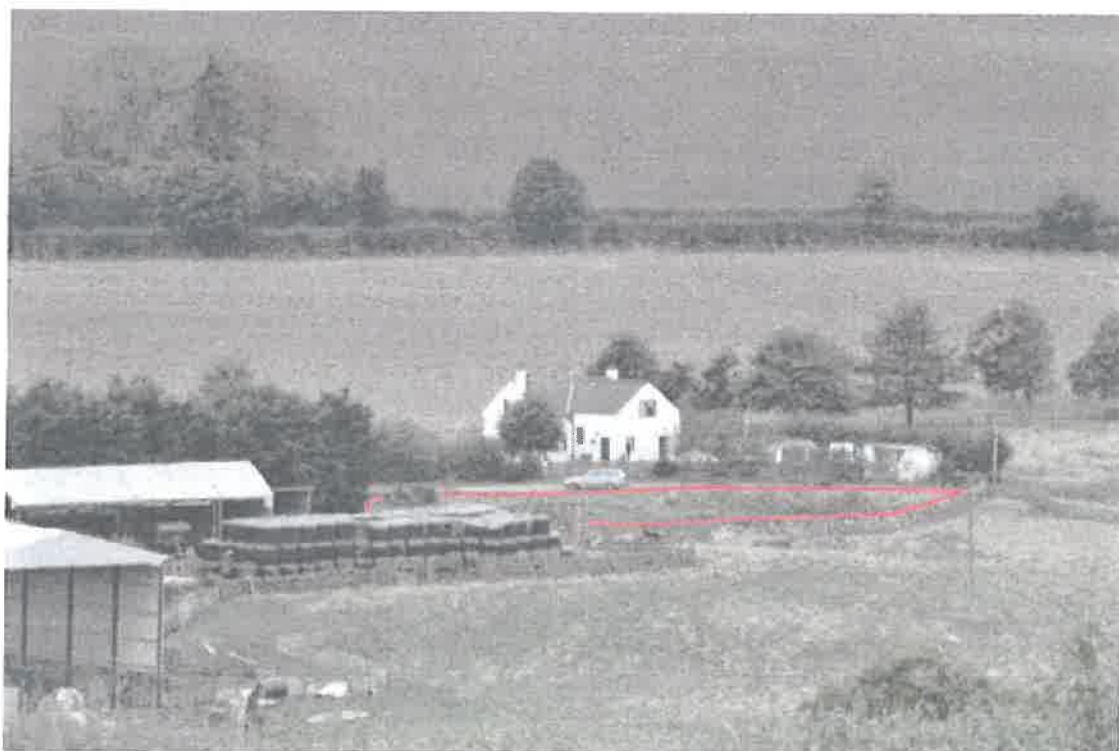
Photograph 1



Photograph 2



Photograph 3



Photograph 4



Photograph 5



Photograph 6



Photograph 7



Photograph 8



Photograph 9



Photograph 10



Photograph 11



Photograph 12



Photograph 13



Photograph 14



Photograph 15



Photograph 16



Photograph 17



Photograph 19

Production 8

Photomontage of the proposal



Production 9

Lapsed outline consent

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Approval of Reserved Matters

Reference: 06/01641/REM

To : Derek McDermid per Dan-Wood Concept Plus Ltd 1 Wilderhaugh Galashiels Scottish Borders TD6 0EP

With reference to your application validated on **25th August 2006** for approval under the Town and Country Planning (Scotland) Act 1997 for reserved matters relating to outline planning permission for the following development:-

Proposal : Erection of dwellinghouse and detached garage

at : Land In Field No 1569 North East Of The Cottage Lauder Barns Lauder Scottish Borders TD2 6RX

The Scottish Borders Council hereby **approve** the application in accordance with the approved plan(s) and the particulars given in the application, and in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 **subject to the following standard condition:-**

that the development to which this approval relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of five years from the date of the original outline planning permission
- (ii) the expiration of two years from the date of this approval.

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

Dated 4th April 2007
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 OSA

Signed 


Head of Planning & Building Standards

Application reference : 06/01641/REM

SCHEDULE OF CONDITIONS

- 1 A tree/shrub planting scheme shall be submitted for the approval of the planning authority before the development commences. Once approved, the planting shall be implemented concurrently with the development or during the next planting season thereto and maintained thereafter to the satisfaction of the planning authority.
Reason: To safeguard the visual amenity of the area.
- 2 The means of boundary treatment, specifying the route, height, materials, and colour of boundary markers, shall be submitted for the approval of the planning authority before the development commences.
Reason: To safeguard the visual amenity of the area.
- 3 The dwellinghouse roof shall be surfaced in natural, grey roofing slate.
Reason: To safeguard the visual amenity of the area.
- 4 The vehicular access into the site, and parking and turning area, shall be implemented to the satisfaction of the planning authority before the dwellinghouse is occupied and retained in perpetuity.
Reason: To ensure the site is adequately serviced and in the interests of road safety.
- 5 The visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the planning authority. These splays are the triangles of ground bounded on 2 sides by the first 2.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimensions.
Reason: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.

FOR THE INFORMATION OF THE APPLICANT

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.

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



*Planning and
Economic Development*

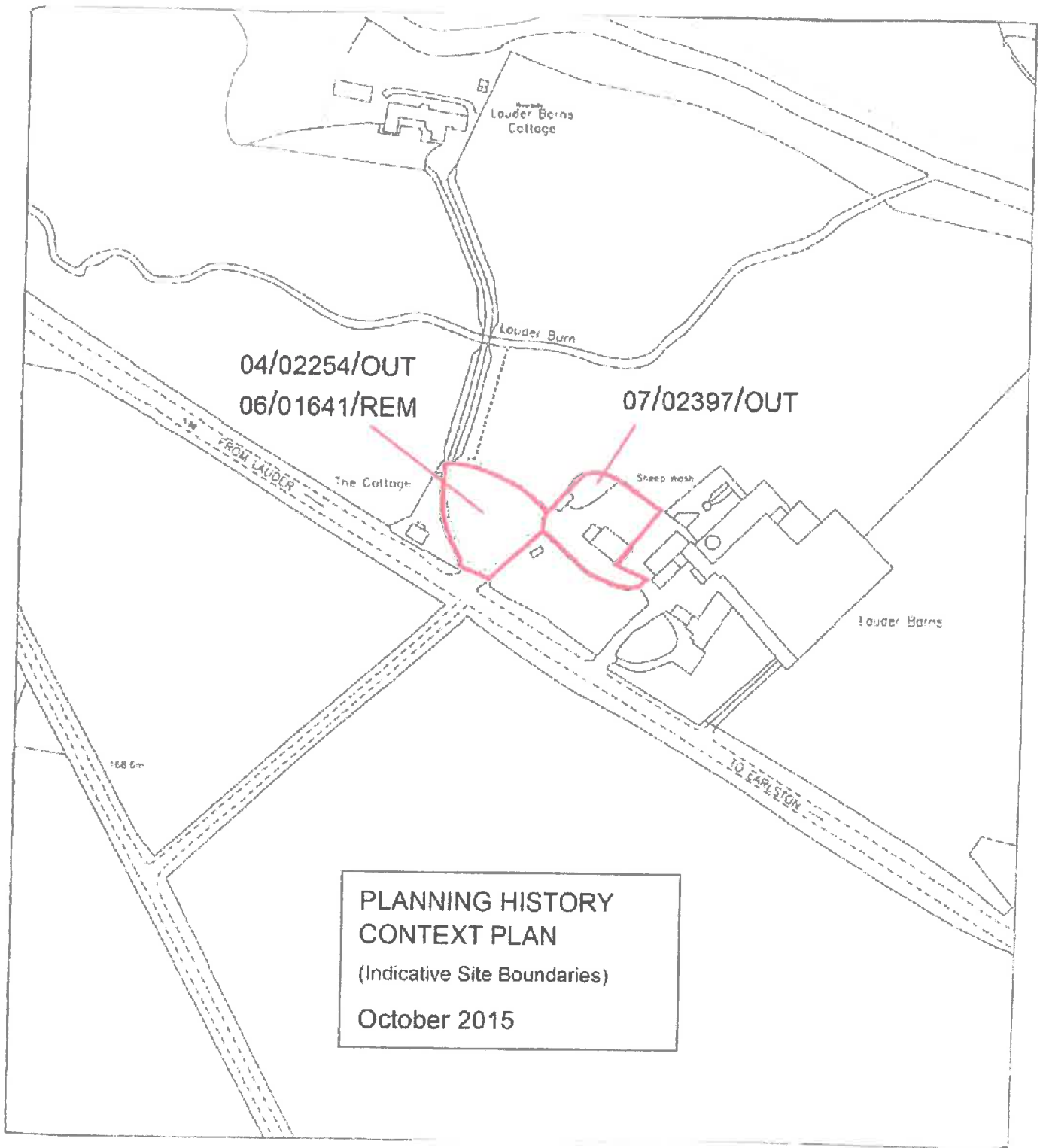
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – 0800 800 333

If the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

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 V of the Town and Country Planning (Scotland) Act, 1997.

Production 10

Planning history of adjacent site



**PLANNING HISTORY
CONTEXT PLAN**
(Indicative Site Boundaries)
October 2015

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2008**

Application for Planning Permission

Reference : 07/02397/OUT

**To : John Damerell per Callum Fraser DTZ One Edinburgh Quay 133 Fountainbridge
Edinburgh EH3 9QG**

With reference to your application validated on **13th December 2007** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of two dwellinghouses

at : Land North West Of Lauder Barns Farmhouse Lauder 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 conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 11th November 2013
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed


.....
Head of Planning and Regulatory Services

APPLICATION REFERENCE : 07/02397/OUT

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
1	Location Plan	Approved
2 (ACCESSES)	Other	Approved
3 (VISIBILITY SPLAY)	Other	Approved

REASON FOR DECISION

This application was determined on 1st October 2008. Consent is now issued following conclusion of a legal agreement addressing developer contributions

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, parking provision and the landscaping of the site, including proposed building and ground levels relative to the existing and any means of boundary retention or treatment, 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 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
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 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
- 4 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
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

- 5 Two parking spaces shall be provided within each plot to serve each dwellinghouse, prior to the occupancy of each unit, and in accordance with a layout and specification to be submitted for the approval of the Planning Authority with the applications for approval of Condition 1
Reason: To ensure the development is adequately serviced by off-street parking in the interests of road safety
- 6 The means of water supply, foul drainage and surface water drainage shall be agreed with the Planning Authority before the development is commenced
Reason: To ensure the development is adequately serviced
- 7 The visibility splays shall be provided and maintained on each side of the new access to the specification of the Planning Authority prior to any works commencing on site. These splays are the triangles of ground bounded on 2 sides by the first 2.4 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure driver visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 10.05 metres anywhere along the y dimension
Reason: To minimise interference with the safety and free flow of the traffic on the trunk road and ensure that drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the trunk road carriageway and join the traffic stream safely
- 8 The improved access to the site shall be formed and the existing access closed off before any works commence on site as illustrated on the approved plan stamp-dated 4th September 2008.
Reason: To ensure that the use of the existing accesses are discontinued and the safety of traffic on the trunk road is improved
- 9 The improved access shall join the trunk road at an improved junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TA 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with layout 3 (the layout will be similar to layout 8). The upgraded junction shall be constructed in accordance with details that shall be submitted to and approved by the Planning Authority, after consultation with the Roads Authority, before any part of the development is commenced. The throat width shall be 5.5 metres for the first 15 metres from the edge of the Trunk Road
Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished
- 10 The existing farming activities shall cease from the adjoining steading, and all redundant buildings on the site shall be removed, before the occupancy of the first dwellinghouse
Reason: To avoid conflict with the operations of a working farm
- 11 A survey of all buildings to be demolished shall be submitted for the approval of the Planning Authority before the development commences and which shall identify all breeding birds within the site and a scheme of protection. The development shall proceed in accordance with the agreed scheme of protection
Reason: To ensure that breeding bird habitats are appropriately safeguarded
- 12 Details of a survey and investigation of the ground conditions of the site, sufficient to identify the nature and extent of any contamination, together with a schedule of the

methods by which it is proposed to neutralise, seal or remove the contamination substances, shall be submitted to and approved in writing by the planning authority and shall be carried out before any works in connection with this permission are begun
Reason To ensure that the site is made safe before works commence

FOR THE INFORMATION OF THE APPLICANT

It should be noted that

The applicant is advised that the indicative proposals submitted in support of this application do not form part of this consent. The layout of the site suggests that the proposals would amount to overdevelopment. Any detailed scheme would likely require adjustment to ensure that the scale of the dwellinghouses is appropriate to the size of the plot, to each other and the surrounding context.

The applicant is also advised that any planning application submitted to the Planning Authority for the formation of a new farmhouse and farm steading shall be required to be supported by adequate supporting information demonstrating that the relocation is essential, not just desirable, to the future operations of the farm steading, and that the size and location of the farm requires a permanent residential presence. The applicant should ensure that the processing of any such application has been fully concluded, prior to progressing with detailed proposals for the approved dwellinghouses, including the sale of the plots, holding and the existing farmhouse.

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.

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 8NU
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

Production 11

Extract from SESplan

SESplan

The Strategic Development Planning Authority
for Edinburgh and South East Scotland

Supplementary Guidance

Housing Land
November 2014



3.10 The analysis undertaken in preparing the Supplementary Guidance suggests that additional sites will need to be allocated outwith SDAs and that the most appropriate locations for these are in the City of Edinburgh, Fife and the Scottish Borders. An indication of how much land may be needed outwith SDAs and how this could be distributed is also included in Table 3.2. LDPs will include a detailed assessment of the amount of housing land to be allocated outwith SDAs and consideration of potential sites.

3.11 New development proposals will complement and not undermine the delivery of existing committed development. In all circumstances, the principles and criteria set out within Policies 1B (Spatial Strategy Development Principles) and 6 (Housing Land Flexibility) must be adhered to and met by each of the six LDPs. Policy 7 (Maintaining a Five Year Housing Land Supply) enables LDPs to allocate sites outwith SDAs, subject to satisfying the policy criteria.

Table 3.2 Additional Allowances Within and Outwith Strategic Development Areas

Strategic Development Area	Additional Allowances
West Edinburgh	2,700
South East Edinburgh	2,950 (2,500 in City of Edinburgh and 450 in Midlothian)
Edinburgh City Centre	0
Edinburgh Waterfront	0
East Lothian	3,560
North Dunfermline	2,630
Ore / Upper Leven Valley	3,220
A7 / A68 / Borders Rail Corridor	1,350
A701 Corridor	750
Eastern Borders	160
Central Borders	290
Western Borders	110
West Lothian	2,130
SESplan Within Strategic Development Areas	19,850
Outwith Strategic Development Areas	Additional Allowances
City of Edinburgh	2,500
Fife	1,950

Strategic Development Area	Additional Allowances
Scottish Borders	80
SESplan Outwith Strategic Development Areas	4,530
SESplan Additional Allowances	24,380

3.12 Please note all figures within Table 3.2 have been rounded to the nearest 10.

Delivery

3.13 Maintaining a supply of effective land for at least 5 years at all times, in accord with approved SDP Policy 6 and Policy 7, should ensure that there is a continuing generous supply of land for house building. SESplan, in conjunction with member authorities, will monitor the supply of housing land on an annual basis in order to assess progress against the overall housing land requirement set out in Table 3.1. This will inform the preparation of LDPs and the second SDP.

3.14 A very significant increase in the rate of house completions across the SESplan area will be needed if the requirements set by this Supplementary Guidance are to be met. This is challenging and particularly so in 2009 - 2019 as it is expected that LDPs will be adopted around 2015, around six years into the first period (2009 - 2019).

3.15 Significant transport and strategic infrastructure improvements are essential to support the delivery of the housing land requirement set out in this Supplementary Guidance. These infrastructure requirements are set out in Figure 2 of the SDP and the accompanying Action Programme. In particular, school extensions and new schools to provide the additional pupil places required to meet development need are seen as essential and must be delivered alongside development. LDPs will provide further details on these requirements and further policy guidance in accord with Policy 9 (Infrastructure) of the approved SDP.

3.16 The Supplementary Guidance sets out a housing land requirement to meet need and demand from the South East Scotland region. Delivering that level of housing will be challenging and that will be made even more difficult should funding solutions to enable the provision of essential infrastructure improvements not be identified. A very significant increase in housing completion rates will also be required to deliver the housing needed to meet the need and demand which has been identified. Setting requirements for housing land at levels to meet the HNDA estimates of need and demand for housing units in the South East Scotland region will ensure that the supply of housing land identified in development plans will not be the reason for failing to meet this challenge.

Production 12

Extract from Proposed Scottish Borders LDP



SCOTTISH BORDERS COUNCIL
LOCAL DEVELOPMENT PLAN

VOL1 POLICIES 2016

- 1.5 The Council will review its policy guidance on housing in the countryside by producing revised Supplementary Guidance.

Policy HD2: Housing in the Countryside

The Council wishes to promote appropriate rural housing development:

- a) in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,
- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) in dispersed communities in the Southern Borders housing market area.

These general principles in addition to the requirement for suitable roads access will be the starting point for the consideration of applications for housing in the countryside, which will be supplemented by Supplementary Planning Guidance / Supplementary Guidance on New Housing in the Borders Countryside and on Placemaking and Design.

(A) Building Groups

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
- b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point.

(B) Dispersed Buildings Groups

In the Southern Housing Market area there are few building groups comprising 3

houses or more, and a more dispersed pattern is the norm. In this area a lower threshold may be appropriate, particularly where this would result in tangible community, economic or environmental benefits. In these cases the existence of a sense of place will be the primary consideration.

Housing of up to 2 additional dwellings associated with dispersed building groups that meet the above criteria may be approved provided that:

- a) the Council is satisfied that the site lies within a recognised dispersed community in the Southern Borders housing market area,
- b) any consents for new build granted under this part of this policy should not exceed two housing dwellings in addition to the group during the Plan period. No further development above this threshold will be permitted,
- c) the design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

(C) Conversions of Buildings to a House

Development that is a change of use of a building to a house may be acceptable provided that:

- a) the Council is satisfied that the building has architectural or historic merit, is capable of conversion and is physically suited for residential use,
- b) the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and
- c) the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

(D) Restoration of Houses

The restoration of a house may also be acceptable provided that the walls of the former residential property stand substantially intact (normally at least to wallhead height). In addition:

- a) the siting and design reflects and respects the historical building pattern and the character of the landscape setting,
- b) any proposed extension or alteration should be in keeping with the scale, form and architectural character of the existing or original building, and
- c) significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and/or a more sustainable and energy efficient design.

(E) Replacement Dwellings

The proposed replacement of an existing house may be acceptable provided that:

- a) the siting and design of the new building reflects and respects the historical building pattern and the character of the landscape setting,
- b) the proposal is in keeping with the existing/original building in terms of its scales, extent, form and architectural character,
- c) significant alterations to the original character of the house will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and /or a more sustainable and energy efficient design.

(F) Economic Requirement

Housing with a location essential for business needs may be acceptable if the Council is satisfied that:

- a) the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
- b) it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
- c) the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
- d) no appropriate site exists within a building group, and
- e) there is no suitable existing house or other building capable of conversion for the required residential use.

In ALL instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning Guidance where it meets the terms of this policy and development must not negatively impact on landscape and existing communities. The cumulative effect of applications under this policy will be taken into account when determining impact.

Key Policies to which this policy should be cross-referenced:

Policy PMD2 Quality Standards
 Policy ED10 Protection of Agricultural Land and Carbon Rich Soils
 Policy HD1 Affordable and Special Needs Housing
 Policy EP6 Countryside Around Towns
 Many of the Plan's environmental policies will be relevant particularly EP4 National Scenic Areas and EPS Special Landscape Areas.

The following Supplementary Planning Guidance may be relevant to this policy:

Affordable Housing
Biodiversity
Countryside Around Towns
Green Space
Landscape and Development
Local Landscape Designations
New Housing in the Borders Countryside
Placemaking and Design
Use of Timber in Sustainable Construction

The following proposed Supplementary Guidance may be relevant to this policy:

Affordable Housing
Biodiversity
Countryside Around Towns
Greenspace
Landscape and Development
New Housing in the Borders Countryside
Placemaking and Design
Use of Timber in Sustainable Construction