

Eat Sleep Ride  
Per Joe Nugent  
Brownshore Management Limited  
M54 Space Centre  
Halesfield 8  
Telford  
TF7 4QN

*Please ask for:* Paul Duncan  
☎ 01835 825558  
*Our Ref:* 20/00769/FUL  
*Your Ref:*  
*E-Mail:* paul.duncan@scotborders.gov.uk  
*Date:* 18th December 2020

Dear Sir/Madam

**PLANNING APPLICATION AT Land At Quarry Farm Lamberton Scottish Borders**

**PROPOSED DEVELOPMENT:** Change of use to allow commercial equestrian use at existing equestrian site to facilitate the relocation of established equestrian business and erection of 2 No storage buildings, 1 No office and 1 No toilet block

**APPLICANT:** Eat Sleep Ride

Please find attached the decision notice for the above application.

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

**Application for Planning Permission**

**Reference : 20/00769/FUL**

**To : Eat Sleep Ride Per Joe Nugent Brownshore Management Ltd M54 Space Centre Halesfield 8  
Telford TF7 4QN**

With reference to your application validated on **3rd August 2020** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Change of use to allow commercial equestrian use at existing equestrian site to facilitate the relocation of established equestrian business and erection of 2 No storage buildings, 1 No office and 1 No toilet block**

**at : Land At Quarry Farm Lamberton Scottish Borders**

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), subject to the following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

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

**Dated 7th December 2020  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 20/00769/FUL**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
002	Location Plan	Approved

**REASON FOR DECISION**

The development is considered to accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

**SCHEDULE OF CONDITIONS**

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 No development shall commence until an Ecological Impact Assessment informed by a Preliminary Ecological Appraisal has been submitted to and approved in writing by the Planning Authority. The Ecological Impact Assessment should include any necessary mitigation measures for adverse impacts on protected species or habitats. Thereafter the development hereby approved shall only be carried out in strict accordance with the agreed mitigation measures and any agreed enhancement measures.  
Reason: to protect the ecological resource and ensure LDP policies EP1, EP2 and EP3 are satisfied.
- 3 Prior to the commencement of development, details of the siting, design, external materials, colours and any screening for the portacabin, tack room storage container and portaloos shall be submitted to and agreed in writing by the Planning Authority. Thereafter the development shall be carried out wholly in accordance with the agreed details.  
Reason: to control the appearance of the portacabin, tack room storage container and portaloos, in the interests of landscape and visual amenity.
- 4 Prior to the commencement of development, precise details of the design and materials (including elevation drawings and floor plans or photos) of the two lean-to additions to the existing shed building shall be submitted to and agreed in writing by the Planning Authority. Thereafter the development shall be carried out wholly in accordance with the agreed details.  
Reason: to control the appearance of two lean-to additions to the existing shed building, in the interests of landscape and visual amenity.
- 5 Prior to the commencement of development, a scheme of soft landscaping works shall be submitted to and approved in writing by the Planning Authority, and shall include:
  - i. indication of existing trees, shrubs and hedges to be removed
  - ii. location of new trees, shrubs, hedges and grassed areas, including compensatory planting for the foliage to be removed for visibility at the junction with the public road.
  - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
  - iv. programme for completion and subsequent maintenance.

Thereafter, the agreed landscaping works shall be carried out and maintained wholly in accordance with the agreed details.

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

- 6 Prior to the commencement of development, details of arrangements for toilet facilities and foul waste shall be submitted to and agreed in writing by the Planning Authority. Thereafter, the agreed toilet facilities and foul waste arrangements shall be in place before the development becomes operational, and shall be retained thereafter unless otherwise agreed in writing by the Planning Authority.  
Reason: to protect residential amenity and the wider environment.
- 7 Prior to the commencement of development, details of the siting of stable waste storage shall be submitted to and agreed in writing by the Planning Authority. Thereafter, stable waste from the development shall only be stored in strict accordance with the agreed details.  
Reason: to protect residential amenity and the wider environment.
- 8 Prior to the commencement of development, details of the proposed water supply shall be submitted to and agreed in writing by the Planning Authority. Thereafter, the agreed water supply arrangements shall be in place before the development becomes operational, and shall be maintained thereafter unless otherwise agreed in writing by the Planning Authority.  
Reason: to ensure water supply arrangements do not harm existing private water supplies.
- 9 Prior to the commencement of development, details of all proposed external lighting shall be submitted to the Planning Authority for written approval. Thereafter, no external lighting shall be installed with the exception of external lighting that has first been agreed in writing by the Planning Authority.  
Reason: to protect residential amenity and the character and amenity of the surrounding area.
- 10 Prior to the development becoming operational, visibility at the junction of the private access and minor public road shall be improved, the details of which shall first be submitted to and approved in writing by the planning authority. The junction of the private access serving the development shall also be improved to the following specification before the development becomes operational:  
The bellmouth of the private access shall be no steeper than 1 in 10 for the first 6m and shall be 5m wide with 6m radii; and  
The bellmouth of the private access shall be surfaced using 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (base course) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.  
Reason: To ensure safe access and egress from the site and to ensure the access is of a standard capable of accommodating the increase in traffic.
- 11 Prior to the development hereby approved becoming operational, two passing places shall be provided on the access track to the site in strict accordance with details first agreed in writing by the Planning Authority.  
Reason: To ensure the access track is of a standard capable of accommodating the increase in traffic.
- 12 With the exception of the junction improvements and two passing places agreed under conditions 10 and 11, no permission is granted for the upgrade of the existing access track,

and any such works shall only be carried out following the submission and approval of a separate planning application.

Reason: the upgrade of the access track did not form part of these proposals assessed and would require separate consideration.

- 13 Prior to the development hereby approved becoming operational, the parking shown on the approved site plan shall be provided in strict accordance with surfacing, levels, and edge protection details first agreed in writing by the Planning Authority.  
Reason: To ensure adequate parking is provided within the site.
- 14 The external lighting hereby approved under Condition 9 shall only operate between the hours of 7am and 7pm.  
Reason: to protect residential amenity and the character and amenity of the surrounding area.
- 15 Any noise emitted by plant and machinery used on the site shall not exceed Noise Rating Curve NR20 between the hours of 2300 to 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the site should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.  
Reason: To protect residential amenity.
- 16 All plant and machinery 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 residential amenity.

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

It should be noted that:

- 1 It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.
- 2 It is brought to the attention of the applicant that public comments lodged in response to the applicant raise the possibility of ragwort within the site and adjoining fields.
- 3 The applicant is advised of the former development and activities at the application site including vehicle storage/ abandonment. Should unexpected ground conditions e.g. made ground extending to depth, discolouration or malodorous substances be encountered in excavations, or evidence of potential contamination e.g. underground structures, remains of buried wastes or equipment be encountered during site works it is requested that Environmental Health are immediately consulted. Should the applicant wish to discuss this further their enquiry should be directed to Environmental Health.
- 4 It is recommended that the applicant contact the Environmental Health team to discuss whether the toilet, washing and welfare facilities intended meet the requirements under Health and Safety at Work legislation.
- 5 The Riding Establishments Act 1964 defines a Riding Establishment as "the carrying on of a business of keeping horses to let them out on hire for riding, or for use in providing instruction in riding for payment, or both, " and requires such businesses to be licensed by the Local Authority. If the applicant intends the stables to operate as a riding establishment

in the future, the premises will need to be licensed. Current conditions of licence are discussed alongside health and safety issues applicable to the trade, within the CIEH publication Health and safety guidance for inspections of horse riding establishments and livery yards. A free copy may be downloaded from [www.cieh.org/policy/inspections\\_horse\\_livery.html](http://www.cieh.org/policy/inspections_horse_livery.html). Hardcopies may be purchased from CIEH Tel. 020 7827 5821. Further information about the required standards is available from SBC's Regulatory Services, Environmental Health Team. Riding Establishment application forms are available from SBC's, Licensing Team.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 5228:2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

### **Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is available on the Council's website for this purpose.

### **Notice of Completion of Development**

Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD

Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA

Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU

British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. The notice of the appeal should be addressed to Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Falkirk, Callendar Business Park, Callendar Road, FK1 1XR. A copy of the notice of the appeal must, at the same time, be sent to the Legal Services Section, Scottish Borders Council, 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 (as amended).