



GA And BB Ainslie
per Ed Dalton
2 Montague Mews
Leet Haugh
Coldstream
TD12 4FE

Please ask for: Paul Duncan
☎ 01835 825558
Our Ref: 21/01177/FUL
Your Ref:
E-Mail: paul.duncan@scotborders.gov.uk
Date: 20th June 2022

Dear Sir/Madam

**PLANNING APPLICATION AT Steading Buildings West Of 50 Greenlaw Farm Holding
Foulden Scottish Borders**

PROPOSED DEVELOPMENT: Change of use of steading and alterations to form four
dwellinghouses

APPLICANT: GA And BB Ainslie

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: 21/01177/FUL

To: GA And BB Ainslie per Ed Dalton 2 Montague Mews Leet Haugh Coldstream TD12 4FE

With reference to your application validated on **22nd July 2021** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal: Change of use of steading and alterations to form four dwellinghouses

At: Steading Buildings West Of 50 Greenlaw Farm Holding Foulden 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 11th June 2022
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE: 21/01177/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
2001 C20	Proposed Elevations	Approved
2001 C21	Proposed Elevations	Approved
2001 C22	Proposed Elevations	Approved
2001 C23	Proposed Elevations	Approved
2001 C24	Existing Sections & Elevations	Approved
2001 C25	Proposed Sections & Elevations	Approved
2001 C17 REV A	Proposed Plans	Approved
2001 C18 REV A	Proposed Plans	Approved
2001 C15 REV B	Proposed Site Plan	Approved
180205	Location Plan	Approved

REASON FOR DECISION

Subject to a legal agreement and compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

SCHEDULE OF CONDITIONS

- 1 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 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.

- 3 No development shall commence until a period of 30 days have passed since the installation of a next/ roost box in strict accordance with the Barn Owl Mitigation Plan detailed on pages 55-57 of the 'Greenlaw Farm, Foulden, Bat & Breeding Bird Survey' report prepared by The Wildlife Partnership and dated September 2021.
Reason: To mitigate potential impacts to roosting barn owls.

- 4 Prior to the commencement of development, the developer shall provide to the Planning Authority:

- a) a copy of the relevant European Protected Species licence, or written confirmation that the works will be carried out under a Bat Low Impact Licence; or

- b) a copy of a statement in writing from NatureScot (licensing authority) stating that such a licence is not necessary for the specified development; and

- c) a comprehensive Species Protection Plan (SPP) for bats.

Thereafter, the development shall be carried out in strict accordance with the SPP for bats.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1 and EP3.

- 5 Prior to commencement of development, a Species Protection Plan (SPP) for breeding birds shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved in writing SPP.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.

- 6 No development shall commence until all farm operations within the application site have ceased, and thereafter, no farm operations shall recommence within the site, unless with the prior written approval of the Planning Authority.
Reason: To prevent a possible conflict of uses, and harmful residential amenity impacts that would arise.
- 7 No development shall commence until the applicant has secured the implementation of a programme of archaeological work (which may include excavation) in accordance with a Written Scheme of Investigation outlining a Historic Building Survey which has been formulated by, or on behalf of, the applicant and submitted to and approved in writing by the Planning Authority. Access should be afforded to allow archaeological investigation, at all reasonable times, by a person or persons nominated by the developer and agreed to by the Planning Authority. Results will be submitted to the Planning Authority for review in the form of a Historic Building Survey Report.
Reason: To preserve by record a building of historical interest.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent Order amending, revoking or re-enacting that Order):
- (i) There shall be no addition or extension to the dwellings (including the insertion of dormer windows or chimneys);
 - (ii) There shall be no further building, structure or enclosure (including decking, fencing or walls) constructed or placed on the site;
 - (iii) There shall be no additional window or other openings made in any elevation (including rooflights);
 - (iv) There shall be no alteration to windows, doors or other openings (including the external colour or material of windows and doors); and
 - (v) There shall be no PV panels, flues, satellite dishes or other additions added to the external envelope of the buildings.
- All unless an application for planning permission in that behalf has first been submitted to and approved by the Planning Authority, or unless otherwise agreed in writing by the Planning Authority.
- Reason: To safeguard the character, appearance and setting of the building to be converted.
- 9 This permission shall only permit the conversion and adaptation of the existing structure. It shall not purport to grant permission for the erection of any new dwelling/s nor for any extensive rebuilding which would be tantamount to the erection of a new dwelling/s. If elevational drawings are inconsistent with floor plans, elevation drawings of the alterations shall take precedence, unless otherwise agreed with the Planning Authority.
Reason: Permission has been granted for the conversion of the existing building to habitable accommodation in a location where a new dwelling/s would not otherwise be appropriate, and to ensure alterations to the building are sympathetic
- 10 Notwithstanding the description of the materials in the application, no development shall commence until (a) a schedule of new and replacement windows and (b) precise details and photos of samples of all materials and colours (including of windows and doors, which shall be green or dark green) to be used in the external areas of the buildings have been submitted to and approved in writing by the Planning Authority. Thereafter, no development shall take place except in strict accordance with those details.

Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

- 11 The rooflights hereby approved (not including "combination" rooflights) shall be of "conservation" design, featuring a single central vertical astragal and black or dark grey framing. The rooflights shall be installed to run flush with the slates on the roof. Thereafter, the rooflights shall be so retained, unless otherwise agreed by the Planning Authority.

Reason: To protect the character and appearance of the steading conversion hereby approved.

- 12 Prior to the occupation of the each dwellinghouse hereby approved, parking and turning for two vehicles, excluding garages, shall be provided within the development, and prior to the occupation of the final new unit two further (visitor) parking spaces shall be provided within the development. Thereafter, the parking and turning shall be retained in perpetuity.

Reason: To ensure the development is served by adequate parking at all times.

- 13 Prior to the commencement of development, a scheme of details for the provision of two passing places along the minor public road leading to the site shall be submitted to and approved in writing by the Planning Authority. The scheme of details shall include a site plan(s) showing the locations of the passing places, the specification of their construction, and a timetable for their completion. Thereafter, the passing places shall be completed in strict accordance with the agreed scheme of details.

Reason: To ensure the increased traffic associated with the development can be safely accommodated.

- 14 Prior to the commencement of development, a scheme of details for hard and soft landscaping and boundary treatments shall be submitted to and approved in writing by the Planning Authority. The scheme of details shall include:

1. A site plan showing details of proposed hard and soft landscaping and boundary planting/ fencing/ walling;
2. A plant/ tree/ shrub schedule including sizes, species and numbers;
3. Details of boundary fence/ wall materials and heights;
4. Details of hardstanding materials; and
5. Details of planting maintenance.

Thereafter:

- a) the development shall be carried out wholly in accordance with the agreed scheme of details and no other boundary treatments shall be used other than those agreed;
- b) all agreed planting shall be carried out by the end of the first planting season following the occupation of the dwellinghouse hereby approved, unless otherwise agreed in writing by the Planning Authority; and
- c) all planting shall maintained thereafter in strict accordance with the agreed maintenance measures.

Reason: To ensure satisfactory form, layout and assimilation of the development.

- 15 No below ground works shall be carried out in upgrading the vehicular access to the site and the vehicular access shall have a porous surface, unless otherwise agreed in writing by the Planning Authority.

Reason: To protect the nearby mature tree during and after construction.

- 16 No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that mains water and public foul sewer connections shall be made available to serve the development, unless otherwise agreed in writing by the Planning Authority. Thereafter, public water mains and public foul sewer connections shall be functional prior to the occupancy of each dwellinghouse hereby approved, and no water supply or foul drainage arrangements shall be used other than the public water mains and public sewer without the written agreement of the Planning Authority.
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
- 17 Means of surface water drainage shall accord with the details shown on the hereby approved site plan drawing 2001 C15 REV B, unless otherwise agreed in writing by the Planning Authority, and the agreed SUDS system shall be operational prior to the occupation of the dwellinghouses hereby approved.
Reason: to ensure surface water drainage utilises SUDS techniques, to satisfy LDP policy IS9.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 All work within the public road boundary must be undertaken by a contractor first approved by the Council.

Passing places to be constructed to Council standard specification DC-1.

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, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – **0800 800 333**

There are a number of risks created by built over gas mains and services; these are:

- Pipework loading – pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.
- Gas entry into buildings – pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.
- Occupier safety – lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. Check your proposals against the information held at <https://www.linerearchbeforeudig.co.uk/> to assess any risk associated with your development **and**
2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work <https://www.sgn.co.uk/damage-prevention>

Further information can also be found here <https://www.sgn.co.uk/help-and-advice/digging-safely>

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

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed to the Clerk of The Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells. TD6 0SA or sent by email to localreview@scotborders.gov.uk. The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).