

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (As Amended)

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

Application for Approval of Matters Specified in Conditions Reference : 16/01467/AMC

To: Mr J McGrath per RM Architecture Ltd Bloomfield Heatherlie Park Selkirk TD7 5AL

With reference to your application validated on **23rd November 2016** for approval of matters specified in conditions pursuant to Planning Permission in Principle under the Town and Country Planning (Scotland) Act 1997, as amended, for the following development :-

Proposal : Erection of dwelling house and detached garage (approval of matters specified in all conditions pursuant to planning permission 15/00301/PPP)

At : Land North East Of Dundas Cottage Etrick Selkirk Scottish Borders

The Scottish Borders Council hereby **approve the submitted matters specified in conditions pursuant to planning permission in principle** 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, as amended, subject to the conditions overleaf:-

**Dated 10th February 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



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Chief Planning Officer

APPLICATION REFERENCE : 16/01467/AMC

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
SF25181-001 A	Elevations	Approved
16-015-001 REV A	Site Plan	Approved
16-015-002	Sections	Approved
OS EXTRACT	Location Plan	Approved
"CYCLONE" GARAGE LETTER / PLAN	Other	Approved

REASON FOR DECISION

Subject to compliance with the schedule of conditions, the development will satisfy the conditions of Planning Permission in Principle Ref. 15/00301/PPP, and 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 No water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.
Reason: To ensure that the development does not have a detrimental effect on public health.
- 2 Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water supply network.
Reason: To ensure that the development does not have a detrimental effect on public health.
- 3 Notwithstanding the submitted details in this application, the roof of the dwelling shall be slate of a type first submitted to and approved in writing with the planning authority. The development is thereafter to be completed using the agreed slate, prior to occupation of the dwelling. The external parts of the flue of the wood burning stove are to be matt black or matt grey in colour. The remaining external surfaces of the development hereby approved shall be of materials indicated on the submitted application form and approved plans, and no other materials shall be used without the prior written consent of the Planning Authority.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 4 Prior to commencement of the development, the widening of the junction must be to the following specification "A 40mm layer of 14mm size close graded bituminous surface course to BS 4987 laid on a 100mm layer of 28mm size dense base (road base) to the same BS laid on a 310mm layer of 100mm broken stone bottoming blinded with sub-base, type 1." These works must be completed to the satisfaction of the Council prior to the occupation of the dwelling.
Reason: In the interests of road safety at the junction of the B709 with the Captains Road.
- 5 Furthermore, the existing road gully must be relocated prior to commencement of development, to an agreed location that has first been submitted to and approved in writing with the Planning Authority. These works must thereafter be completed to the satisfaction of the Council prior to the occupation of the dwelling.
Reason: In the interests of road safety at the junction of the B709 with the Captains Road.

- 6 The first two metres of the private access into the plot must be formed with a bituminous surface, or approved equivalent, in order to provide a consolidated surface for vehicles to pull away from. These works must thereafter be completed to the satisfaction of the Council prior to the occupation of the dwelling.
Reason: In the interests of road safety at the Captains Road.
- 7 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed in the location indicated on drawing 16/015-001 Rev A, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:
(a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
(b) No fires shall be lit within the spread of the branches of the trees;
(c) No materials or equipment shall be stored within the spread of the branches of the trees;
(d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
(e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.
Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.
- 8 Unless otherwise agreed in writing by the Planning Authority only the trees identified on drawing 16/015-001 Rev A and the corresponding Ballantynes Tree Services Survey Plan shall be removed.
Reason: The existing trees represent an important visual feature which the Planning Authority consider should be substantially maintained.
- 9 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
i. existing and finished ground levels in relation to a fixed datum preferably ordnance
ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
iii. location and design, including materials, of walls, fences and gates
iv. soft and hard landscaping works
v. existing and proposed services such as cables, pipelines, sub-stations
vi. other artefacts and structures such as street furniture, play equipment
vii. A programme for completion and subsequent maintenance.
Reason: To ensure the satisfactory form, layout and assimilation of the development.
- 10 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.
Reason: To ensure that the proposed landscaping is carried out as approved.

It should be noted that:

The Environmental Health Service advises:

Private drainage systems often cause public health problems when no clear responsibility or access rights exists for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

The Environmental Health Service advises:

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

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

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

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

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

If you live in a Smoke Control Area you must only use an Exempt Appliance

<http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it
<http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

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

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

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

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

The further landscaping details brought forward to address the conditions of this consent should address the comments of the Council Landscape Architect.

The applicant is reminded that this permission does not convey approval for works affecting third party rights which may exist on the land or any adjoining. The applicant is therefore advised to seek the approval of any parties having an interest in any land affected by this permission

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
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.

