

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission in Principle

Reference : 15/00301/PPP

To : John Wilson Russell 57 Falcon Avenue Edinburgh EH10 4AN

With reference to your application validated on **19th March 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse and garage

at : Land North East Of Dundas Cottage Etrick Scottish Borders

The Scottish Borders Council hereby **grant 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, subject to the following directions:

- That an 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.

- 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.

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

**Dated 14th May 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Service Director Regulatory Services

APPLICATION REFERENCE : 15/00301/PPP

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved

REASON FOR DECISION

The application can be considered to be an exception to Policy G8 on development outwith defined settlement boundaries as the proposal has recently had planning permission being considered to be an appropriate infill opportunity and there were no particularly compelling reasons why the site was then excluded from the settlement boundary.

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 and the landscaping of the site 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 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.
- 3 No development should commence until the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental affect on other private water supplies in the area.
Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.
- 4 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to, and be approved in writing by the Local Planning Authority, and none of the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.
- 5 The right of way adjacent to the western boundary of the site should remain open and free from obstruction before, during and after any construction works.
Reason: To preserve continued public access rights.
- 6 The detailed design of the alterations to the existing junction and proposed access details from the minor single track road shall be submitted at detailed planning stage. Thereafter, the agreed scheme will be implemented prior to works commencing on site.
Reason: to ensure that traffic including construction traffic associated with the development have a satisfactory access/egress in the interests of road safety

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

Private Water Supply

The applicant will need to provide details to demonstrate that the supply will be adequate for the size of the dwelling and not affect supplies in the vicinity. In order to do this the application should provide the following information:

1. The location of the source by way of an 8 digit reference number.
2. Details of other properties on the supply (if the supply is an existing one)
3. Estimated volume of water that the supply will provide (details of flow test)
4. Evidence that this supply will not have a detrimental effect on supplies in the area
5. Details of any emergency tanks
6. Details of treatment to be installed on the system.
7. Details of any laboratory tests carried out to ensure the water is wholesome

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to one cubic metre (or 1000 litres) of water per day for every five persons who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. In addition, when designing storage facilities, the minimum recommended capacity is three day's worth of supply, in order to allow for supply interruption/failure.

It is reported that there may be a public water supply pipe through the site which you should be aware of upon development.

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.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (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 enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B 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**

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.

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
SERVICE DIRECTOR REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00301/PPP

APPLICANT : John Wilson Russell

AGENT :

DEVELOPMENT : Erection of dwellinghouse and garage

LOCATION: Land North East Of Dundas Cottage
Ettrick
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Consultation Responses

Education

No contributions are sought

Roads Planning

Concerns were raised through the earliest application over access to the plot. The existing single track unclassified road which meets with the B709 to the west of the plot is substandard in terms of width, geometry and visibility. An outline proposal was put forward to either alter the existing junction or create a new access onto the B709. This department was keen for the existing junction to be altered as this would provide a road safety benefit from all the users of this junction. Where possible the Council discourages new accesses onto classified roads outwith a recognised settlement.

In order to gain my support for the current proposal, I will require a condition to be attached to any consent which requires the detailed design of the alterations to the existing junction and proposed access details from the minor single track road to be submitted at detailed planning stage. Thereafter the agreed scheme will need to be implemented prior to works commencing on site, to ensure construction traffic associated with the development have a satisfactory access/egress.

Environmental Health

Agree in principle but require condition relating to private water supply.

Community Council

EYCC has no substantive objections, but would like to see the same conditions applied as were applied previously, namely

- * no trees tampered with without authority consent
- * water supply, surface and foul drainage to be approved. Also, water crossing site
- * right of way at western boundary to remain free and open

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan 2011

Policy G8 - Development outwith Development Boundaries

Policy NE4 - Trees, Woodlands and Hedgerows

Policy H2 - Protection of Residential Amenity

Policy Inf2 - Protection of Access Routes

Policy Inf4 - Parking Provisions and Standards

New Housing in the Borders Countryside SPG

Recommendation by - Dorothy Amyes (Planning Officer) on 13th May 2015

Outline planning permission was originally granted on this and an adjoining plot in August 2007. The consents expired in August 2010. It was felt that despite the presence of mature trees along the roadside, the area of land represented an infill opportunity within a building group at Hopehouse. There have been new houses and plots approved across on the southern side of the road from the site. In 2012 the planning consent for this site was renewed (12/000777/PPP) . This expired on the 14 March 2015 and the current application is for a renewal of this consent.

It is worth noting the assessment of the application in 2012 as the policy and settlement boundary has not changed since that date:

'Subsequently, Hopehouse has been elevated from a building group to a settlement within the Consolidated Local Plan with a settlement boundary. Although the consent will still have been valid at the time of preparation of the settlement boundary for the Local Plan, the boundary was drawn along the road excluding the site from within the boundary. Upon enquiry with the Local Plan Team, there were no compelling reasons why the boundary excluded the site. It could only be concluded that the boundary was drawn upon a physical and visual assessment of the boundaries, influenced by the road, the trees and rising levels.

Nevertheless, cognisance should have been given to the presence of the valid outline planning permission for the site when the boundary was being drawn, even though it is accepted that the aim was to form more suitable development opportunities within the group. It is clear that the consent still existed at the time the boundary was being assessed and re-drawn. Although there are no obvious criteria that could be used to justify an exception to Policy G8 on development outwith settlement boundaries, given the history and lack of specific reasons why the site was excluded, refusal of the application would be difficult to justify. As the main wording of the Policy says applications would 'normally' be refused, there is sufficient reason in this particular instance to support this renewal, especially as the Policy for anchor point development elsewhere in this sparsely populated valley is encouraging of housing development.'

The draft Local development Plan has retained the same boundary for Hopehouse as the Consolidated Local Plan, again with a valid planning consent on the application site. For this reason, it is considered that refusal of this application would be difficult to justify.

The conditions on the previous consent should also be applied to this consent. An additional condition relating to the access and access improvements is also required.

There are no developer contributions liable for the development.

REASON FOR DECISION :

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Recommendation: Approved - conditions & informatives

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“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.