

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING
AND REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 12/00026/FUL
APPLICANT : Molly Campbell
AGENT :
DEVELOPMENT : Erection of timber lodge
LOCATION: Land East Of
Easter Cleughhead Cottage
Blacklee Brae
Bonchester
Hawick
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
MOORE M1	Elevations	Approved
MOORE M1	Site Plan	Approved
MOORE M1	Floor Plans	Approved
MOORE M1	Elevations	Approved
MOORE M1	Elevations	Approved
MOORE M1	Elevations	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

There have been no letters of representation received to date.

CONSULTATIONS:

1. Roads Planning Service: Advised they have no objections provided that the following conditions are adhered to:

- Parking and turning for a minimum of two vehicles, excluding any garages, must be provided and retained in perpetuity within the curtilage of the property;
- Visibility splays of 2.4m x 70m must be provided at the junction with the adjacent public road;
- The verge crossing must be constructed to the following specifications by a contractor on the Council's approved list. '40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1';
- Steps must be taken to ensure that no surface water flows from the site on to the adjacent public road.

2. Community Council: No response received to date.

3. Environmental Health Officer: Acknowledge that the proposed water supply for the development is to be from a private water source. Therefore, if planning approval is granted, information requires to be supplied by the applicant to:

-Confirm the sufficiency and wholesomeness of the proposed water supply for the development; and
-Demonstrate, as far as is reasonably practicable, that the use of the proposed water supply will not adversely affect the provision of water to other properties in the vicinity of the development i.e. to such an extent that they should fail the tolerable standard.

For this purpose, it is recommended that the following condition be applied:

'No development shall commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surround supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the dwellinghouse/s hereby approved. Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties'.

Further to the above response, it was agreed with the Environmental Health Officer that in this case, a condition could be attached for the above information to be submitted prior to the occupation of the dwellinghouse, rather than the commencement of the development. The applicant is fully aware of the risks associated with erecting a dwellinghouse prior to the undertaking of a borehole and installation of a water supply.

4. Rights of Way Officer: No response received to date.

5. Education: No response received to date.

6. Development Negotiator: No contribution is required for affordable housing or education.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Structure Plan 2001 – 2018:

Policy H7: Housing in the Borders Countryside: Building Groups
Policy I11: Parking Provisions in New Development
Policy I12: Provision of Water and Sewage Services
Policy I13: Water Quality
Policy I14: Surface Water
Policy N20: Design

Scottish Borders Consolidated Local Plan 2011:

Policy G1: Quality Standards for New Development
Policy G5: Developer Contributions
Policy H2: Protection of Residential Amenity
Policy Inf4: Parking Provisions and Standards
Policy Inf5: Waste Water Treatment Standards
Policy Inf6: Sustainable Urban Drainage
Policy D2: Housing the Countryside (A: Building Groups)

Scottish Borders Supplementary Planning Guidance (Housing in the Countryside: 2008)

Recommendation by - Deborah Chalmers (Planning Officer) on 16th May 2012

SITE

The site lies to the south of Bonchester Bridge and Hobkirk with the B6357 to the south east. The site can be accessed from the B6357 to the east or the unclassified road to the west. The site lies on the south side of the road within the 'Cleuchhead' area. The gradient of the site slopes from east to west down the Brae. The site was previously a wooded area which has been recently felled. The proposed site occupies the eastern half of the previously wooded area and the proposed dwelling is to be located in the south east corner. There are existing dwellings to the east, west and north of the application site. The existing boundary around the site is hedgerow.

PROPOSAL

The application seeks full planning permission for the erection of a dwellinghouse on the site to the west of Blackcleuch Cottages. The applicant currently owns the site extending from the boundary with Easter Cleughhead to Blackcleuch Cottages. The entire site between the two properties was woodland up until recently.

The dwelling will be located in the south east corner of the site facing west down the Brae, approximately 25 metres from the eastern boundary and 5 metres from the southern boundary of the site. The design of the dwelling is proposed to be a timber lodge measuring 10 metres in length and 6 metres in width with a pitched roof. The overall height of the proposed dwelling is 3.5m and 2.5m to the eaves with a 19 degree roof pitch. The proposal includes an overhang on the west elevation with two sets of windows and a set of French doors. The north elevation includes three sets of windows while the south elevation includes three sets of windows and a door. There are no openings proposed on the rear elevation facing east. The dwelling will include a living room, kitchen, two bedrooms and a bathroom. The materials proposed are timber exterior walls, windows and doors.

The access is proposed to be taken from the unclassified road to the north, details of the driveway and parking have not been submitted to date. Therefore, a condition will be attached to the consent requesting such details to be submitted and approved by the Planning Service.

The proposed water supply is to be a private supply, the foul drainage is proposed to be disposed of via a septic tank to soakway and the surface water is proposed to be disposed of via a private source.

POLICY CONTEXT

Policy G1: Quality Standards for New Development, as contained within the Consolidated Local Plan 2011, requires all development to be high quality in accordance with sustainability principles, designed to fit with the Scottish Borders townscapes and to integrate with its landscape surroundings. Furthermore, it aims to ensure that development does not negatively impact upon the existing buildings, or surrounding landscape and visual amenity of the area. The policy states that the scale, massing, height and density of development should be appropriate for its surroundings, and where an extension or alteration is proposed, should be appropriate to the existing building.

Policy G5: Developer Contributions, as contained within the Consolidated Local Plan 2011, requires all proposals to be assessed to ascertain whether a developer contribution is required.

Policy H2: Protection of Residential Amenity, as contained within the Consolidated Local Plan 2011, states that all development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

Structure Plan Policy I11: Parking Provision in New Development, states that regard must be taken to the following; the Council's current approved parking standards; safety considerations and environmental considerations including the scope to reduce car use. Policy Inf4: Parking Provisions and Standards, as contained within the Consolidated Local Plan 2011, states that the policy is designed to ensure that development proposals incorporate adequate provision for car and cycle parking in accordance with the Council's adopted standards.

Policy Inf5: Waste Water Treatment Standards, as contained within the Consolidated Local Plan 2011, states that the policy aims to achieve satisfactory disposal of sewage and maintain and improve standards

of public health. For development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourse or groundwater.

Policy Inf6: Sustainable Urban Drainage, as contained within the Consolidated Local Plan 2011, aims to address the pollution problem that stems from the direct discharge of surface water into watercourses. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses.

Structure Plan Policy H7: Housing in the Countryside, Building Groups, states that proposals for new housing in the countryside outwith settlements identified in the Local Plan but associated with existing building groups will be supported where they fit the character of the adjacent group and the surrounding area, avoid overdevelopment and meet sustainable construction requirements particularly in relation to energy efficient design and connection to the public transport network. Policy D2: Housing in the Countryside, as contained within the Consolidated Local Plan 2011, aims to promote appropriate rural housing development in:

- village locations in preference to the open countryside;
- associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- in dispersed communities in the Southern Borders housing market area

DISCUSSION

Principle of a dwellinghouse

This application site lies outwith any defined settlement boundary, as identified within the Consolidated Local Plan 2011, therefore the proposal must be assessed against the Council's housing in the countryside policies. The proposal must be assessed primarily against Policy H7: Housing in the Countryside: Building Groups, as contained within the Consolidated Structure Plan 2001 – 2018. The policy states that proposals for new housing in the countryside outwith settlements but associated with existing building groups will be supported where they fit the character of the adjacent group and the surrounding area, avoiding over development and meet sustainable construction requirement.

The proposal must also be assessed against Policy D2: Housing in the Countryside (A: Building Group), as contained within the Consolidated Local Plan 2011, which states that housing of up to 2 additional dwellings or 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.

Identification of a building group

The Council's Supplementary Planning Guidance: New Housing in the Countryside, states that the existence of a group will be identifiable by a sense of place which will contribute to by natural and man made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by a sense of place. Any new development should be within a reasonable

distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

It is considered that there is an established building group of at least five dwellings at Cleuchhead. Blackcleuch Cottage lies to the east of the site 'The Bungalow' lies opposite the site to the north, two cottages lie to the west namely Easter Cleuchhead and Blackleebrae Cottage and a new dwelling further west has been recently erected.

There has been a further approval (11/00758/PPP) within this current plan period for the erection of a dwellinghouse on the site to the east of Blackcleuch Cottages.

There are currently five dwellings within the established building group, the approval (11/00758/PPP) would constitute one addition within the current plan period the building group. Therefore, an additional second dwelling would be in compliance with Policy D2 in terms of additional dwellings permitted during a plan period. It is considered that the proposal satisfies the criteria outlined within Policy D2 (A: Building Groups).

Siting, design and materials

It is proposed that the dwelling will be set back from the roadside and face south down the Brae. The Planning Authority would usually request that dwellings face the roadside. However, each proposal must be assessed on their own merits taking into consideration the character and landscape associated with that site. In this case, although the property is to be sited to the rear of the plot facing south, the inclusion of replacement tree planting to the north and west of the site will create screen planting which will help integrate the dwelling and respect the surrounding area. Therefore, in this instance, the siting and layout of the proposed dwelling is considered to be acceptable and in compliance with Policy G1, as contained within the Consolidated Local Plan 2011.

The design of the proposed dwelling is to include timber walls, doors and windows. Although not characteristically found within this area, it was considered that given the replacement tree planting and location of the dwelling within the site, the materials are acceptable in this instance. A condition will be attached to planning permission requesting the finish of the external surfaces to be submitted to and agreed in writing by the Planning Authority. This will ensure that the proposed materials are appropriate for such a location. It is considered that the design and materials are on balance, taking into consideration the landscape and character of the site, acceptable and in compliance with Policy G1, as contained within the Consolidated Local Plan 2011.

Overall, it is considered that the siting, design and materials will not negatively impact upon the existing buildings, surrounding landscape or visual amenities of the area, in compliance with Policy G1, as contained within the Consolidated Local Plan 2011. Furthermore, the proposed scale, massing, height and density of the dwelling are considered appropriate for the site.

Access and parking

The proposed access is to be taken from the unclassified road to the north of the site. The access will be located in the north west corner of the application site. Details showing the driveway and parking arrangements have not been submitted to date. Therefore, a condition will be attached to planning consent requesting these details to be submitted to and agreed with the Planning Authority prior to development. The Roads Planning Service have requested conditions to be attached in respect of; parking, turning, visibility splays, verge crossing construction and surface water. Overall, the proposed development will be in compliance with Policy Inf4.

Water supply

The proposed water supply is to be via a borehole for a private water supply located in the field to the south. However, no detailed water tests have been undertaken to date to ensure that a satisfactory water supply can accommodate the dwelling. Initial tests by the diviner have shown that it is likely that a water supply could serve this dwelling. The Environmental Health Officer has requested that a condition be attached to planning consent requesting further information and details of the water supply to be submitted and agreed in respect of a water supply. It has been agreed with the Environmental Health Officer that in this case, the condition will request details to be submitted prior to occupation rather than commencement of the development.

Foul drainage and surface water disposal

The proposed foul drainage is to be disposed of via a septic tank and soakaway. The location of the septic tank is shown on the site plan. However, a condition will be attached to planning consent requesting final details of the foul drainage disposal to be submitted to the Planning Service showing the location of the septic tank and soakaway, given that this may alter subject to the Building Warrant application.

The surface water proposed is to be disposed of via drains filtering down through the applicant's field. The Roads Planning Service have requested that a condition is attached to planning consent in respect of the surface water disposal.

Amenity

The plot has a large area of associated garden ground. The applicant has begun to replant a number of trees which were felled, along the north side of the plot. It is considered that this will provide screening from the roadside. It is not considered that the proposed development will negatively impact upon the existing buildings, or surrounding landscape and visual amenity of the area, given that the replacement planting is currently being undertaken. A condition will be attached to planning consent requesting details of the landscaping to be submitted to and agreed by the Planning Service. Furthermore, it is not considered that the proposal will impact upon the amenities of the surrounding residential area, given the proximity of the development from the boundaries with neighbouring properties. Overall, the proposed development will be in compliance with Policy H2, as contained within the Consolidated Local Plan 2011.

Caravan

The applicant is currently residing on a static caravan on the site until the dwelling is erected. A condition will be attached to the planning consent requesting that the static caravan is removed from the applicant's land within 6 months of occupation of the dwellinghouse.

Developer contributions

As this the proposal is for one dwelling, there will be no affordable housing contribution sought. The dwelling will fall within the Hobkirk catchment area and no education contribution is sought.

REASON FOR DECISION :

The proposal complies with Policy D2 of the Scottish Borders Consolidated Local Plan 2011 as the site is well related to an existing building group. The siting, design and materials are considered appropriate and complies with Policy G1 of the Consolidated Local Plan 2011. The proposal complies with Policy H2 of the Consolidated Local Plan 2011 and will not affect the residential amenities of neighbouring properties or the visual amenities of the area.

Recommendation: Approved - conditions & informatives

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 Parking and turning for two vehicles, excluding garages, must be provided within the site prior to the occupation and thereafter retained in perpetuity.
Reason: In the interest of road safety.
- 3 Visibility splays of 2.4m x 70m in either direction must be provided at the junction with the public road before the dwellinghouse is occupied and retained in perpetuity.
Reason: In the interest of road safety
- 4 The vehicular access to the site to be completed before the dwellinghouse is occupied. The initial 3m of the access to be surfaced to following specification: 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-

base, type 1. All work within the public road and verge must be carried out by a contractor on the Council's approved list (DC-8).

Reason: In the interest of road safety

- 5 Prior to the commencement of development, a scheme of road drainage to prevent the flow of water from the site onto the public road is to be submitted to and agreed in writing by the Planning Authority. Thereafter the development is to be completed in accordance with the agreed details unless otherwise agreed in writing by the Planning Authority.
Reason: In the interests of road safety
- 6 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used on the external surfaces and roof of the development have been submitted to and approved in writing by the Planning Authority, and 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.
- 7 No development shall take place except in strict accordance with a scheme of soft landscaping works for the site which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
ii. location of new trees, shrubs, hedges and grassed areas
iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
iv. programme for completion and subsequent maintenance.
Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings
- 8 The dwellinghouse shall not be occupied until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the dwellinghouse hereby approved.
Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.
- 9 The means of foul drainage to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development then to be completed in accordance with the approved scheme.
Reason: To ensure that the site is adequately serviced.
- 10 The static caravan shall be removed from the applicant's land not later than 6 months after the first occupation of the dwellinghouse hereby permitted.
Reason: The justification for the caravan will cease once the dwellinghouse is occupied and it should be removed in the interests of the appearance of the local countryside.
- 11 Before any development commences a scheme shall be submitted to the Planning Authority showing the layout and surfacing materials of the driveway, parking and turning area to serve the dwellinghouse. The approved scheme to be completed before the dwellinghouse is occupied.
Reason: In the interests of road safety

Informatives

It should be noted that:

- 1 A copy of the Council's approved contractors list.

- 2 The applicant should note that it is advisable to resolve the outstanding water supply concern prior to starting any works on the site, in order to ensure that an adequate water supply can be achieved to serve the dwelling. If the applicant commences development prior to a water supply being established, it is at their own risk and they would be fully responsible for any consequences if a supply cannot be achieved.

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference: 12/00026/FUL

To: Molly Campbell c/o Pond Cottage Bonchester Bridge Hawick TD9 9SX

With reference to your application validated on 17th January 2012 for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal: Erection of timber lodge

**At: Land East Of Easter Cleughhead Cottage Blacklee Brae Bonchester Hawick
Scottish Borders**

The Scottish Borders Council hereby **grants 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 23rd May 2012
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Head of Planning and Regulatory Services

APPLICATION REFERENCE: 12/00026/FUL**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
MOORE M1	Elevations	Approved
MOORE M1	Site Plan	Approved
MOORE M1	Floor Plans	Approved
MOORE M1	Elevations	Approved
MOORE M1	Elevations	Approved
MOORE M1	Elevations	Approved

REASON FOR DECISION

The proposal complies with Policy D2 of the Scottish Borders Consolidated Local Plan 2011 as the site is well related to an existing building group. The siting, design and materials are considered appropriate and complies with Policy G1 of the Consolidated Local Plan 2011. The proposal complies with Policy H2 of the Consolidated Local Plan 2011 and will not affect the residential amenities of neighbouring properties or the visual amenities of the area.

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 Parking and turning for two vehicles, excluding garages, must be provided within the site prior to the occupation and thereafter retained in perpetuity.
Reason: In the interest of road safety.
- 3 Visibility splays of 2.4m x 70m in either direction must be provided at the junction with the public road before the dwellinghouse is occupied and retained in perpetuity.
Reason: In the interest of road safety
- 4 The vehicular access to the site to be completed before the dwellinghouse is occupied. The initial 3m of the access to be surfaced to following specification: 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1. All work within the public road and verge must be carried out by a contractor on the Council's approved list (DC-8).
Reason: In the interest of road safety
- 5 Prior to the commencement of development, a scheme of road drainage to prevent the flow of water from the site onto the public road is to be submitted to and agreed in writing by the Planning Authority. Thereafter the development is to be completed in accordance with the agreed details unless otherwise agreed in writing by the Planning Authority.
Reason: In the interests of road safety

- 6 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used on the external surfaces and roof of the development have been submitted to and approved in writing by the Planning Authority, and 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.
- 7 No development shall take place except in strict accordance with a scheme of soft landscaping works for the site which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
ii. location of new trees, shrubs, hedges and grassed areas
iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
iv. programme for completion and subsequent maintenance.
Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings
- 8 The dwellinghouse shall not be occupied until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the dwellinghouse hereby approved.
Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.
- 9 The means of foul drainage to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development then to be completed in accordance with the approved scheme.
Reason: To ensure that the site is adequately serviced.
- 10 The static caravan shall be removed from the applicant's land not later than 6 months after the first occupation of the dwellinghouse hereby permitted.
Reason: The justification for the caravan will cease once the dwellinghouse is occupied and it should be removed in the interests of the appearance of the local countryside.
- 11 Before any development commences a scheme shall be submitted to the Planning Authority showing the layout and surfacing materials of the driveway, parking and turning area to serve the dwellinghouse. The approved scheme to be completed before the dwellinghouse is occupied.
Reason: In the interests of road safety

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

A copy of the Council's approved contractors list.

The applicant should note that it is advisable to resolve the outstanding water supply concern prior to starting any works on the site, in order to ensure that an adequate water supply can be achieved to serve the dwelling. If the applicant commences development prior to a water supply being

established, it is at their own risk and they would be fully responsible for any consequences if a supply cannot be achieved.

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.

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING
AND REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 12/01061/PPP

APPLICANT : M Campbell

AGENT : P Ferguson

DEVELOPMENT : Erection of dwellinghouse and formation of new access

LOCATION: Land South West Of Blackcleuch Cottage
Blacklee Brae
Bonchester Bridge
Hawick
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
1	Location Plan	Approved

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

There are no representations.

CONSULTATIONS:

Director of Education and Lifelong Learning: The proposed development is located within the catchment area for Hobkirk Primary School and Hawick High School. Education has no observations to make on this proposed development at this time and will not be seeking a developer contribution towards the provision of infrastructure for the schools in the catchment area.

Roads Planning Service: I shall have no objections to this application provided the following conditions are adhered to:

1. Parking and turning for a minimum of two vehicles, excluding any garages, must be provided and retained in perpetuity within the curtilage of the property.
2. Visibility splays of 2.4m x 70m must be provided at the junction with the adjacent public road.
3. The verge crossing must be constructed to my specification shown below by a contractor on the Council's approved list (DC-8).
4. Steps must be taken to ensure that no surface water flows from the site on to the adjacent public road.

Environmental Health: Details of the water supply are required.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan Adopted 2011

Policy G1: Quality Standards for New Development

Policy G5: Developer Contributions

Policy H2: Protection of Residential Amenity

Policy D2: Housing in the Countryside

Supplementary Planning Guidance - New Housing in the Borders Countryside December 2008

Recommendation by - Julie Hayward (Principal Planning Officer) on 22nd October 2012

The site lies to the south of Bonchester Bridge and Hobkirk to the west of the B6357. The site is to the south of the minor road from the B6357. The gradient of the site slopes from east to west down the Brae. The site was previously a wooded area, which has been recently felled. The indicative site plan shows the proposed dwellinghouse located in the eastern part of the site. There are existing dwellings to the east (Blackheuch Cottages), the west (Easter Cleuchhead Cottage) and north (The Bungalow) of the application site. There are a hedge and mature trees on the roadside boundary.

The proposal is to erect a dwellinghouse on the site. As this is an application for Planning Permission in Principle, no details of the design have been submitted. The application form states that the walls would be timber clad and the roof slate. A new access is proposed onto the minor public road.

Planning permission (12/00026/FUL) was granted in May 2012 for the erection of a timber lodge in the south east corner of this site. There is a static caravan owned by the applicant on the site.

The proposal has to be assessed against the Council's housing in the countryside policies. Policy D2 (A) of the Scottish Borders Consolidated Local Plan Adopted 2011 requires that the site is well related to an existing building group of at least three houses or buildings capable of conversion to residential use. Any consents for new build granted under the building group part of the policy should not exceed two houses or a 30% increase in addition to the group during the Local Plan period. No further development above this threshold will be permitted. Calculations on building group size are based on the existing number of housing units within the group at the start of the Local Plan period. This will include those units under construction or nearing completion at that point. The cumulative impact of the new development on the character of the building group, landscape and amenity of the surrounding area will be taken into account in determining applications.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

It is accepted that there is a building group at Blacklea Brae characterised by a linear pattern of dwellings along the public road. There are approximately twenty houses within the building group. This site is considered to be an appropriate addition to the building group, being an infill plot between two existing properties. The location would respect the spacing between existing houses and would be contained within the sense of place.

Policy D2 states that any consent for new build granted under this part of the policy should not exceed two dwellings or a 30% increase in addition to the group during the Local Plan period; no further development above this threshold will be permitted. The Scottish Borders Consolidated Local Plan Adopted 2011 was adopted on 10th February 2011.

There has been one approval (11/00758/PPP) within this current plan period for the erection of a dwellinghouse, on the site to the east of Blackcleuch Cottages, which was granted planning permission in November 2011. Planning permission does exist to erect a timber lodge on this site but it would be possible to implement this planning permission and erect the lodge and to build a dwellinghouse on this site, given the size of the site. The erection of three residential units within this building group of twenty houses would be within the 30% and so the proposal complies with the threshold contained within Policy D2.

The building group has a linear form along the public road with the majority of the houses on the southern side of the public road in this area of the building group. Any house erected on this site would read as part of the building group. The site has a number of mature trees and hedgerows on its boundaries and replacement tree planting has taken place within the site. It is considered that with appropriate siting, design and materials, the proposal would not harm the visual amenities of the area.

Policy H2 of the Scottish Borders Consolidated Local Plan Adopted 2011 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

There are residential properties either side of the site. However, given the size of the site, it is considered that a dwellinghouse could be designed and sited so that no overlooking or loss of light occurs to occupiers of the adjacent properties.

The Roads Planning Service has no objections subject to their requirements being met in respect of the access, parking and the provision of visibility splays.

No developer contributions towards affordable housing or education facilities are required in respect of this proposal.

The Enforcement Officer is currently pursuing the removal of the unauthorised static caravan that has been placed on the site.

REASON FOR DECISION :

It is considered that the proposal complies with policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 as the site well related to an existing building group. Appropriate siting and design will ensure that the proposal would not affect the residential amenities of occupants of neighbouring properties or the visual amenities of the area.

Recommendation: Approved subject to 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 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 No development shall commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surround supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the dwellinghouse hereby approved.
Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.
- 6 The means of surface water and foul drainage to be submitted to and approved by the Planning Authority before the development is commenced. The development then to be implemented in accordance with the approved details.
Reason: To ensure that the site is adequately serviced.
- 7 Visibility splays of 2.4m x 70m in both directions to be provided at the junction of the access with the adjacent public road and the initial 3m of the access to be constructed to the following specification by a contractor on the Council's approved list (DC-8) attached: 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1 before the dwellinghouse is occupied and retained in perpetuity.
Reason: In the interests of road safety.
- 8 Parking and turning for two vehicles, excluding garages, must be provided within the site before the dwellinghouse is occupied and retained in perpetuity.
Reason: In the interests of road safety.
- 9 Appropriate measures must be taken to prevent any surface water from flowing from the access onto the public road before the dwellinghouse is occupied in accordance with a scheme of measures that have first been submitted to and approved in writing by the Planning Authority before the development commences.
Reason: In the interests of road safety.
- 10 Details of all proposed means of enclosure shall be submitted to and approved in writing by the Planning Authority before work on the site is commenced. The development then to be completed in accordance with the approved details.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
- 11 No trees or hedges within the application site or on the site boundary shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.
Reason: The existing trees and hedges represent an important visual feature which the Planning Authority considered should be substantially maintained.
- 12 Before the development commences a scheme to be submitted and approved in writing by the Planning Authority showing the length of roadside hedge to be removed to provide the visibility splay and the section of the roadside hedge to be retained and protected during construction. The replanting of the roadside hedge outwith the visibility splay to take place during the first planting

season following the occupation of the dwellinghouses or the completion of the development, whichever is the sooner, and the hedge then to be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting.

Reason: To ensure that the proposed landscaping is carried out as approved.

- 13 No development shall take place except in strict accordance with a scheme of soft landscaping works for the site which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.
 - v. the significant strengthening of the tree belt along the north east boundary of the site.

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

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 12/01061/PPP

To : M Campbell per P Ferguson 4 Minto Gardens Denholm Scottish Borders TD9 8PE

With reference to your application validated on **24th August 2012** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse and formation of new access

**at : Land South West Of Blackcleuch Cottage Blacklee Brae Bonchester Bridge Hawick
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 22nd October 2012
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed


.....
Head of Planning and Regulatory Services

APPLICATION REFERENCE : 12/01061/PPP**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
1	Location Plan	Approved

REASON FOR DECISION

It is considered that the proposal complies with policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 as the site well related to an existing building group. Appropriate siting and design will ensure that the proposal would not affect the residential amenities of occupants of neighbouring properties or the visual amenities of the area.

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 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 No development shall commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of

an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surround supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the dwellinghouse hereby approved.

Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.

- 6 The means of surface water and foul drainage to be submitted to and approved by the Planning Authority before the development is commenced. The development then to be implemented in accordance with the approved details.
Reason: To ensure that the site is adequately serviced.
- 7 Visibility splays of 2.4m x 70m in both directions to be provided at the junction of the access with the adjacent public road and the initial 3m of the access to be constructed to the following specification by a contractor on the Council's approved list (DC-8) attached: 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 80mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1 before the dwellinghouse is occupied and retained in perpetuity.
Reason: In the interests of road safety.
- 8 Parking and turning for two vehicles, excluding garages, must be provided within the site before the dwellinghouse is occupied and retained in perpetuity.
Reason: In the interests of road safety.
- 9 Appropriate measures must be taken to prevent any surface water from flowing from the access onto the public road before the dwellinghouse is occupied in accordance with a scheme of measures that have first been submitted to and approved in writing by the Planning Authority before the development commences.
Reason: In the interests of road safety.
- 10 Details of all proposed means of enclosure shall be submitted to and approved in writing by the Planning Authority before work on the site is commenced. The development then to be completed in accordance with the approved details.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
- 11 No trees or hedges within the application site or on the site boundary shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.
Reason: The existing trees and hedges represent an important visual feature which the Planning Authority considered should be substantially maintained.
- 12 Before the development commences a scheme to be submitted and approved in writing by the Planning Authority showing the length of roadside hedge to be removed to provide the visibility splay and the section of the roadside hedge to be retained and protected during construction. The replanting of the roadside hedge outwith the visibility splay to take place during the first planting season following the occupation of the dwellinghouses or the completion of the development, whichever is the sooner, and the hedge then to be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting.
Reason: To ensure that the proposed landscaping is carried out as approved.

- 13 No development shall take place except in strict accordance with a scheme of soft landscaping works for the site which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.
 - v. the significant strengthening of the tree belt along the north east boundary of the site.
- Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

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.

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 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

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/01239/FUL

APPLICANT : Molly Campbell

AGENT : Malcolm McEwen

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land South West Of Blackcleuch Cottage
Blacklee Brae
Bonchester Bridge
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY: Late Submission of Information

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
1A	Location Plan	Approved
MM3015/1	Floor Plans	Approved
MM3015/2	Elevations	Approved
MM3015/3A	Site Plan	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

One representation has been received querying the ownership of a section of the site.

CONSULTATIONS:

Roads Planning Service: I shall have no objections to this application provided the following conditions are adhered to:

1. Parking and turning for a minimum of two vehicles, excluding any garages, must be provided within the curtilage of the property prior to the dwelling being occupied and thereafter retained in perpetuity.
2. Visibility splays of 2.4m x 70m must be provided at the junction with the adjacent public road prior to the dwelling being occupied and thereafter retained in perpetuity.
3. The 'verge crossing' and service lay-by must be constructed to my specification by a contractor first approved by a contractor prior to the dwelling being occupied.
4. Steps must be taken to ensure that no surface water flows from the site on to the adjacent public road.

It should be noted that the area indicated on the submitted plan for the parking and turning is the absolute minimum required and would benefit from being enlarged. There is room available to carry this out and the applicant would be advised to consider this.

Hobkirk Community Council: No objections.

Director of Education and Lifelong Learning: No response.

Environmental Health: The application indicates that the development will be served by a private water supply. I have recommended a condition and informative regarding managing private water supplies. The development also appears to include a wood burning stove, the flue is above the ridge line of the roof. I have included an informative on how to avoid issues with these types of installations.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan Adopted 2011

G1: Quality Standards for New Development
G5: Developer Contributions
H2: Protection of Residential Amenity
NE4: Trees, Woodlands and Hedgerows
Inf4: Parking Provision and Standards
Inf5: Waste Water Treatment Standards
Inf6: Sustainable Urban Drainage
D2: Housing in the Countryside

Supplementary Planning Guidance:

New Housing in the Borders Countryside December 2008
Placemaking and Design January 2010
Householder Developments July 2006.

Recommendation by - Julie Hayward (Lead Planning Officer) on 12th January 2016

Site and Proposal

Blacklee Brae is situated to the south of Bonchester Bridge to the west of the B6357 Bonchester Bridge to Newcastleton road. The site is to the south of the minor public road from the B6357. The gradient of the site slopes from east to west down the Brae. The site was previously a wooded area, which has been felled in recent years.

There are existing dwellings to the east (Blackcleuch Cottages), to the west (Easter Cleuchhead Cottage) and north (The Bungalow) of the application site. There are a hedge and mature trees on the roadside boundary and four mature trees in the south east corner of the site.

This is a full application to erect a dwellinghouse on the site. The dwellinghouse would be sited in the south east corner of the site. This would be single storey with timber boarding for the walls and a slate roof. Solar panels would be fitted to the south (rear) elevation.

A new vehicular access with a service layby would be formed onto the public road. The roadside hedge would be retained but cut back to achieve visibility at the access. A parking and turning area would be provided within the site. The existing trees would be retained.

Site History

12/00026/FUL: Erection of timber lodge. Approved 23rd May 2012. Lapsed.

12/01061/PPP: Erection of dwellinghouse and formation of new access. Approved 22nd October 2012. Lapsed.

Planning Policy

Policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 requires that the site is well related to an existing building group of at least three houses or buildings capable of conversion to residential use. Any consents for new build granted under the building group part of the policy should not exceed two houses or a 30% increase in addition to the group during the Local Plan period. No further development above this threshold will be permitted. Calculations on building group size are based on the existing number of housing units within the group at the start of the Local Plan period. This will include those units under construction or nearing completion at that point. The cumulative impact of the new development on the character of the building group, landscape and amenity of the surrounding area will be taken into account in determining applications.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

It is accepted that there is a building group at Blacklea Brae characterised by a linear pattern of dwellinghouses along the public road. There are approximately twenty houses within the building group.

This site is considered to be an appropriate addition to the building group, being an infill plot between two existing properties. The location would respect the spacing between existing houses and would be contained within the sense of place.

Policy D2 states that any consent for new build granted under this part of the policy should not exceed two dwellings or a 30% increase in addition to the group during the Local Plan period; no further development above this threshold will be permitted. The Scottish Borders Consolidated Local Plan Adopted 2011 was adopted on 10th February 2011.

There has been one approval (14/01158/PPP) on land east of Blackcleuch Cottage for the erection of a dwellinghouse within this current plan period, which was granted planning permission in December 2014. There have been a number of other consents granted but these have all lapsed, as have the two previous planning permissions for a house and a lodge on this site. The erection of two residential units within this building group of twenty houses would be within the two/ 30% and so the proposal complies with the threshold contained within Policy D2.

Design and Impact on Visual Amenities

Policy G1 of the Scottish Borders Consolidated Local Plan Adopted 2011 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the scale and siting of new development should reflect and respect the character and amenity of the existing building group.

The building group at Blacklee Brae has a linear form along the public road with the majority of the houses on the southern side of the public road in this part of the building group. The building group is characterised by a mix of house types, materials and building lines.

The proposed dwellinghouse would be sited in the south east corner of the site. Blackcleuch Cottage to the east is also set well back from the road within the plot and has outbuildings on the south and west boundary. Planning permission has been granted for a timber lodge on this part of the site. Therefore, the siting is considered to be acceptable.

The proposal is for a single storey timber clad dwellinghouse with a slate roof. It would have a porch on the front elevation and French doors to the rear. Planning permission has been approved for a timber lodge on the site and the proposed dwellinghouse is a significant improvement on the design of that building. Brae

Cottage to the west is also constructed of timber. The design and materials are considered appropriate and in keeping with the character of the building group.

This is a small scale development, 9.5m by 5.9m and 5m in height. Although sited on the higher part of the site, it would read as infill development within the building group. The roadside hedge provides a degree of screening. The proposal would not be unduly prominent in the landscape and would not harm the visual amenities of the area.

Residential Amenities

Policy H2 of the Scottish Borders Consolidated Local Plan Adopted 2011 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The proposed dwellinghouse would be 14m from the side boundary with Blackcleuch Cottage to the east and approximately 20m from the side elevation of the existing cottage. No windows are proposed for the side elevation. The proposed dwellinghouse would be 100m from the boundary with Easter Cleuchhead to the west. It is considered that the proposal would not harm the light or privacy of occupants of the existing properties.

A representation has been received from the owner of Easter Cleuchhead Cottage stating that the site plan includes land within his ownership. An amended site plan has been submitted to exclude this area of land and the neighbour has been re-notified. No further representations have been submitted.

Access and Parking

Policy Inf4 requires that car parking should be provided in accordance with the Council's adopted standards.

The Roads Planning Service has no objections to this application provided that their requirements regarding parking, visibility splays and drainage are met and these can be controlled by planning conditions.

Trees and Hedgerows

Policy NE4 seeks to protect trees and hedgerows from development. There are trees within the site and along the road boundary. There is also a mature hedge on the road boundary that is worthy of retention. Conditions would ensure that the trees are protected during construction and retained afterwards. The roadside hedge should also be retained, and replanted where necessary, outwith the visibility splays.

Water and Drainage

Policy Inf5 requires the use of private sewerage in the countryside provided that it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater. Policy Inf6 requires a SUD system for surface water drainage.

The application form states that drainage would be to a septic tank and soakaway and the water supply would be from a private supply. No details have been provided of the surface and foul water drainage or water supply and so these aspects of the proposal would be controlled by conditions.

Developer Contributions

No developer contributions are required towards education facilities or affordable housing.

REASON FOR DECISION :

It is considered that the proposal complies with policies G1, H2, D2 and Inf4 of the Scottish Borders Consolidated Local Plan Adopted 2011 as the site is well related to an existing building group. The siting, design and materials would be in keeping with the character of the building group and the proposal would not affect the residential amenities of occupants of neighbouring properties or the visual amenities of the area. In addition, an adequate access and on-site parking can be achieved.

Recommendation: Approved - conditions & informatives

- 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 A sample of the timber boarding for the walls and slate for the roof to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved samples.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3 No development shall take place except in strict accordance with a scheme of soft landscaping works for the site which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:

 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
- 4 No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.
Reason: The existing trees represent an important visual feature which the Local Planning Authority considered should be substantially maintained.
- 5 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by heras fencing or similar, placed at a minimum radius of one metre beyond the crown spread of each tree within the site, 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.
- 6 Before any part of the permitted development is commenced, the section of roadside hedge to be retained on the site shall be protected by a heras fence or similar placed at a minimum distance of 2.0 metres from the edge of the hedge within the site, and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the hedges so retained shall not be altered.
Reason: In the interests of preserving the hedges which contribute to the visual amenity of the area.

- 7 Details of all proposed means of enclosure shall be submitted to and approved in writing by the Planning Authority before the development is commenced. The development then to be completed in accordance with the approved details.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
- 8 No development shall commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the dwellinghouse hereby approved.
Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.
- 9 The means of surface water and foul drainage to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development then to be implemented in accordance with the approved details.
Reason: To ensure that the site is adequately serviced.
- 10 Parking and turning for a minimum of two vehicles, excluding garages, must be provided within the site before the dwellinghouse is occupied and retained in perpetuity.
Reason: To ensure adequate off-street parking is provided, in the interests of road safety.
- 11 Visibility splays of 2.4m x 70m in either direction must be provided at the junction with the public road before the dwellinghouse is occupied and retained in perpetuity.
Reason: To ensure adequate visibility for drivers exiting the site, in the interest of road safety.
- 12 The vehicular access to the site, verge crossing and service layby to be completed before the dwellinghouse is occupied to the following specification: 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1 by a contractor first approved by the Planning Authority (list attached).
Reason: To ensure the site can be safely accessed.
- 13 Details of measures to be taken to ensure that no surface water flows from the site on to the adjacent public road to be submitted to and approved in writing by the Planning Authority before the development commences. The measures then to be implemented as part of the development before the dwellinghouse is occupied.
Reason: To prevent surface water from draining onto the public road in the interests of road safety.
- 14 No development to commence on site until a drawing showing the length of roadside hedge to be removed to provide the visibility splay, the section of the roadside hedge to be retained and protected during construction and the length, position and species of the hedge to be replanted outwith the visibility splay has been submitted to and approved in writing by the Planning Authority. The replanting of the roadside hedge outwith the visibility splay to take place in accordance with the approved drawing during the first planting season following the occupation of the dwellinghouse or the completion of the development, whichever is the sooner, and the hedge then to be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting.
Reason: As the hedge is a feature worthy of retention and protection and to ensure that the replacement planting is carried out as approved.

Informatives

It should be noted that:

- 1 In respect of condition 10, the Roads Planning Service advises that the area indicated on the submitted plan for the parking and turning is the absolute minimum required and would benefit from being enlarged. There is room available to carry this out and the applicant would be advised to consider this.

In respect of condition 12, the specification for the service layby is attached for the information of the applicant.

- 2 In respect of condition 8:

Private Water Supplies:

As the dwelling is to be serviced by a 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.

The will involve the provision of the following information:

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

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 days' worth of supply, in order to allow for supply interruption/failure.

- 3 Wood Burning Stoves

These 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.

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference: 15/01239/FUL

**To: Molly Campbell per Malcolm McEwen 11 Forest Road Bonchester Bridge Hawick Scottish
Borders TD9 0JS**

With reference to your application validated on **15th October 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal: Erection of dwellinghouse

**At: Land South West Of Blackcleuch Cottage Blacklee Brae Bonchester Bridge Scottish
Borders**

The Scottish Borders Council hereby **grants 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 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 13th January 2016
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE: 15/01239/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
1A	Location Plan	Approved
MM3015/1	Floor Plans	Approved
MM3015/2	Elevations	Approved
MM3015/3A	Site Plan	Approved

REASON FOR DECISION

It is considered that the proposal complies with policies G1, H2, D2 and Inf4 of the Scottish Borders Consolidated Local Plan Adopted 2011 as the site is well related to an existing building group. The siting, design and materials would be in keeping with the character of the building group and the proposal would not affect the residential amenities of occupants of neighbouring properties or the visual amenities of the area. In addition, an adequate access and on-site parking can be achieved.

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 A sample of the timber boarding for the walls and slate for the roof to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved samples.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3 No development shall take place except in strict accordance with a scheme of soft landscaping works for the site which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
- 4 No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.
Reason: The existing trees represent an important visual feature which the Local Planning Authority considered should be substantially maintained.

- 5 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by heras fencing or similar, placed at a minimum radius of one metre beyond the crown spread of each tree within the site, 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.
- 6 Before any part of the permitted development is commenced, the section of roadside hedge to be retained on the site shall be protected by a heras fence or similar placed at a minimum distance of 2.0 metres from the edge of the hedge within the site, and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the hedges so retained shall not be altered.
- Reason: In the interests of preserving the hedges which contribute to the visual amenity of the area.
- 7 Details of all proposed means of enclosure shall be submitted to and approved in writing by the Planning Authority before the development is commenced. The development then to be completed in accordance with the approved details.
- Reason: To enable the proper effective assimilation of the development into its wider surroundings.
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- Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.
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FOR THE INFORMATION OF THE APPLICANT

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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.

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 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

REPERSED

Streetwise



SITE LOCATION PLAN
AREA 5 HA
SCALE: 1:2500 on A4
CENTRE COORDINATES: 359100 , 610180



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