

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2008****Application for Planning Permission****Reference : 09/00547/OUT****To : Mr A Thompson per Bill Kerr Architectural Design Services Fentonlea Mayfield Drive
Hawick Scottish Borders TD9 7EW**

With reference to your application validated on **23rd April 2009** for planning permission under the
Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of three dwellinghouses**at : Land West Of Thornwood Lodge Weensland Road 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 15th December 2009
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed
Head of Planning & Building Standards

APPLICATION REFERENCE : 09/00547/OUT

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
106/09/101 - AMENDED	Block Plans	Approved
AMENDED - 106/09/102	Sections	Approved

REASON FOR DECISION

The development of a three dwellings on this site is acceptable in principle. It is considered that there would not be such adverse impact on neighbouring amenities as to warrant refusal. The proposals are considered to comply with policies G1, D2, and H1 of the adopted Local Plan. It is considered that the site can be developed in a manner consistent with Adopted Supplementary Guidance on minimum distances for privacy, amenity, overshadowing and overlooking.

SCHEDULE OF CONDITIONS

- Approval of 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 shall be obtained from the Local 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.
- 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:
the expiration of three years from the date of this permission, or
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.
- 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.
- Parking and turning for a minimum of two vehicles, excluding any garage, must be provided within the curtilage of the property.

Reason: In the interests of road safety.
- Details of all proposed means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before work on the site is commenced.

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

- 6 Prior to the commencement of development details of the means of both foul and surface water drainage are to be submitted to and agreed in writing by the planning authority.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 7 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include (as appropriate):
indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
location of new trees, shrubs, hedges and grassed areas
schedule of plants to comprise species, plant sizes and proposed numbers/density
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 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.
Reason: To ensure that the proposed landscaping is carried out as approved.
- 9 Prior to the commencement of development, a temporary buffer fence at a height of 1.5m is to be erected along the North Western Boundary of the site, with the position of the fencing first having been pegged out and agreed in writing with the planning authority. Thereafter the fence is to be retained to the satisfaction of the planning authority until completion of construction works on site.
Reason: To ensure that debris and contamination from construction works does not enter the river system.
- 10 None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 11 A detailed drainage strategy as per p.13 of Planning Advice Note 61 'Planning and SUDS' is to be submitted with the full or reserved matters application for the written approval of the planning authority (in consultation with the Building Control Department, SEPA and Scottish Water) prior to the commencement of development.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

Disposal of surface water from the site should comply with General Binding Rules (GBRs) 10 and 11 of The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) (as amended). Details of the requirements of these GBRs can be found in the CAR practical guide, available at www.sepa.org.uk/water/water_publications.aspx

The GBRs specify the requirement for Sustainable Urban Drainage Systems (SUDS) to dispose of surface water at the majority of sites. The applicant should be aware that it is an offence under Section 40 of the CAR to not comply with the GBRs.

CIRIA's SUDS Manual (C967) provides general guidance on designing and constructing SUDS and advocates the treatment train approach to surface water disposal through the promotion of infiltration structures such as porous paving beneath areas of hard standing and soakaways for roof water, conveyancing structures such as swales culminating in a treatment facility such as a pond.

A suitable SUD based system should also be able to provide flow attenuation to ensure that runoff from the development does not increase the risk of flooding elsewhere.

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

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

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – 0800 800 333

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

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA.

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

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING
AND BUILDING STANDARDS**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 09/00547/OUT

APPLICANT : Mr A Thompson

AGENT : Bill Kerr

DEVELOPMENT : Erection of three dwellinghouses

LOCATION: Land West Of Thornwood Lodge
Weensland Road
Hawick
Scottish Borders

TYPE : OUT Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
106/09/101 – AMENDED	Block Plans	Approved
AMENDED - 106/09/102	Sections	Approved

NUMBER OF REPRESENTATIONS: 4

SUMMARY OF REPRESENTATIONS:

The objections can be viewed in full via the public access website, and can be summarised as follows: This stretch of Weensland Road is already dangerous, and there are parking problems. Construction would cause problems with access, traffic, congestion and parking. Objectors have to watch for traffic from 4 directions this new development would add another. Impact on the area in terms of location next to river bank. Impact on view from objector's property. Objection to being overlooked.

CONSULTATIONS CARRIED OUT AND SUMMARY OF CONSULTATION RESPONSES: DTS_RD - Development Control (Technical Services) Whilst I have no objections in principle to the development of this site, I do have some concerns with the layout proposed. The following matters would have to be resolved to my satisfaction prior to any approval being issued.

1. The visibility for an access of this nature at this location should be 2.5m x 90m. Whilst this may be achievable to the south although the crest of the hill may cause problems, the existing boundary wall for Thornwood Lodge will restrict visibility to the north.
2. The parking and turning for the southerly house is unacceptable. A more formal turning area outwith the parking area must be provided.
3. The access arrangement at the junction with Weensland Road is unacceptable. The access must be 5.5m in width for a minimum of 6m from the edge of the existing carriageway. Thereafter it may narrow down to single file width, 3.5m recommended minimum. However, the arrangement should allow a vehicle to pull off and sit clear of the main road while allowing another vehicle to exit the site. This is not the case in the submitted drawing.

4. Any boundary marker adjacent to Weensland Road would have to be such that it did not interfere with driver visibility.

(Email of 30th October confirms that the revised plan is now satisfactory).

CC - Community Council – No Reply has been received, owing to the minimum 6 month disbandment of Hawick Community Council.

DE - Director Of Education & Lifelong Learning - located within the catchment area for Trinity Primary School, St Margaret's RC 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.

DTS_FP - Flood Protection Officer - Brian Tait - The Hawick flood study prepared by Halcrow in April 2006, for this Council, shows part of the proposed development area to be within the 1 in 200 inundation outline for the River Teviot. The study predicts a flood level of between 95.65 and 95.54m AOD in the vicinity of the development. The lowest FFL, which is the garage at Plot 3, is 96.85m AOD and the lowest point of the access road, 96.65m AOD, is also above the predicted flood level thus safe access and egress is available during the flood event. The gardens at the plots are between 94.86 and 94.02m AOD and will be submerged during a 1 in 200yr flood event. The intellectual property of this report remains with the consultant, but it can also be inspected by arrangement. I would advise the need for the applicants to take into account the potential for flooding arising from other sources such as road drainage, over land surface water runoff, and surcharged culverts.

SNH - Scottish Natural Heritage – No objection subject to imposition of planning conditions on buffer strip during construction and condition requiring detailed drainage plan.

SEPA - SEPA HQ – require that a detailed drainage strategy (as per p.13 of Planning Advice Note 61 'Planning and SUDS') is submitted with the full or reserved matters application, and this should be a condition of any outline planning consent granted by your authority. The detailed drainage strategy must be approved by your planning authority (in consultation with the Building Control Department, SEPA and Scottish Water) prior to the commencement of development, and form part of the approved plans for the development.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Structure Plan 2001-2011

Policy N2 - International Sites
Policy N8 - River Tweed System
Policy N20 – Design

Scottish Borders Local Plan 2008

Policy G1 – Quality Standards for New Development
Policy G4 - Flooding
Policy G5 - Developer Contributions
Policy G7 - Infill Development
Policy NE1 - International Nature Conservation Sites
Policy NE5 - Development Affecting the Water Environment
Policy NE6 - River Engineering Works
Policy H2 – Protection of Residential Amenity
Policy Inf 4 - Parking Provision and Standards
Policy Inf 5 - Waste Water Treatment Standards
Policy Inf 6 - Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

Scottish Borders Council - Supplementary Planning Guidance:

- Affordable Housing – March 2007.
- Developer Contributions – April 2009.
- Guidance on Householder Developments (Privacy & Sunlight) – July 2006.
- Trees and Development - March 2008.

Recommendation by - Andrew Evans (Planning Officer) on 15th December 2009

This application seeks outline planning permission for the erection of three detached dwelling houses on land fronting Weensland Road in Hawick. The land is currently part of the garden ground of the dwelling house known as "Thornwood". Though originally submitted as an application for outline planning permission, the application must now be determined as an application for planning permission in principle, following legislative changes on the 3rd of August.

Section 25 of The Town and Country Planning Act 1997 requires that in determining planning applications regard should be had to the provisions of the development plan and to any other Material Considerations. A number of objections have been received to the proposals from the occupants of neighbouring dwellings. The issues raised by objectors are worthy of some significant consideration. The planning department's view of these points is as follows:

- Road safety and parking issues have been considered by the Director of Technical Services.
- Loss of property values is not a material planning consideration;
- The proposals are not considered to give rise to a loss of amenity of any degree warranting refusal or substantial amendment of the scheme;
- There is no right to a view in planning legislation;
- Construction Disturbance is not a material planning consideration.
- Matters pertaining to the impacts on flood water and the biodiversity of the river have been considered.
- There is no right to a view in planning legislation.

The proposals require assessment against policy G1 and H2 of the Adopted Scottish Borders Local Plan (2008). Policy NE1 applies as this site is immediately adjacent to the River Teviot, a tributary of the Tweed, and a Special Area of Conservation. The proposed layout is considered to be acceptable under policy G1. Policy H2 of the local plan seeks to safeguard the amenity of neighbouring residential properties. There would be compliance with the adopted guidance on minimum distances for overlooking and privacy, and policy H2 of the Local Plan.

The Impact of the proposals on daylight and sunlight was a matter requiring further consideration. The proposals would meet or exceed the required minimum standards for window to window overlooking. The proposals are an acceptable scale of development on an infill site within the development boundary of the town.

Policy G7 (Infill Development) of the adopted Scottish Borders Local Plan permits development on unallocated sites within development boundaries (such as this application site) provided that a series of Criteria are met. Criterion 2 is met in that there is no conflict with adjoining land uses. Criterion 3 requires that the development does not attract from the character and amenity of the surrounding area. This is clearly the case. Criterion 5 requires that the development respects the scale, form, design, materials and density of its surroundings. The site is located in an area broadly in residential use. Adequate Accessing and servicing are achievable.

The proposals are considered to comply with Adopted Local Plan Policies G1 (Quality Standards for New Development); G5 (Developer Contributions); G7 (Infill Development); H2 (Protection of Residential Amenity); and Inf4 (Parking Standards).

The main issue requiring resolution was as to the degree and detail of buffer that SNH would accept between the site and the River Teviot.

In terms of the 2009 Structure Plan Alteration, the site is located within the Southern Borders Housing Market Area. The Adopted Affordable Housing Supplementary Planning Guidance highlights that no contribution would be sought in the former South Roxburgh Housing Market Area for a scheme of this nature.

REASON FOR DECISION :

The development of a three dwellings on this site is acceptable in principle. It is considered that there would not be such adverse impact on neighbouring amenities as to warrant refusal. The proposals are considered to comply with policies G1, D2, and H1 of the adopted Local Plan. It is considered that the site can be developed in a manner consistent with Adopted Supplementary Guidance on minimum distances for privacy, amenity, overshadowing and overlooking.

Recommendation: Approved - conditions & informatives

- 1 Approval of 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 shall be obtained from the Local 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:
the expiration of three years from the date of this permission, or
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 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.
- 4 Parking and turning for a minimum of two vehicles, excluding any garage, must be provided within the curtilage of the property.
Reason: In the interests of road safety.
- 5 Details of all proposed means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before work on the site is commenced.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
- 6 Prior to the commencement of development details of the means of both foul and surface water drainage are to be submitted to and agreed in writing by the planning authority.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
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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 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as

may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

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

- 9 Prior to the commencement of development, a temporary buffer fence at a height of 1.5m is to be erected along the North Western Boundary of the site, with the position of the fencing first having been pegged out and agreed in writing with the planning authority. Thereafter the fence is to be retained to the satisfaction of the planning authority until completion of construction works on site.
Reason: To ensure that debris and contamination from construction works does not enter the river system.
- 10 None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 11 A detailed drainage strategy as per p.13 of Planning Advice Note 61 'Planning and SUDS' is to be submitted with the full or reserved matters application for the written approval of the planning authority (in consultation with the Building Control Department, SEPA and Scottish Water) prior to the commencement of development.

Informatives

It should be noted that:

- 1 Disposal of surface water from the site should comply with General Binding Rules (GBRs) 10 and 11 of The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) (as amended). Details of the requirements of these GBRs can be found in the CAR practical guide, available at www.sepa.org.uk/water/water_publications.aspx

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A suitable SUD based system should also be able to provide flow attenuation to ensure that runoff from the development does not increase the risk of flooding elsewhere.

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

