

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013****Application for Planning Permission****Reference : 18/01228/PPP****To : Mr Simon Bennett per Ferguson Planning 54 Island Street Galashiels Scottish Borders
TD1 1NU**

With reference to your application validated on **11th September 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse (renewal of planning permission 15/00774/PPP)**at : Land East Of Castle Heights Hume 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 following direction:

- That an application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
 - a) The expiration of three years from the date of this permission, or
 - b) The expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.
- The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

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

**Dated 7th November 2018
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed
.....
Depute Chief Planning Officer

APPLICATION REFERENCE : 18/01228/PPP
Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
1	Location Plan	Approved

REASON FOR DECISION

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

SCHEDULE OF CONDITIONS

- 1 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 all first been submitted to, and approved in writing by, the Planning Authority. These details shall include provision for new tree planting within the area shaded green on the Approved Location Plan and shall also take full account of the requirements and considerations of Informative Note 2. Additionally, a written statement shall also be submitted in association with the first application for Approval of Matters specified in Conditions (AMC), which shall explain how the proposal has been informed by the requirements and considerations of Informative Note 1.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 The finished floor level(s) of the dwellinghouse hereby approved and any associated outbuilding(s), and the finished ground level(s) within the curtilage of the residential property hereby consented, shall all be consistent with levels indicated on a scheme of details that shall first have been approved by the Planning Authority which describe the proposed siting, layout and appearance of the dwellinghouse and landscaping of the site. These details shall include:
 - (i) the proposed finished floor level(s) of the consented dwellinghouse and any associated outbuilding(s);
 - (ii) the existing and proposed ground levels within the curtilage of the consented residential property; and
 - (iii) a clearly identifiable datum point, or clearly identifiable datum points, located outwith the site and sufficient for the purpose of establishing the heights of the existing and proposed levels detailed in (i) and (ii) above, relative to the level(s) of the existing road surface.
 Reason: To ensure that the consented development does not have any detrimental impact upon the appearance, environment and amenity of the site and surrounding area, or upon the amenity of neighbouring properties, as a consequence of the levels within the site being raised to an inappropriate height.

- 4 Notwithstanding the detail submitted in support of the planning application, the site shall only be accessible to vehicles in accordance with arrangements that meet in full the requirements of Planning Condition No 1 with respect to the design of the site access. The dwellinghouse hereby consented, shall not be occupied until:
(a) the site access from the public road, and
(b) on-site parking and turning provision suitable for at least two vehicles,
have all first been completed in accordance with details that shall have been approved at the time of the determination of the first application for Approval of Matters specified in Conditions submitted to address the relevant information requirements of Planning Condition No 1 attached to this planning permission.
Reason: In the interests of road safety to ensure that safe vehicular access to, and parking at, the site is available for use prior to the occupation of the development.
- 5 Unless otherwise agreed in writing and in advance by the Planning Authority, no development shall be commenced until the existing bus shelter (or a suitable replacement for this same structure), has first been relocated in accordance with a scheme of details that has first been agreed by the Planning Authority and made available for use by members of the public (see Informative Note 3 with respect to what specifically is required and expected of the developer for the purposes of ensuring that the above noted requirements are met).
Reason: To ensure that appropriate provision is made within the timetable of the development, to allow for the appropriate safeguarding, re-accommodation and maintenance by the Local Authority of essential public facilities.
- 6 Unless otherwise agreed in writing and in advance by the Planning Authority, all planting, seeding and turfing comprised in the approved details of landscaping shall be completed in the first planting and seeding seasons following either the occupation of the dwellinghouse or the completion of the development, whichever occurs soonest, and the tree belt required by Planning Condition No 1, shall thereafter be maintained in perpetuity, and in accordance with the approved details. Any tree within the approved landscaping scheme that fails shall be replaced by one new tree of the same species as the failure, so that the tree belt is fully established and fully maintained in accordance with the approved details.
Reason: To ensure that the landscaping is carried out as approved, and to ensure that the tree belt becomes established, and is thereafter maintained in perpetuity, as a boundary feature appropriate to the definition of the edge of the building group.
- 7 Notwithstanding the details submitted in support of the planning application, the development shall not be commenced until precise details of:
(i) the arrangements for surface water drainage treatment;
(ii) the arrangements for foul drainage treatment; and
(iii) the arrangements for water supply
have all first been submitted to, and approved in writing by, the Planning Authority.
Thereafter, the surface water drainage treatment, foul drainage treatment, and water supply shall all be implemented in accordance with the approved details and shall all be functional prior to the occupation of the dwellinghouse hereby approved.
Reason: To ensure that the site is adequately serviced and fit for habitation prior to its occupation.
- 8 Unless otherwise approved by the Planning Authority at the time of its determination of the details required by condition 1 of this permission, and notwithstanding either (i) the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any subsequent provisions amending or re-enacting that Order), or (ii) the provisions of The Town and Country Planning (General Permitted Development) (Scotland)

Order 1992 (as amended), no development shall thereafter take place within the area of the site that is described by the area shaded in green on the Approved Location Plan, unless an application for planning permission in that behalf, has first been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that the tree belt required by Planning Condition No 1 both becomes established and is thereafter maintained in perpetuity as a boundary feature appropriate to the definition of the edge of the building group.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

Siting and Design

With respect to the design of the dwellinghouse, and subject to an appropriate landscaping treatment, it is anticipated that the scale and traditional design approach described by the indicative drawings would raise no concerns in principle were these to be maintained at the detailed (AMC) application stage. However, it is considered that there would be a need to reduce the horizontal emphasis of the principal elevation, and to establish a clearer sense of a front entrance to the same. It is considered that the former point would be appropriately addressed, by lowering the roof height of one section, to introduce some notable differentiation between the height of the main dwellinghouse and that of a subordinate section. A front door should be included in a central position to ensure the inclusion of a clearly legible entrance to the property.

With respect to the siting of the dwellinghouse, this should occupy a building line equivalent to the adjacent property at 'Castle Heights'.

With respect to the design of the site access, the Roads Planning Service requires that this be reduced to a simple footway crossing, in accordance with its DC-10 specification (attached). The site access arrangements should also be configured around the retention of the majority of the existing stone boundary wall along the southern boundary of the site. Where the vehicular access is inserted, the aforementioned wall would be appropriately returned into the site in alignment with the radii of the new site access, allowing that appropriate visibility splays are created and are thereafter capable of being maintained.

Landscaping

With respect to the required tree belt to be established within the area shaded green on the Approved Location Plan, this should:

- (i) Be composed of a mix of native tree species;**
- (ii) Be the full width and full length of the area shaded green on the Approved Location Plan, in order to constitute a sufficiently dense and robust area of planting. (This is particularly important if the density is equivalent to that of the existing planting around the war memorial);**
- (iii) Not feature any buildings or other structures.**

With respect to this and all other landscaping details at the site, full details of the proposed landscaping treatment for the site, including species, planting requirements (including density, minimum height of new trees and site appropriate protective measures) and maintenance requirements, require to be provided in support of the AMC application which describes the landscaping proposals for the site.

There is no formal requirement for a professionally prepared tree survey to be presented in support of landscape proposals at the AMC stage. However, in the event of the required tree belt proposal being met in a proposal to extend the existing area of planting around the war memorial further west onto the applicant's land (as is the Planning Authority's preferred approach), it would be helpful to all parties if the condition of the existing planting at the war memorial could be established. This would then allow for full consideration to be given to what would be required in order to establish effectively, an appropriately robust and sustainable area of tree planting.

Consideration needs to be given within the landscaping proposals to the management of the transition along the northern (field) boundary, from the area of formal garden ground to the area of new tree planting. It is considered that a hedge of native species would appropriately achieve this, and unite the residential property to its agricultural setting.

With respect to the southern (roadside) boundary, the indicated retention of the existing stone wall is supported.

Bus Stop

With respect to Planning Condition No 5, and in the interests of road and public safety, appropriate arrangements for the relocation of the bus stop and bus shelter, require to have been implemented prior to the commencement of development on site.

Planning Condition No 5 has been imposed to ensure that the developer works within a programme and timetable that reasonably allows for the Council to complete the works needed to maintain appropriate public facilities within the vicinity of the site, ahead of the commencement of a development that would otherwise be liable to impact the structures and/or operation of the public facilities concerned.

It is the developer's responsibility to liaise with the Council within a reasonable period of time in advance of the intended start-date for the development, so that there is sufficient time to make all the necessary arrangements for the bus stop and shelter to be repositioned ahead of that start date, as required.

It is anticipated that a month's notice (4 weeks) would be required for this.

Right of Way

Right of Way BB 137 utilises the pavement/road to the south of the site. It is a legal requirement that this Right of Way is maintained open and free from obstruction during and after development. This is to protect general rights of responsible access.

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

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

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

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

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

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



Regulatory Services

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.