



Regulatory Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission in Principle

Reference : 16/00459/PPP

**To : Mr Malcolm Bruce per Sorrell Associates Per Jim Sorrell The Green House
41 St Bernard's Crescent Edinburgh Scotland EH4 1NR**

With reference to your application validated on **14th April 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse

at : Land West Of Westwater Bogbank Road West Linton Scottish Borders

The Scottish Borders Council hereby **grant planning permission in principle** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997, subject to the following directions:

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

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

**Dated 14th July 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed

.....
Chief Planning Officer

Visit <http://eplanning.scotborders.gov.uk/online-applications/> to view Planning Information Online

APPLICATION REFERENCE : 16/00459/PPP

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
148(PL) 001	Site Plan	Approved
Planning Statement	Other	Approved
Tree Survey	Other	Approved

REASON FOR DECISION

The proposals for a new dwellinghouse comply with the Local Development Plan Policies for Housing In the Countryside in that there is an existing building group and the site is well related to this building group. It will add to the sense of place which exists at this location. The trees are important landscape features which should be retained and protected. Details of design, access, water, drainage and protection of residential amenity can be dealt with at the detailed planning stage.

SCHEDULE OF CONDITIONS

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 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 Development shall not begin until drainage works have been carried out 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.
- 5 Two parking spaces and a turning area shall be provided within the site and retained in perpetuity.
Reason: To ensure that adequate parking is provided in the interests of road safety.

- 6 Only the birch trees trees nos 0183 and 0187 as identified in the Arboricultural Survey dated May 2016 shall be removed. No other trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Local Planning Authority.
Reason: The existing trees represent an important visual feature which the Local Planning Authority considers should be substantially maintained.
- 7 Notwithstanding the location of the access shown on the indicative plan, access to the site shall be between Lime trees nos 0186 and 0188 as identified in the Arboricultural Survey dated May 2016 and at no other location. Before any development commences on site details of the design of the access from the existing track through the trees shall be submitted to and approved by the local planning authority.
Reason: To ensure that no damage occurs to the trees to be retained which are an important landscape feature.
- 8 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, 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.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

Access

Section 7.4 Permanent hard surfacing within the RPA of BS 5837 : 2012 Trees in relation to design, demolition and construction - Recommendations provides guidance and we recommend the use of Terram Geocell confinement system to be installed above existing ground level for the driveway within the RPA of retained trees with a porous and not a sealed surface to the driveway from the existing track through the trees.

Some limited crown lifting to the trees immediately adjacent to the possible route of the driveway may be required to create adequate headroom for vehicular access and it is suggested that the applicant contacts the Council's Tree Officer for further advice.

If the required services cannot be brought into the site without coming through the trees (through the north or west boundaries) we would expect to see services brought in through the trees along the same line as the driveway - centred on the removed birch tree. The minimum required width of trenching should be dug and ALL trenches within the RPA of trees should be hand dug. The exact location of driveway and any service trenches will need to be agreed on site with the Tree Officer prior to commencement of development.

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

Notice of Initiation of Development

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

Notice of Completion of Development

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

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

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

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

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



Regulatory Services

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.