

Mr Adrian McInally  
per Savills  
Per Allan Lees  
28 Castle Street  
Dumfries  
Scotland  
DG1 1DG

**Please ask for:** Randal Dods  
Ext. 8574  
**Our Ref:** 19/00165/FUL  
**Your Ref:**  
**E-Mail:** Randal.Dods@scotborders.gov.uk  
**Date:** 16th May 2019

Dear Sir/Madam

**PLANNING APPLICATION AT Land West Of Westwater West Linton Scottish Borders**

**PROPOSED DEVELOPMENT: Erection of dwellinghouse with attached garage**

**APPLICANT: Mr Adrian McInally**

Please find attached the decision notice for the above application.

Please read the schedule of conditions and any informative notes carefully.

Drawings can be found on the Planning pages of the Council website at <https://eplanning.scotborders.gov.uk/online-applications/>. Please see the requirement for notification of initiation and completion of development as well as for Street naming and numbering as appropriate.

It should be noted that before works commence, where applicable, all necessary consents should be obtained under the Building (Scotland) Act 2003. If you require any further information in this respect, please contact the relevant Building Standards Surveyor.

Yours faithfully

John Hayward

Planning & Development Standards Manager

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)**

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

**Application for Planning Permission**

**Reference : 19/00165/FUL**

**To : Mr Adrian McNally per Savills Per Allan Lees 28 Castle Street Dumfries Scotland DG1 1DG**

With reference to your application validated on **6th February 2019** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Erection of dwellinghouse with attached garage**

**at : Land West Of Westwater West Linton 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 (as amended), 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 14th May 2019  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 19/00165/FUL**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
PL-01	Proposed Site Plan	Approved
PL-02	Proposed Plans & Elevations	Approved
PL-03	Proposed Plans & Elevations	Approved
PL-04	Proposed Sections & Elevations	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 Unless required by conditions in this schedule, 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 Before the development hereby permitted is occupied: a minimum of two parking spaces and turning area shown shall be constructed and made available for use prior to the occupation of the dwellinghouse and shall thereafter be retained in perpetuity and; details of the refuse and recycling bin storage shall have been submitted to and approved in writing by the planning authority. For the avoidance of doubt, the storage area for refuse containers shall not be to the front of the property.  
Reason: To ensure that there is adequate off road parking within the site in the interest of road safety and to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3 All trees specified for retention on the the tree location plan (Appendix 1 of the arboricultural survey submitted in respect of 16/00459/PPP) shall be retained and none shall be lopped, felled or otherwise disturbed without the prior written approval of the Planning Authority. No works shall commence on any part of the development, including underground services, until a Tree Protection Plan has been submitted to and approved in writing by the Planning Authority demonstrating how the retained trees will be protected during the construction period based on BS5837:12 "Trees in relation to design, demolition and construction". The development shall be implemented only in accordance with the approved Tree Protection Plan.  
Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to ensure a satisfactory form of development, which contributes appropriately to character of the rural area.

- 4 The dwellinghouse hereby approved shall not be occupied until the foul drainage system has become operational. All surface water drainage shall comply with the SUDS manual.  
Reason: To ensure that the development does not have a detrimental effect on amenity and public health.
- 5 No water supply other than the public mains water supply shall be used to supply the development without the written agreement of the planning authority. No development is to commence until a report has been submitted to and approved in writing by the planning authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building, written confirmation shall be provided to the approval of the planning authority that the development has been connected to the public mains water supply.  
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
- 6 The finish of the flue shall be matt black or dark grey.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to the character of the area.
- 7 The rooflights shall be fitted with black or dark grey frame, and shall be installed flush with the roof slope, unless otherwise agreed with the planning authority.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to the character of the area.

#### **FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

1 Solid fuel 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 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-woodfuelwoodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuelwoodasfuelguide.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.

## 2 Private drainage systems

Private drainage systems often impact on amenity and cause other problems when no clear responsibility or access rights exist for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. To discharge the condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

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.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 5228:2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

### **Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act 1997 (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 available on the Council's website for this purpose.

### **Notice of Completion of Development**

Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) 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, 4<sup>th</sup> 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 (as amended) 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 (as amended).