

Mr Hans Rieppel
per Ferguson Planning
Per Gary Farrelly
54 Island Street
Galashiels
Scottish Borders

Please ask for: Stuart Herkes
01835 825039
Our Ref: 16/01461/PPP
Your Ref:
E-Mail: sherkes@scotborders.gov.uk
Date: 20th February 2019

Dear Sir/Madam

PLANNING APPLICATION AT Land North of 28 Lauder Road Stow Scottish Borders

PROPOSED DEVELOPMENT: Residential development comprising of 6 No dwellinghouses
(renewal of previous application 09/01533/PPP)

APPLICANT: Mr Hans Rieppel

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 : 16/01461/PPP

**To : Mr Hans Rieppel per Ferguson Planning Per Gary Farrelly 54 Island Street Galashiels
Scottish Borders TD1 1NU**

With reference to your application validated on **22nd November 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Residential development comprising of 6 No dwellinghouses (renewal of previous application 09/01533/PPP)

At : Land North of 28 Lauder Road Stow 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 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 18th February 2019
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 16/01461/PPP

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
	Site Plan	Approved

REASON FOR DECISION

Subject to a legal agreement and 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 on any residential property hereby approved until the following details about that same residential property have all first been submitted to, and approved in writing by, the Planning Authority:
 - i) the proposed siting, layout, design and external appearance of its dwellinghouse;
 - ii) the proposed siting, layout, design and external appearance of any proposed ancillary building(s), structure(s) and/or surface(s) to be sited within its curtilage;
 - iii) the proposed landscaping and boundary treatment of its site;
 - iv) the existing and proposed finished ground and surface levels of its site, including the proposed Finished Floor Level(s) of the dwellinghouse and that/those of any proposed ancillary buildings, all shown in relation to a clearly identifiable datum point, or clearly identifiable datum points, located out with the site, and sufficient for the purpose of establishing the heights of the aforementioned existing and proposed levels;
 - v) the proposed means of access thereto; and
 - vi) the proposed accommodation of the parking and movement of at least two vehicles (excluding any garaging) for its occupants.Thereafter, the development of that same residential property shall be implemented in accordance with the details that are specifically approved to address all of the above matters (items i. to vi., inclusive) in relation to it by a consent (or consents) for Approval of Matters specified in Conditions (AMC) issued as ulterior to this planning permission.
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; and including the need to ensure that appropriate provision is made within the detailed design and layout of the residential properties hereby approved for the accommodation of occupants' vehicles, in the interests of road safety.

- 2 No development shall commence on the site, or any part thereof, until all of the following have first been provided at the time of the first application for Approval of Matters specified in Conditions (AMC) that is submitted as ulterior to this planning permission:
 - i) a proposed site layout plan describing the entire site and showing the proposed positions and boundaries of all individual residential plots; the proposed positions and layouts of all public footpaths, all shared and communal access(es), parking and turning areas; and any other proposed communal or shared surfaces;

- ii) details of the existing and proposed finished ground and surface levels on the site, shown in relation to a clearly identifiable datum point, or clearly identifiable datum points, located out with the site and sufficient for the purpose of establishing the heights of the existing and proposed levels across the entire site. These details shall include drawings describing both in plan and in section, all proposed works required to construct all shared and communal vehicular accesses, parking and turning areas, public footpaths and any other proposed communal or shared surfaces (including in all cases, all works required to make up or reduce any existing ground levels to accommodate the siting of these same accesses and areas);
- iii) details of the construction and surfacing of all shared and communal vehicular accesses, parking and turning areas, public footpaths and any other proposed communal or shared surfaces;
- iv) details of the proposed programme for the delivery of all shared and communal vehicular accesses, parking and turning areas, public footpaths and any other proposed communal or shared surfaces. These details shall take full account of the advice of Informative Note 2;
- v) a Design and Access Statement which addresses the requirements of Informative Note 3 attached to this same planning permission; and
- vi) a Report of the results and conclusions of a Tree Survey and Arboricultural Impact Assessment of all trees (including Root Protection Areas and canopies) within the site or on its boundaries, that shall itself address in full the requirements set out in Informative Note 4 attached to this same planning permission.

Thereafter the development of the site shall be implemented in accordance with the approved details including all matters regulated under any conditions attached to the AMC consent(s) which are ulterior to this planning permission.

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; to ensure that appropriate arrangements are in place for the delivery and management of the development of the entire site, including for the provision of appropriate vehicular and pedestrian access to, from and within the site, both during and after the period of construction, which is in the interests of site safety, road safety and public safety; and to ensure that there would be no unacceptable impacts upon the surface, structure or operation of the public road as a consequence of the development, including as a result of any changes to design, ground and surface levels or surface water drainage, again in the interests of road safety.

- 3 No dwellinghouse hereby approved shall be occupied until:
- i) the water supply, surface water drainage and foul drainage relating to that same dwellinghouse, are first all fully functional; and
 - ii) the site access and on-site provision for the accommodation of the parking and movement of at least two vehicles (excluding any garaging) within the curtilage of the residential property associated with that same dwellinghouse, have all first been completed and made available for use by occupants' vehicles.

Reason: To ensure that each residential property hereby consented is adequately serviced and fit for habitation prior to its occupation, and to ensure that each property's site access and parking areas are complete and available for use by occupants in the interests of road and site safety.

- 4 Unless otherwise agreed in writing by the Planning Authority (including in accordance with any details approved under any AMC consent issued as ulterior to this Planning Permission in Principle consent) and in advance of such tree works taking place:
- i) no trees (including their roots and branches) within the application site (including on the site boundaries) shall be felled, lopped, lifted or disturbed in any way, and no works shall take place within their Root Protection Areas or canopy spreads; and
 - ii) all existing trees shall be fully protected in accordance with the requirements of BS 5837:2012 and all measures required on-site to protect these trees for the duration of construction works, shall be maintained in accordance with the requirements of BS 5837:2012. Further, there shall be no storage of plant or machinery within the Root Protection Areas (RPAs) of these same trees, and there shall be no services installed within their RPAs unless such works are compliant with NJUG Guidelines.
- Reason: In the interests of preserving the health and vitality of the existing trees, the loss of which would have an adverse effect on the visual amenity of the area. The existing trees represent an important visual feature which the Planning Authority considers should be substantially maintained in the interests of conserving the visual amenities of the site and surrounding area.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

INFORMATIVE NOTE 1:

It should be noted that ALL information requirements identified in the planning conditions attached to this planning consent require to be made the subject of a subsequent application, or subsequent applications, for Approval of Matters specified in Conditions (AMC).

When making an AMC application to address the information requirements of the planning conditions attached to this planning consent, the Applicant should explicitly state the reference numbers of the relevant planning conditions in the appropriate place (currently Section 5b) on the Planning Application Form.

In the event that the Applicant would seek to address the information requirements of ALL planning conditions attached to this planning consent within one AMC application, they must ensure that they supply information that fully and properly addresses ALL information requirements identified within ALL planning conditions.

INFORMATIVE NOTE 2:

The proposed phasing arrangements of the development required under item iv. of Planning Condition No 2, must consider how safe vehicular and pedestrian access to, from and within the site (including provision for footpaths, and areas for the parking and turning of all vehicles on the site, construction traffic as well as for normal traffic) would be established and maintained from the start of development, and how this would then be maintained throughout the course of the development of the site up to completion. This phasing should address, and allow for, the possibility that the first house(s) constructed, may be occupied before the development of the last house(s) is completed, such that at every stage of the development, the access arrangements on the site are sufficient to accommodate both residential and construction traffic, as well as to allow for safe pedestrian access to, from and within the site.

In the interests of site safety, public safety and road safety, the Planning Authority reserves the right at the time(s) of the determination of the application(s) for the detailed proposals to impose planning condition(s) upon any AMC consent(s) that is/are ulterior to this Planning Permission in Principle, to require that particular works or operations should be completed by particular stages within the development.

INFORMATIVE NOTE 3:

The Design and Access Statement required under Planning Condition No 2, item v, attached to this planning permission, should address how the detailed site layout proposals would ensure road safety and public safety with respect to vehicular and pedestrian movements from, to, and within the site, and both during and after the period of construction of all six dwellinghouses.

INFORMATIVE NOTE 4:

The Tree Survey and Arboricultural Impact Assessment required under Planning Condition No 2, item vi, attached to this planning permission, must be carried out by an individual or organisation that is professionally competent to do so, and should be undertaken and reported in conformity with BS5837: 2012 (or any successor publication).

The survey should include assessment of those trees in the existing woodland along the northern boundary of the site and those trees on, or close to, the site's boundaries within adjacent residential gardens.

A critical concern is that the potential for the retention of all existing trees on and around the boundaries of the site, is appropriately investigated in advance, and any and all mitigation measures required to conserve these trees in the long-term (including through design, as well as through the adoption of any measures required to safeguard them throughout the course of the development) are identified at the pre-development stage to ensure that the mitigation is fit for purpose. The Tree Survey and Arboricultural Impact Assessment is required to inform this assessment.

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 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, 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 (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).