

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

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations  
2008**

**Application for Planning Permission**

**Reference : 07/01848/OUT**

**To : Mr & Mrs M Forster Gerrick Farm Nenthorn Kelso Scottish Borders TD5 7SA**

With reference to your application validated on **24th September 2007** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of four dwellinghouses**

**at : Land North West Of Nenthorn Primary School Kelso 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 20th November 2009  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**

  
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**Head of Planning & Building Standards**

**APPLICATION REFERENCE : 07/01848/OUT**

**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
FR/GIR/LOC1	Location Plan	Approved
FR/GIR/SKP1	Planning Layout	Approved

**REASON FOR DECISION**

It is considered that the site is better related to the building group at Nenthorn than the site previously refused. On balance it is considered that the proposal complies with the Council's housing in the countryside policies and can be supported by this Department.

**SCHEDULE OF CONDITIONS**

- 1 Approval of the details of the layout, siting, design and external appearance of the buildings, the means of access thereto, the boundary treatment around the site and between plots and the landscaping of the site hereinafter called "the reserved matters" shall be obtained from 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.
- 2 The roofing material to be natural slate.  
Reason: To safeguard the visual amenity of the area.
- 3 No development shall take place except in strict accordance with a scheme of soft landscaping works for the site and for the 10m wide tree belts on the northern, western and southern boundaries of the site, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
  - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
  - ii. location of new trees, shrubs, hedges and grassed areas
  - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
  - iv. 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.
- 4 No development shall take place until a scheme for the provision of an equipped play area has been submitted to and approved in writing by the Planning Authority. The scheme so submitted shall include-
  - i. type and location of play equipment, seating, fences, walls and litter bins
  - ii. surface treatment of the play area
  - iii. proposals for the implementation/phasing of play area in relation to the construction of houses on the site.  
Reason: To ensure that proper provision is made for recreational facilities within the site.
- 5 All works required for the provision of open space and play areas shall be completed in accordance with the scheme approved in writing by the planning authority.  
Reason: To ensure that the development is carried out as approved.

- 6 The proposed development shall incorporate measures to maximise the efficient use of energy and resources, and the incorporation of sustainable building techniques and renewable energy technologies, in accordance with the scheme of details that shall first have been submitted to and approved in writing by the planning authority.  
Reason: To ensure the development minimises any environmental impact
- 7 The position of the footpath from the public road to play area to be agreed in writing by the Planning Authority before the development commences. The agreed scheme then to be completed before the first dwellinghouse is occupied  
Reason: To safeguard residential amenity.
- 8 Parking and turning for two vehicles, excluding garages, must be provided within each plot before the dwellinghouse is occupied and retained in perpetuity.  
Reason: In the interests of road safety.
- 9 The means of water supply and of both surface water and foul drainage to be submitted to and approved by the Planning Authority before the development is commenced.  
Reason: To ensure that the site is adequately serviced.
- 10 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this 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.
- 11 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.  
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.

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

It should be noted that:

In respect of condition 9, the Planning Authority normally requires that drainage complies with sustainable urban drainage system guidance (SUDS). The Planning Authority will only consider alternative arrangements where SUDS is not appropriate. Advice on the most appropriate drainage system can be obtained from Scottish Water.

In respect of condition 1, the specifications of the Director of Technical Services for the access, footpath and parking spaces are as follows:

- 1. Visibility of 3.5m x 215m must be provided in a northerly direction with a minimum of 3.5m x 150m being required to the south. This will entail removal of the existing hedge over a considerable length or it being set back a considerable distance to ensure it does not encroach into the visibility splays.**
- 2. The initial 10m of the road must be surfaced to his specification: a 40mm layer of 14mm size close graded bituminous surface course to BS 4987 laid on a 100mm layer of 28mm size dense base (roadbase) to the same BS laid on a 310mm layer of 100mm broken stone bottoming blinded with sub-base, type 1 and have kerbing around the radii.**
- 3. There must be no direct access, either vehicular or pedestrian, from any plot directly on to the A6089.**
- 4. Details of the levels of the access road must be provided to ensure adequate drainage is incorporated.**

- 5. Off-road visitor parking for a minimum of two vehicles must be provided within the development.**
- 6. Either end of the narrow section of road by plots 1 and 2 should be intervisible.**
- 7. A footpath connection should be provided between the site and the existing parking bays adjacent to the main road. Allowance should also be made to allow for a possible future footpath connection into the site to the south which has approval for housing.”**

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, 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 appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of the appeal should be addressed to The Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR. A copy of the notice of the appeal must, at the same time, be sent to the Legal Services Section, Scottish Borders Council, 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.