

Ms Fenella Walker
per R G Licence Architect
Hillend
Ednam
Kelso
Scottish Borders

Please ask for: Euan Calvert
01835 826513
Our Ref: 20/01275/PPP
Your Ref:
E-Mail: ecalvert@scotborders.gov.uk
Date: 24th June 2021

Dear Sir/Madam

PLANNING APPLICATION AT Land North East of Cakemuir Cottage Nenthorn Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse

APPLICANT: Ms Fenella Walker

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 : 20/01275/PPP

To : Ms Fenella Walker per R G Licence Architect Hillend Ednam Kelso TD5 7QE

With reference to your application validated on **27th October 2020** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse

at : Land North East of Cakemuir Cottage Nenthorn 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 23rd June 2021
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 20/01275/PPP

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
FW PP 01	Location 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 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 Notwithstanding details hereby approved, road design details to be submitted with the first detailed or Approval of Matters Specified in Conditions application, incorporating the following:
 - i. Plans and specifications demonstrating vehicular access to the site to be formed as a DC-3 service layby.
 - ii. Parking and turning for a minimum of two vehicles, not including garages, must be provided within the curtilage of the plot.
 - iii. Measures to prevent any surface water flowing from the site onto the adjacent public road.

The access and parking then to be completed in accordance with the approved details before the dwellinghouse is occupied and thereafter retained in perpetuity. The works only to be undertaken by a Council approved contractor.
Reason: To ensure adequate form of access which allows provision for service vehicles and in-curtilage parking is provided and is designed in accordance with public standards, in the interests of road safety.
- 4 The development hereby permitted shall not be commenced until fully detailed design proposals for foul and surface water drainage, demonstrating that there will be no negative impact to public health, the environment or the quality of watercourses or ground water, have been submitted to and approved in writing by the Planning Authority. The development then to be completed in accordance with the approved details.
Reason: The Planning Authority have only established the land-use principle of the area of land identified in the submitted drawing(s). Further plans are required to ensure the site is adequately serviced.

- 5 A drawing showing the existing and proposed ground levels and the finished floor level of the dwellinghouse hereby approved to be submitted with the first detailed or Approval of Matters Specified in Conditions application. This to include 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 relative to the level(s) of the existing public roads. Once approved in writing by the Planning Authority the development then to be completed in accordance with the approved details.
Reason: To ensure that the consented development does not have any detrimental impact upon the appearance of the surrounding area or upon the amenity of neighbouring properties as a consequence of the levels within the site being raised to an inappropriate height.
- 6 Before any part of the permitted development is commenced, the hedge to be retained on the site shall be protected by a fence 1.5 metres high placed at a minimum distance of 2.0 metres from the edge of the hedge, and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the hedges so retained shall not be altered.
Reason: In the interests of preserving the hedges which contribute to the visual amenity of the area.
- 7 Details of all proposed means of enclosure around the site to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. Once approved in writing by the Planning Authority the development then to be completed in accordance with the approved details.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
- 8 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority as part of the first Approval of Matters Specified in Conditions application or detailed application for the site, 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, including replacement of any trees removed
 - 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.
- 9 The dwellinghouse hereby approved shall be roofed in natural slate.
Reason: To ensure an appropriate contribution to the group.
- 10 A Tree Survey (BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations) to be submitted with the first detailed or Approval of Matters Specified in Conditions application or detailed application for the site, concurrently with the submission of site layout drawings, and shall include:
- a) Location, species, reference number, girth or stem diameter, accurately planned crown spread and an assessment of condition.
 - b) Existing ground levels at the base of trees shall be given where nearby changes in level or excavations are proposed.
 - c) Trees to be removed in conjunction with the proposed development shall be clearly marked as such on a plan.

d) Positions and details of fencing or hoardings, prohibited areas and other physical means of protecting trees shall be submitted to and agreed with the Planning Authority prior to carrying out any works on site.

Once approved in writing by the Planning Authority the development then to be completed in accordance with the approved details.

Reason: To enable proper consideration to be given to the impact of the proposed development on existing trees.

11 No development is to commence until evidence of a public water supply having been granted by Scottish Water has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development.

Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.

FOR THE INFORMATION OF THE APPLICANT

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 must be submitted on the standard form and addressed to the Clerk of The Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells. TD6 0SA or sent by email to localreview@scotborders.gov.uk. The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

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).