

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 11/00447/FUL

**To : Ms Louise Weddell per Timber Bush Associates Ltd Per Graeme Blackwood 28
Maritime Street Edinburgh EH6 6SE**

With reference to your application validated on **7th April 2011** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse

at : Land West Of Warlawbank Steading Reston 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 24th May 2011
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed


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Head of Planning and Regulatory Services

APPLICATION REFERENCE : 11/00447/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
P03	Location Plan	Approved
P02	General	Approved
P01	Site Plan	Approved

REASON FOR DECISION

The development, by virtue of its scale, siting, design, relationship with existing development and usage would accord with planning policies relating to rural housing, design/development quality, parking provision standards, drainage discharge and the protection of residential amenity.

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 3 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 4 The development shall be utilised only as ancillary accommodation to the existing dwelling known currently as Warlawbank Steading (within the ownership of the current applicant) and shall at no time be sold off or let as a separate dwellinghouse, legally or physically subdivided from the principal dwelling so that it becomes occupiable as a separate dwellinghouse. The communal curtilage/amenity/parking area shown in the approved drawings shall be retained as such and shall not be subdivided into two separate curtilages at any point in the future.
Reason: the principle of ancillary accommodation forming part of a single planning unit accords with adopted planning policy, whereas the establishment of a separate dwelling unit in this location would conflict with the same policy due to (i) the proximity of the accommodation to the nearby livestock building to the north-west and (ii) the inability of the site to provide adequate curtilage/parking/turning areas for the service of two independent dwellings.
- 5 No development shall take place until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access shall be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The

developer shall allow the archaeologist(s) to observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. The developer will ensure that any significant data and finds undergo post-excavation analysis the results of which will be submitted to the Planning Authority.

Reason: the site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore in the public interest to afford a reasonable opportunity to record the history of the site.

- 6 Prior to any development commencing on site, a scheme will be submitted by the developer to identify and assess potential contamination on site. No construction work shall commence until such scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the details agreed in response to this condition. The scheme shall contain details of proposals to investigate and remediate potential contamination and must include:-

- a) Development of a conceptual site model, measurement of pollutant linkages through a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents. The scope and method of this investigation to be agreed in advance with the Council, and be undertaken in accordance with PAN 33 (2000) and BS10175:2001.
- b) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- c) Submission of a Validation Report (should remedial action be required) by the competent person employed by the developer who will validate and verify the completion of works to a satisfactory standard as agreed with the Council.
- d) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented, completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: the former usage of the site may have given rise to contamination of the ground, which it will be necessary to mitigate to ensure that the health and safety of future occupiers is protected.

- 7 Prior to the commencement of development, details shall be submitted to and agreed in writing by the planning authority relating to the provision and maintenance of a passing place for vehicles along the public road between Sunnybank and Warlawbank. The passing place shall be installed in accordance with the details agreed in response to this condition prior to the development being brought into use as ancillary accommodation and thereafter maintained in accordance with the approved details.

Reason: to ensure that the local road network has been improved in the light of the potential additional traffic that would use the road, in the interests of road safety and amenity.

- 8 A minimum of three parking spaces shall be provided within the area that will form the communal curtilage to both Warlawbank Steading and the new unit of accommodation prior to the first occupation of the new accommodation. Thereafter, it shall be kept available for the parking of domestic vehicles at all times.

Reason: in the interests of amenity and the safety of users of the roads in and around the development.

- 9 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. other artefacts and structures such as street furniture, play equipment
 - vii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

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 (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.

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 OSA.

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.