

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/00857/FUL

**To : Mr Drew Glendinning per Aitken Turnbull Architects Ltd 9 Bridge Place Galashiels Scottish
Borders TD1 1SN**

With reference to your application validated on **16th June 2017** for planning permission under the
Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse

At : Land North East of Westcote Farmhouse (Plot 3) Hawick 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 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 26th July 2018
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Depute Chief Planning Officer

APPLICATION REFERENCE : 17/00857/FUL
Schedule of Plans and Drawings Approved:

| Plan Ref | Plan Type | Plan Status |
|------------|-----------------|-------------|
| L(-1)001 | Location Plan | Approved |
| L(-1)101 B | Site Plan | Approved |
| L(-2)101 | Elevations | Approved |
| L(-1)002 | Existing Layout | Approved |
| L(-2)102 | Sections | Approved |
| L(-1)102 | Other | 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

- Notwithstanding the description of the approved drawings, the development hereby consented shall not be commenced until a revised version of Approved Site Plan Drawing L(-1)101 B, has first been submitted to, and approved in writing by, the Planning Authority, which shows:

(a) the proposed finished levels and the existing levels that are already described on Approved Site Plan Drawing L(-1)101 B, all described relative to 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 proposed finished levels, and existing levels, relative to the level of the existing streetscape. [For the avoidance of doubt, the concern is that the levels described on Approved Site Plan Drawing L(-1)101 B should be described relative to a level or levels relating to a hard surface which is not to be impacted by development; as is liable to be the case with the given GPS points]; and

(b) the perimeter fencing shown re-sited, so as to be set back at least 0.25m from the property boundary at all points along its course, where it lies adjacent to the road or any vehicular access(es) to establish a verge (with a width of at least 0.25m) between the garden and the adjacent road/vehicle access.

Following approval of this revised site plan drawing, the development shall thereafter only be implemented in accordance with the approved details and a verge with a width of at least 0.25m shall be maintained at all times, at all points between the perimeter fence and the adjacent road and vehicular access surfaces.

Reason: To ensure that the consented development does not have any unacceptable impacts upon the amenity of neighbouring properties and/or any detrimental impacts upon the appearance of the surrounding landscape and/or upon the sense of place of the building group, as a consequence of the ground levels within the site being raised or lowered to any inappropriate heights; and to ensure that the boundary fencing is sited so as to be sympathetic to the character and visual amenities of the site and surrounding area and does not present any obstacles to road safety within the surrounding area.

- 2 The dwellinghouse hereby consented shall not be occupied until parking and turning provision for at least two vehicles, excluding garages, has first been provided within the site. This provision shall thereafter be retained in perpetuity within the curtilage of the dwellinghouse hereby approved.
Reason: In the interests of road safety, appropriate arrangements for the accommodation of vehicles accessing, and parking at, the site requires to be in operation from the time of the first occupation of the house, and the parking provision thereafter retained in perpetuity.
- 3 Unless otherwise agreed in writing by the Planning Authority in advance of the commencement of development, the water supply requirements of the site shall be met by the public mains. (Please see Informative Note 1). Furthermore, the dwellinghouse hereby consented shall not be occupied until its water supply is first fully functional.
Reason: To ensure that the development is capable of habitation at the time of its first occupation.
- 4 Surface water drainage shall be designed to comply with PAN 61 and CIRIA SUDs manual C697, and shall be designed and installed to maintain surface water run-off from the site (including from all areas of hard standing) at, or below, greenfield levels. Further, the dwellinghouse hereby approved shall not be occupied until the surface water drainage system has been completed and is fully functional.
Reason: To ensure the sustainable disposal of surface water and avoid additional run-off from the site to neighbouring properties.
- 5 Notwithstanding the details submitted in support of the planning application, no works shall be commenced until details of the proposed foul drainage arrangements have first been submitted to, and approved in writing by, the Planning Authority. These shall include details of how these arrangements would be maintained in a serviceable condition in the long-term. Following approval, the foul drainage arrangements shall be implemented, and thereafter maintained, in accordance with the approved details. Further, the dwellinghouse hereby approved shall not be occupied until the approved foul drainage system is complete and is fully functional.
Reason: To ensure that the site is adequately serviced and fit for habitation prior to its occupation.
- 6 The external roofing material of all roofs of the dwellinghouse hereby consented, shall be natural slate, which shall thereafter be maintained in perpetuity as the external roofing material of all roofs of the dwellinghouse hereby consented. Further, the external surfaces of the flue shall be, or shall be finished, uniformly in a matt black or a matt dark grey colour, at the time of the installation of the same flue. Otherwise:
(a) the finished appearance (including materials and finished colours) of all other proposed external surfaces of the development hereby consented; and
(b) the design and appearance of the proposed window units (including material, colour, opening mechanism, and glazing pattern),
shall all conform with a scheme of details that shall itself, first have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall only be implemented in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is sympathetic to the character of the building group and visual amenities of the site and surrounding area.

- 7 Notwithstanding the description of the North East Elevation on Approved Drawing L(-2)101, each of the dormers so described shall be genuinely discrete features, separate from one another; and shall not be constituents within any larger box dormer feature(s). [This is notwithstanding the presence of a horizontal line connecting the ridges of the roofs of two of the dormers within the description of the North East Elevation].
Reason: To retain effective control over the development and ensure an appearance which is as sympathetic as possible to the character of the rural building group.
- 8 The dwellinghouse hereby consented shall not be occupied until the road access improvements described by Approved Drawing L(-1)102; including the upgrade of the road junction with the A698; have all first been completed in accordance with a scheme of details, which:
(a) includes a detailed drawing in plan of the proposed works to upgrade the junction of the access road with the A698; and
(b) has first been submitted to, and approved in writing by, the Planning Authority.
[For clarity, thereafter, the road access improvement works shall have been completed in accordance with the approved details ahead of the first occupation of the dwellinghouse hereby approved].
Reason: In the interests of road safety, appropriate arrangements for the upgrade of vehicular access to the site require to be completed before the dwellinghouse hereby consented is occupied.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

1 **INFORMATIVE NOTE 1:**

With regard to Planning Condition No 3, in the event that the development is to be serviced by a private water supply, the Developer will need to provide details to demonstrate that the supply will be adequate for the size of the development and will not affect other supplies in the vicinity.

This will involve the provision of the following information:

1. The type of supply i.e. borehole, spring, well etc.;
2. The location of the source by way of an 8 digit reference number;
3. Details of other properties on the supply (if the supply is an existing one);
4. Estimated volume of water that the supply will provide (details of flow test);
5. Evidence that this supply will not have a detrimental effect on supplies in the area;
6. Details of any emergency tanks;
7. Details of treatment to be installed on the system; and
8. Details of any laboratory tests carried out to ensure the water is wholesome (has the supply been tested; did it pass).

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to one cubic metre (or 1000 litres) of water per day for every five persons who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. In addition, when designing storage facilities, the minimum recommended capacity is three day's worth of supply, in order to allow for supply interruption/failure.

2 INFORMATIVE NOTE 2:

The operation of a solid fuel heating appliance can give rise to smoke and odour complaints which may be actionable under Environmental Health legislation. This is regardless of whether or not a flue has planning permission or is the subject of a Building Warrant. Neither Planning Consent nor Building Warrant approval would indemnify the owner in respect of any potential Nuisance action.

Appropriate precautions should therefore be taken to avoid problems arising in this case. Please note however, that the Planning Department should be re-consulted about any proposed changes to the consented flue before these are implemented.

Environmental Health has provided the following additional advice with regard to the operation of the stoves, to help avoid any smoke and odour nuisance impacts:

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

3 INFORMATIVE NOTE 3:

The Council's Outdoor Access Section notes that Core Path 128 runs along the track adjacent to the site, and is promoted in a booklet entitled "Paths around Hawick ", as: Route 4: Hornshole, Ormiston and Cavers.

Please note that it is a statutory requirement that this Right of Way is maintained open and free at all times. No part of the Right of Way should ever be included within, or enclosed within, the residential property hereby approved.

The Council's Outdoor Access Section should be contacted in the event of any concern to close or obstruct the Right of Way during the period of development. This is to ensure that any and all appropriate temporary arrangements required, are put in place to allow the Right of Way to continue in operation at that time; and to ensure that these arrangements are appropriate for the purpose of maintaining public access along the Right of Way.

4 INFORMATIVE NOTE 4:

Please note that the layout of the turning head described on the Approved Site Plan Drawing L(-1)101 Rev B conflicts directly with the layout of the residential property on 'Plot 2' approved under Planning Consent 15/01380/FUL; specifically with respect to the accommodation of both this other property's parking and turning provision, and one of the three visitor parking spaces.

It appears that all of the above noted matters could be readily addressed within a revised layout for Plot 2; and potentially also as the subject of a non-material variation (depending of course, on how precisely it were proposed that the parking provision should be re-accommodated within the site, which would need to be reviewed by the Planning Authority). However, and notwithstanding this potential, this discrepancy is not itself reasonably a matter that is capable of regulation under the current planning consent. Any proposed non-material variation to amend the layout of Plot 2, would need to be proposed by the developer of Plot 2, and in direct relation to (and with direct reference to) Planning Consent 15/01380/FUL.

Ultimately, it is the responsibility of the developer of Plot 2 to ensure that they are developing in accordance with details that accord in full with the provisions of the planning permission that is regulated by Planning Consent 15/01380/FUL. Accordingly, any submission to regulate the position with respect to the accommodation of parking and turning provision within Plot 2, requires to be addressed by the developer of Plot 2.

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 (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 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.