

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

**Application for Planning Permission in Principle**

**Reference : 15/01191/PPP**

**To : Buccleuch Estates Ltd per Ericht Planning & Property Consultants Per Kate Jenkins 40  
Belgrave Road Edinburgh EH12 6NQ**

With reference to your application validated on **7th October 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of two dwellinghouses**

**at : Land East Of East Boonraw Cottage Hawick Scottish Borders**

The Scottish Borders Council hereby **grant planning permission in principle** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997, subject to the following directions:

- 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 22nd January 2016  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**

  
.....  
**Chief Planning Officer**

**APPLICATION REFERENCE : 15/01191/PPP**

**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
1	Location Plan	Approved

**REASON FOR DECISION**

It is considered that the proposal complies with policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 as the site is well related to an existing building group. Appropriate siting and design would ensure that the proposal would not affect the residential amenities of occupants of neighbouring properties or the visual amenities of the area.

**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 No development shall commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the dwellinghouses hereby approved.  
Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties or on public health..
- 4 Details of the surface and foul water drainage for the site to be submitted to and approved in writing by the Planning Authority before the development commences. This to include evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition. The approved scheme then to be completed as part of the development.  
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 5 Details of all proposed means of enclosure around the site and between the plots shall be submitted to and approved in writing by the Planning Authority before work on the site is commenced. The development then to be completed in accordance with the approved scheme.  
Reason: To enable the proper effective assimilation of the development into its wider surroundings.

- 6 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, 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 of all existing and proposed planting.
- Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
- 7 The development hereby approved shall be constructed of natural slate on the roofs and be restricted to single or one-and-a-half storey.
- Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 8 Parking for a minimum of two vehicles, excluding any garages, must be provided and retained in perpetuity within the curtilage of each property. These spaces must be provided prior to the respective dwellinghouse being occupied.
- Reason: To ensure adequate on-site parking is provided within each plot.
- 9 The access to the plots should be via a single central access serving both plots with a layby, to the Council's specification (attached). The gradient of the access must be not steeper than 1 in 15 for the initial 6m and the parking and turning area. Any intervening access must have a gradient not steeper than 1 in 8. The access to be completed in accordance with the approved specification before the dwellinghouses are occupied.
- Reason: To maximise visibility at the junction with the public road and to ensure that the plots can be accessed safely.
- 10 Details of how the existing roadside ditch will be dealt with to be submitted to and approved in writing by the Planning Authority before the development commences. Thereafter the works must be completed in accordance with the approved details prior to works commencing on the first dwellinghouse.
- Reason: To ensure that the site can be accessed safely.
- 11 Any gates erected must be hung so as to open into the site and not out over the adjacent public road. Any gates must be set-back sufficiently to allow vehicles to enter the site and be clear of the road should the gates be closed.
- Reason: To avoid obstruction of the public road by gates or cars waiting to enter the site.

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

It should be noted that:

In respect of condition 3, any house that does not have an adequate piped supply of wholesome water within the property will fail the tolerable standard as defined by Section 86 of the Housing (Scotland) Act 1987.

As the dwelling is to be serviced by a private water supply the applicant will need to provide details to demonstrate that the supply will be adequate for the size of the dwelling and not affect 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.
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 days' worth of supply, in order to allow for supply interruption/failure.

To discharge condition 4 relating to the private drainage arrangements, the applicant/developer should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

In respect of condition 6, a substantial area of planting is required along the north east boundary of the site to provide a significant boundary to the building group beyond which no further residential development would be permitted.

The planting scheme should include significant boundary planting on the south east boundary to integrate this open and exposed site into the landscape.

The roadside hedge should be retained and enhanced, or replanted outwith the visibility splays if necessary.

The consultation response of the Roads Planning Service is attached 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, 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 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.