

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 18/00143/PPP

To : **Robin and Carole Lawrie Meadowgate Macksmill Gordon Scottish Borders TD3 6JY**

With reference to your application validated on **9th February 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : **Erection of dwellinghouse (renewal of previous application 14/00917/PPP)**

At : **Land East of 5 East Gordon Farm Cottages Gordon 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 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 8th October 2018
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



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Depute Chief Planning Officer

APPLICATION REFERENCE : 18/00143/PPP

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
	Site 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 No development shall commence until visibility splays of 2.4 x 215m in both directions from the site access onto the public road have first been achieved. These visibility splays shall be maintained throughout the period of construction works, and then, following the completion of the development, shall thereafter be maintained in perpetuity in accordance with the approved details.
Reason: In the interests of road safety, the identified visibility splays require to be achieved on site before the commencement of development and thereafter, require to be maintained in perpetuity, to ensure the safe access and egress of vehicles to and from the public road.
- 4 Notwithstanding the details submitted in support of the planning application, the development shall not be commenced until precise details of :
(a) the arrangements for surface water drainage treatment;
(b) the arrangements for foul drainage treatment; and
(c) water supply
have first been submitted to, and approved in writing by, the Planning Authority. Thereafter, the surface water drainage treatment, foul drainage treatment and water supply shall all be completed in accordance with the approved details. The approved surface water drainage, foul drainage and the water supply shall all be functional prior to the occupation of the dwellinghouse hereby approved.
Reason: To ensure that the site is adequately serviced and fit for habitation prior to its occupation.

- 5 The dwellinghouse hereby consented shall not be occupied until on-site parking and turning provision for at least two vehicles, has first been completed and is available for use by the occupants.
Reason: In the interests of road safety to ensure that provision for the parking and turning of occupants' vehicles is complete and available for use prior to their occupation of the property.
- 6 The finished floor level(s) of the dwellinghouse and the finished ground level(s) within the curtilage of the residential property hereby consented, shall be consistent with levels indicated on a scheme of details that shall first have been submitted to, and approved in writing by, the Planning Authority prior to the commencement of development. Such details shall include:
- (a) the height of the roof ridge of the existing cottage ('No 5 East Gordon Farm Cottages') to the immediate southwest of the site;
 - (b) the proposed finished floor level(s) of the consented dwellinghouse;
 - (c) the existing and proposed ground levels within the curtilage of the consented residential property; and
 - (d) 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 detailed in (a) to (c) above, relative to the level(s) of the existing public road.
- 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.
- 7 No development shall commence until (a) the Developer has first secured a programme of archaeological work and reporting in accordance with a Written Scheme of Investigation (WSI) outlining a Watching Brief to be conducted in relation to all top-soil stripping of the site; and (b) this WSI has first been submitted to, and approved in writing by, the Planning Authority. Thereafter, both the development and the archaeological investigation shall only be implemented and progressed in accordance with the approved details; and the approved archaeological works shall only be carried out by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). In the event that any archaeological finds, features and/or deposits encountered during the archaeological investigation are deemed to be significant by the contracted archaeological organisation working to the standards of the CIfA, then the requirements identified in Informative Note 6 shall all be met and observed in full, and in accordance with the details, procedures and time limits identified within that same informative note. In any event, the results of the archaeological works shall be reported in the form of a Data Structure Report (DSR), which, unless otherwise agreed in writing and in advance by the Planning Authority, shall be submitted to the Planning Authority for its written approval within no more than one month of the date of completion of all on-site archaeological works. The DSR shall itself include, or be accompanied by, a scheme of details outlining the proposed arrangements for the archiving and dissemination of this same document. Following approval, the DSR shall be archived and disseminated in accordance with the approved details.
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains. Accordingly, it is necessary to ensure that sufficient provision is in place to investigate and record the archaeology of the site; to ensure that appropriate arrangements are in place for the processing and curation of any archaeological materials, samples and artefacts recovered; and to ensure the appropriate recording, dissemination and archiving of all archaeological information gathered from on-site investigations and through post-excavation analyses.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

Stoves and Use of Solid Fuel

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

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.

Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant 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.

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 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.