

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 16/01061/FUL

**To : C & V Developments per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1
1NU**

With reference to your application validated on **26th August 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of four dwellinghouses, access, landscaping and associated
infrastructure works**

at : Land South And West Of Wellnage House Duns 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 27th March 2017
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed


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Chief Planning Officer

APPLICATION REFERENCE : 16/01061/FUL
Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
P345-SR-LOCB	Location Plan	Approved
P348-SR-001	Site Plan	Approved
003/16/SP01	Sections	Approved
P348-SR-007	Elevations	Approved
P348-SR-006	Floor Plans	Approved
P348-SR-009	Elevations	Approved
P348-SR-008	Floor Plans	Approved
005/16/SK01	Floor Plans	Approved
001/16/PA01	Floor Plans	Approved
001/16/PA02	Floor Plans	Approved
003/16/LP01	Landscaping	Approved
P348-SR-008 A	Other	Approved

REASON FOR DECISION

The proposed development occupies a location within the Duns settlement boundary, where national and local planning policies are generally supportive towards infill development. Due to the visibility of the site and its relationship to the category B Listed Wellnage this is a sensitive development site. The revised scheme which has reduced the volume and scale of the proposals represents an improvement against the original submission. It is considered that, on balance, the reduced scheme does not have an a harmful impact upon the character of the surrounding area, the setting of the Listed Building, the amenity of neighbouring residential properties or the Tree Preservation Order which covers the development site. Subject to the strict compliance with the schedule of conditions, the proposals are judged to compliments determining policies of the Local Development Plan, principally Policies PMD5, EP7, EP13, HD3 and IS9.

SCHEDULE OF CONDITIONS

- 1 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 as specified in the drawing list on this consent notice.
Reason: To ensure that the development is carried out in accordance with the approved details
- 2 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials, including colour finish to be used in the construction of the external walls of the buildings have been submitted to and approved in writing by the 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.
- 3 No development shall commence until a Construction Method Statement (CMS) has been submitted to and agreed in writing with the Planning Authority to outline specific details of

all on site tree protection measures. The CMS shall include but not be limited to the following points;

- (a) The location of protective fencing which shall be erected around the Root Protection Areas (RPAs) of all trees which are identified for retention on Drawing No; P348-SR-001 in accordance with BS5837:2012 and remain erected for the duration of the development.
- (b) Details to agree how access roads will be constructed which fall within RPAs.
- (c) Details to minimise the impact of construction works and practices upon the RPAs of all retained trees.

Reason: To ensure adequate precaution are taken to protect the retained trees during building operations as their loss would have an adverse effect on the visual amenity of the area.

- 4 No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.

Reason: The existing trees represent an important visual feature which the Planning Authority considered should be substantially maintained.

- 5 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:

- 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.

- 6 No development shall commence until Engineering Drawings of the new road junction incorporating pedestrian crossing points on both the new footway and the existing footway opposite have been submitted to and agreed in writing with the Planning Authority and thereafter the completed before occupation of the first dwellinghouse. The submitted drawings shall comply with the access specifications required by the Roads Planning Officer within their consultation response of the 15th Dec 2016 and listed within Informative Note 2. All work carried out within the public road boundary must be completed by an approved Council Contractor.

Reason: To achieve safe vehicular and pedestrian access to the site.

- 7 A vehicle turning area and two parking spaces, not including any garage space shall be provided within the site prior to the occupation of each dwellinghouse hereby approved and shall be retained in perpetuity.

Reason: To provide and maintain adequate off road parking.

- 8 No development shall commence until the applicant has provided the Planning Authority with written confirmation from Scottish Water that Scottish Water do not have any objection to the location and siting of the development illustrated on Drawing No; P348-SR-001.

Reason: To avoid the development causing any adverse impacts upon local infrastructure.

- 9 No development shall commence until the means of surface water drainage which should make provision to route water away from dwellinghouses and avoid water flowing on to the

public road has been submitted to and approved in writing by the Planning Authority and thereafter the development shall be completed in accordance with the approved details.
Reason: To ensure that the site is adequately serviced and avoid causing surface water problems at any neighbouring properties.

- 10 No development should commence until the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.
Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 With reference to Condition 2, the render colour should be darker than off white which is indicated on the drawings and staining the timber a colour possibly grey will assist with integrating the development into its surroundings.
- 2 With reference to Condition 6, the following requirements of the RPO should be incorporated within the detailed access design and illustrated on the submitted drawing;
 - o The first 6m of the proposed access onto Station Road to be surfaced to my specification i.e. 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.
 - o The first 6m of the proposed access onto Station Road to have a gradient no steeper than 1 in 15.
 - o The visibility splays on the submitted plan to be provided prior to occupation of the first dwelling and retained thereafter in perpetuity.
 - o No part of the proposed private access to exceed 1 in 8 in gradient (1 in 15 for parking and turning areas).
- 3 The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used. To limit the impact of the development upon the amenity of neighbouring residential properties it is recommended that any works which generate above average noise are carried out during the following hours;

Monday - Friday	0700 - 1900
Saturday	0700 - 1300

Sunday (Public Holidays) - no permitted work (except by prior notification to Scottish Borders Council.

Contractors will be expected to adhere to the noise control measures contained in British Standard 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.

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 appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of the appeal should be addressed to The Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR. A copy of the notice of the appeal must, at the same time, be sent to the Legal Services Section, Scottish Borders Council, 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.