

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

**Reference : 15/00003/FUL**

**To : Mr & Mrs A Gray per Meldon Design Studio 2 Elcho Street Brae Peebles Scottish  
Borders EH45 8HU**

With reference to your application validated on **6th January 2015** for planning permission under the  
Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Demolition of existing dwellinghouse and erection of replacement dwellinghouse**

**at : Westwater House Bogsbank Road West Linton Scottish Borders EH46 7BS**

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 9th March 2015  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



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**Head of Planning and Regulatory Services**

**APPLICATION REFERENCE : 15/00003/FUL**
**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
D006	Location Plan	Approved
D002	Site Plan	Approved
D003	Floor Plans	Approved
D004	Floor Plans	Approved
D005	Elevations	Approved
TREE SURVEY REPORT W/1114	Other	Approved
	Other	Approved

**REASON FOR DECISION**

The proposals are acceptable and subject to conditions comply with the relevant Local Plan policies relating to new housing in the countryside in that the new house provides environmental benefits as it is a more sustainable and energy efficient design. The siting, design, scale, massing and materials of the proposed replacement dwelling are considered acceptable without creating significant adverse effects on the landscape and amenity of the surrounding area.

**SCHEDULE OF CONDITIONS**

- 1 **No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition**  
Reason: To ensure that the development does not have a detrimental effect on public health.
- 2 **Visibility at the junction onto the public road to be improved by the removal of the shrubs/vegetation behind the roadside wall.**  
Reason: To ensure that there is adequate access onto the public road in the interests of road safety
- 3 **The private track to be upgraded to provide a smooth, free draining running surface, capable of withstanding a minimum axle loading of 14 tonne.**  
This will require the following:
  1. **Prior to any demolition or work commencing on site the access track shall:**
    - be scraped clean of any accumulated surface soil/grass/leaf litter
    - have a new, additional layer of Type 1 laid and rolled.
  2. **Prior to the occupation of the building surface should be 'made good', filling any ruts etc with fresh Type 1 and levelling before installing a final profiled surface to allow water run-off.**
  3. **Before any of the above takes place precise details of the material to be used shall be submitted to the planning authority for approval.**
  4. **No large construction vehicles shall use the track and before any work commences on site a detailed method statement showing how the delivery of all materials can be delivered to site shall be submitted to and approved by the local planning authority.**  
Reason: To ensure that there is satisfactory access to the property and that any construction traffic does not cause damage to the root systems of the trees along the access road as these are important landscape features.

- 4 **Parking and turning for a minimum of two vehicles, excluding garages, to be provided within the curtilage of the plot prior to the dwelling being occupied and retained in perpetuity thereafter.**  
Reason: To ensure that there is adequate off road parking provided within the site.
- 5 **Only the trees identified in the Arboricultural Assessment dated 22 December 2014 submitted with the application shall be removed. No other trees within the application site and along the access track from Boggsbank Road shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Local Planning Authority.**  
Reason: The existing trees represent an important visual feature which the Local Planning Authority considers should be substantially maintained.
- 6 **Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:**  
(a) **No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;**  
(b) **No fires shall be lit within the spread of the branches of the trees;**  
(c) **No materials or equipment shall be stored within the spread of the branches of the trees;**  
(d) **Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;**  
(e) **Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.**  
Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.
- 7 **Public access along the access track from Boggsbank Road should be maintained during and after the house has been constructed and occupied and no gates should be placed across this track without the prior written approval of the planning authority.**  
Reason: To ensure that public access is maintained at all times

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

It should be noted that:

1 **Stoves**

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify you in respect of Nuisance action.

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.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

#### Private Drainage

Private drainage systems often cause public health problems when no clear responsibility or access rights exists 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

- 2 Building contractors are advised to adopt good practice for working with bats and buildings (Bats and Buildings: Bats and the Built Environment series Volume 1, Bat Conservation Trust)

[http://www.bats.org.uk/publications\\_download.php/247/Bats\\_and\\_Buildings\\_finalDec2010.pdf](http://www.bats.org.uk/publications_download.php/247/Bats_and_Buildings_finalDec2010.pdf). On a precautionary basis, a provision of 5 bat boxes should be made in suitable locations on buildings or mature trees within and around the site. Further information can be found at:

[http://www.bats.org.uk/publications\\_detail.php/234/bat\\_boxes\\_your\\_questions\\_answered](http://www.bats.org.uk/publications_detail.php/234/bat_boxes_your_questions_answered). Opportunities exist to enhance the local habitat network for bats and breeding birds through a planting scheme including native trees and shrubs (FCS Native seed zone 204) or extended native species-rich hedgerows. A pond or SUDS feature can also enhance the local habitat network for bats

**NB:** 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, Fossilpark, 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.