

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

**Application for Planning Permission in Principle**

**Reference : 15/00193/PPP**

**To : Mr David Megahy per Suzanne McIntosh Planning Limited 12-14 Lochrin Buildings  
Edinburgh EH3 9NB**

With reference to your application validated on **25th February 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of dwellinghouse**

**At : Land South East Of Applecross Pyatshaw Lauder**

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 14th December 2016  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



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**Chief Planning Officer**

**APPLICATION REFERENCE : 15/00193/PPP**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
	Site Plan	Approved

**REASON FOR DECISION**

Subject to the conclusion of a legal agreement to tie the dwellinghouse to the owned land holding and to compliance with the schedule of conditions, the proposed development will accord with Adopted Scottish Borders Consolidated Local Plan Policies D2, G1, G5, H2, Inf4, Inf5, Inf6 and NE4; and will accord with the advice and guidance of the Supplementary Planning Guidance on New Housing in the Scottish Borders Countryside (December 2008) and Supplementary Planning Guidance on Placemaking and Design (January 2010).

**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 all been submitted to, and approved in writing by, the Planning Authority. These details shall include:

  - (i) provision for on-site parking and turning appropriate to accommodate the parking and movement of at least two vehicles;
  - (ii) provision for the upgrading of the existing site access onto the public road in accordance with the advice of Informative Note 2;
  - (iii) provision for the maintenance or, if impacts are proposed, recreation, of the roadside boundary hedge and trees;

Information provided to describe the layout, siting, design and external appearance of the dwellinghouse shall take full account of the advice and guidance of Informative Note 3. Information provided to describe the landscaping proposals, including the concerns identified under items iii. above, shall take full account of the advice and guidance of Informative Note 4. Thereafter, the development shall be implemented in accordance with the approved details. 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; and in the interests of road safety, to ensure that appropriate provision is made within the design and layout of the residential property hereby approved, for the access of vehicles to and from the site, while ensuring that the finished appearance of the residential property is sympathetic to the rural and agricultural character of the site and the surrounding area.
- 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 The occupation of the dwellinghouse hereby approved, shall be limited to either:

  - (i) a person solely or mainly employed, or last employed, in the locality in agriculture as defined in section 277 of the Town and Country Planning (Scotland) Act 1997, along with any dependent(s) of such a person residing with him or her; or otherwise, only to
  - (ii) a widow or widower of a person described in item i. above, along with any dependent(s) residing with that widow or widower.

Reason: The site is in a rural area where it is not the Council's policy to permit unrestricted residential development, and permission has therefore only been granted on account of the demonstrated agricultural need for the dwellinghouse hereby approved. Further, there is a need to protect the amenity of the occupiers of the dwellinghouse hereby consented due to its proximity to the working farm, which would result in unacceptable impacts upon the amenity of the dwellinghouse were this to be occupied independently of the farm.

- 4 The dwellinghouse hereby consented shall not be occupied until:
- (a) the site access from the public road to the residential property hereby approved, and
  - (b) the provision of parking and turning for the accommodation of two vehicles within the curtilage of the residential property hereby approved,
- have all first been completed in accordance with the details approved at the AMC stage to address the relevant information requirements of Planning Condition No 1 attached to this same planning consent.

Reason: In the interests of road safety to ensure that provision for the appropriate and safe access, parking and turning of occupants' vehicles is complete and available for use prior to the occupation of the residential property hereby approved.

- 5 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) the arrangements for water supply,

have all first been submitted to, and approved in writing by, the Planning Authority. (Please see Informative Note 5 with regard to the information required to address this planning condition). Thereafter, the surface water drainage treatment, foul drainage treatment, and water supply shall all be implemented in accordance with the approved details. Further, 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.

- 6 The finished floor level(s) of the dwellinghouse and any associated outbuilding(s), and the finished ground level(s) within the curtilage of the residential property hereby consented, shall all 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:

- (i) the proposed finished floor level(s) of the consented dwellinghouse and any associated outbuilding(s);
- (ii) the existing and proposed ground levels within the curtilage of the consented residential property; and
- (iii) 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 (i) and (ii) 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, environment and amenity of the site and surrounding area, or upon the amenity of neighbouring properties as a consequence of the levels within the site being raised to an inappropriate height.

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

It should be noted that:

INFORMATIVE NOTE 1:

**It should be noted that ALL information requirements identified in the planning conditions attached to this planning consent require to be made the subject of a subsequent application, or subsequent applications, for Approval of Matters specified in Conditions (AMC).**

**When making an AMC application to address the information requirements of the planning conditions attached to this planning consent, the Applicant should explicitly state the reference numbers of the relevant planning conditions in the appropriate place (currently Section 5b) on the Planning Application Form.**

**In the event that the Applicant would seek to address the information requirements of ALL planning conditions attached to this planning consent within one AMC application, they must ensure that they supply information that fully and properly addresses ALL information requirements identified within ALL planning conditions.**

INFORMATIVE NOTE 2:

**The details provided to address the information requirements of Planning Condition No 1, item ii., should address in full the following:**

- (i) the existing vehicular access between the site and the main road (A697) should be maintained; and no new separate road access should be created between the A697 and the residential property hereby approved. The latter should instead only be accessible via the existing farm access;**
- (ii) arrangements for the achievement and maintenance of appropriate visibility splays from the site access junction onto the public road; and**
- (iii) the surface of the existing junction between the site and the A697 needs to be upgraded and improved (properly leveled and tarred) over its initial 6.0m length with the public road.**

INFORMATIVE NOTE 3:

**The details provided to address the information requirements of Planning Condition No 1, with regard to the layout, siting, design and external appearance of the dwellinghouse, should address in full the following matters:**

- (i) the site described by the approved location plan is over-sized relative to the identified proposal (a single dwellinghouse). However, there are no concerns in principle that the latter would be acceptably accommodated within a smaller area of this same site. The detailed proposal must however describe a considerably reduced area for the accommodation of the residential property at the AMC stage. This reduced site should be proportionate in its size to the existing farmyard and should describe the curtilage of a residential property that is capable of being accommodated within a shared landscape setting alongside the existing farmyard;**
- (ii) although the site described by the approved location plan includes the existing farmyard, the existing farmyard should nonetheless be excluded from the site boundary of the residential property. If this cannot be achieved, appropriate provision for the relocation of farm buildings, or reconfiguration, of the farmyard would need to be incorporated into the proposal. Given that the dwellinghouse is being approved to serve the existing farmyard, there would be a concern if the associated farmyard were to be removed, reduced, or its operations otherwise compromised, by the siting of the dwellinghouse and/or by the layout of the residential property hereby approved. For clarity, and without any appropriate alternative arrangements, it is not anticipated that the detailed proposal would be supported in any of these circumstances;**
- (iii) given that the dwellinghouse hereby approved is being supported to serve the established agricultural business, the dwellinghouse and associated residential property should be located adjacent to the existing farmyard area. In the event that it were proposed that the dwellinghouse were set back any notable distance from the existing farmyard, justification would be sought to explain the necessity for this amount of set back.**

- (iv) the dwellinghouse is liable to be extremely visible from the public road as well as within the wider landscape, including from within the building group at Pyatshaw and surrounding area. It is anticipated that only a traditional rural architectural design approach, including use of traditional materials (natural slate; wet dash render; stone; and/or timber), would be liable to be supported in this location. Again, a justification would be sought for any non-traditional design approach and materials were these to feature in any detailed proposal at the AMC stage.

INFORMATIVE NOTE 4:

The details provided to address the information requirements of Planning Condition No 1, with regard to the landscaping proposals, including the concerns identified under item iii of the same Planning Condition, should include:

- (a) a landscaping plan;
- (b) a planting schedule; and
- (c) a maintenance schedule.

The proposals so described, should address in full the following matters (1 to 4):

- (1) a description of how the existing roadside hedgerow and trees would be conserved. These details should also include the location of any new planting required to re-align the hedgerow such that this can be retained as a boundary feature (albeit a boundary feature that does not compromise the creation or maintenance of the visibility splays at the site access); and
- (2) a description of how an appropriate residential boundary would be established to differentiate garden ground from the adjacent fields.
- (3) Planting plans must provide sufficient information to be enforceable, by detailing the following:
  - i.) Plan is to an identified true scale (e.g. 1:200).
  - ii.) Boundary of the application site is clearly marked.
  - iii.) Site orientation is indicated by a North point or OS grid lines.
  - iv.) All existing trees, shrubs and hedges to be retained are clearly marked.
  - v.) Take account of site factors such as slope, aspect, soil conditions, proximity of buildings and minimum distances from pipe and cable runs, when choosing planting positions. Where necessary, seek professional landscape advice.
  - vi.) Planting positions are clearly marked showing individual trees and shrubs and / or planting area boundaries using dimensions as necessary.
  - vii.) All species of plants identified using their full botanical name (e.g. oak - *Quercus robur*)
  - viii.) All plant numbers to be identified individually or by group or area as appropriate. Species mixes can be identified by percentages and an overall number or a specified area and a planting density (e.g. *Betula pendula* 30%, *Quercus robur* 70%, 120 square metres @ 1 plant per 4 square metres = 9 *B. pendula* & 21 *Q. robur*)
  - ix.) A planting schedule identifies all the proposed planting by species and specification indicating size and nature of plants to be used (e.g.: Extra heavy standard tree 14-16cms girth or shrub 60-75cms high in 2 litre pot.)
  - x.) Notes on the plan describe how the planting is to be carried out and maintained to ensure successful establishment.

- xi.) **The plan indicates when the work will be completed and ready for inspection taking account of planting seasons (e.g. November to end March each year for bare rooted plants.)**

**N.B. Planting conditions are only discharged following an inspection of the completed work**

- (4) **Please also note that the programme for completion and subsequent maintenance must include action points describing actions that will definitely be taken by the Applicant, and must also note precisely when these are to be carried out (i.e. definite actions to be carried out at clearly identifiable times). Use of ambiguous, vague or otherwise non-committal words or phrases (including "should", "could" or "may") must be avoided in favour of words and phrases that are clear and definite (such as "will" and "shall") when detailing these actions that the Applicant will carry out. A critical concern is that the detail and timing of the measures are capable of being checked if necessary by a third party, rather than left as discretionary or optional.**

INFORMATIVE NOTE 5:

**If proposals to service the site from the public network are to be maintained within the detailed proposal, then the information provided to address the requirements of Planning Condition No 5 should include correspondence from Scottish Water clarifying the position with regard to the potential capacity for achieving public mains connections.**

**However, and in any event, full details of the SUDS proposals are required for review at the detailed application stage.**

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.