

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

**Town and Country Planning (General Development Procedure) (Scotland) Order 1992**

**Application for Planning Permission**

**Reference : 06/02027/FUL**

**To : M & J Ballantyne Ltd per Aitken Turnbull Architects Ltd 9 Bridge Place Galashiels Scottish Borders TD1 1SN**

With reference to your application validated on **12th October 2006** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of 76 dwellinghouses**

**at : Phase 2 Land At East Broomlands Kelso Scottish Borders TD5 7RH**

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 conditions:-**

that the development to which this permission relates must be begun within five years from the date of this consent.

and **subject to the conditions on the attached schedule** imposed by the Council for the reasons stated

**Dated 13th May 2008  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**

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**Head of Planning & Building Standards**

**Application reference : 06/02027/FUL**

**SCHEDULE OF CONDITIONS**

- 1 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs 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.
- 2 No development shall take place except in strict accordance with a scheme of soft landscaping works for the proposed public open spaces, general amenity spaces and woodland areas, 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 long term maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
- 3 Details of all proposed means of enclosure around the site, along pedestrian links and around 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 implemented in accordance with the approved scheme  
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
- 4 No development shall take place until a scheme for the provision of public open space and an equipped play area has been submitted to and approved in writing by the Local Planning Authority. The scheme so submitted shall include-

  - i. type and location of play equipment, seating, fences, walls and litter bins
  - ii. surface treatment of the play area
  - iii. proposals for the implementation/phasing of play area in relation to the construction of houses on the site and its long term future maintenance.

Reason: To ensure that proper provision is made for recreational facilities within the site.
- 5 All works required for the provision of open space and play area shall be completed in accordance with the scheme approved in writing by the Planning Authority.  
Reason: To ensure that the development is carried out as approved.
- 6 The access road, turning areas, visitor parking spaces, footpaths and pedestrian links shown on the approved plans to be completed to the specification of the Planning Authority in accordance with a phasing programme to be submitted to and agreed by the Planning Authority before the development commences.  
Reason: To ensure that adequate access to the site for pedestrians and vehicles is provided and is at all times properly maintained.

- 7 Two parking spaces, excluding garages, must be provided within each plot to the specification of the Planning Authority before the dwellinghouse is occupied and retained in perpetuity.  
Reason: In the interests of road safety.
- 8 The pedestrian link adjacent to plot 27 to the existing housing and school to the west to be provided to the specification of the Planning Authority within a timescale to be agreed with the Planning Authority before the development commences.  
Reason: In the interests of pedestrian safety.
- 9 None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved in writing by the Planning Authority.  
Reason: To ensure that satisfactory arrangements are made for the disposal of foul water
- 10 A SUDS scheme for the site to be submitted to and approved in writing by the Planning Authority before the development commences. The approved scheme then to be implemented as part of the development.  
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 11 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.
- 12 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.

**FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

## *Planning and Economic Development*

- 1 In respect of condition 6, the roads and footways shall require Road Construction Consent. Driver forward visibility around bends and junction visibility splays should relate to a traffic speed of around 20 mph i.e. 33m forward visibility and 2.4m by 33m junction visibility.
- 2 In respect of condition 7, all driveways must be a minimum of 6m in length from the rear of the footway/service strip and all driveways must have a maximum gradient of 1 in 12 and be large enough to cater for two vehicles.
- 3 The consultation response from SEPA 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.

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 the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

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 reasonable 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 V of the Town and Country Planning (Scotland) Act, 1997.