

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 13/00332/FUL

**To : RM & JS Partnership per John Thompson & Partners Per Ross Peedle Venue Studios 21
Calton Road Edinburgh EH8 8DL**

With reference to your application validated on **25th March 2013** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of 54 dwellinghouses and associated infrastructure

At : Land South Of The Old Manse Gavinton 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 11th July 2016
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 : 13/00332/FUL
Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
00620_MP_05	General	Approved
00620_MP_01	Location Plan	Approved
00620_MP_02	Site Plan	Approved
00620_MP_04	Other	Approved
ED10970-002	General	Approved
00620_EW_01	General	Approved
00620_SE_01	Elevations	Approved
00620_SE_02	Elevations	Approved
00620_SE_03	Elevations	Approved
00620_HA_01	Elevations	Approved
00620_HB_01	Elevations	Approved
00620_HB1_01	Elevations	Approved
00620_HC_01	Elevations	Approved
00620_HC1_01	Elevations	Approved
00620_HD_01	Elevations	Approved
00620_HD1_01	Elevations	Approved
00620_HE_01	Elevations	Approved
00620_HE1_01	Elevations	Approved
00620_HF_01	Elevations	Approved
00620_HF1_01	Elevations	Approved
00620_HG_02	Elevations	Approved
00620_HG_01	Elevations	Approved
00620_HG1_02	Elevations	Approved
00620_HG1_01	Elevations	Approved
00620_HH_02	Elevations	Approved
00620_HH_01	Floor Plans	Approved
00620_MP_07	General	Approved
00620_G_01	Elevations	Approved
00620_HJ_01	Elevations	Approved
00620_HK_01	Elevations	Approved
ED10970-005	General	Approved

REASON FOR DECISION

The proposal is considered to provide an attractive and sensitive form of development, which is respectful of the character and appearance of the Conservation Area and its setting within the wider landscape. Notwithstanding the increase in the number of units above the indicative capacity outlined in the Local Plan, the design and layout of the proposed residential development is considered to make the proposal acceptable in terms of house numbers, layout, design and landscaping. The proposal is compatible with the character of the surrounding area, neighbouring uses and neighbouring built form and accords with development plan policy, and supplementary planning guidance. It also assists the Council in meeting targets for securing the development of new and affordable homes.

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 The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development of the estate proceeds in an orderly manner.
- 3 Upon completion of each phase, as required by Condition 2, the developer carrying out the development shall give notice of that completion to the planning authority.
Reason: To comply with Section 27B of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 4 A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:

Development at (Note 1)

Notice is hereby given that planning permission has been granted, subject to conditions (Note 2) to (Note 3) on (Note 4) by Scottish Borders Council.

The development comprises (Note 5)

Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose. Telephone (01835) 825060, or by visiting <http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).
Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 5 No development shall commence 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 unless otherwise agreed in writing with the Planning Authority.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 6 All trees and hedging within the site shall be retained as specified on drawing 00620_Mp_05 Revision D. No development shall commence until a Tree Protection Plan has been submitted for the approval of the Planning Authority which demonstrates measures to be undertaken to protect the trees during construction in accordance with BS5837:2012. During the period of construction of the development the following requirements will apply:

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

7 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 tree(s) represent an important visual feature which the Planning Authority considered should be substantially maintained.

8 The three Ash trees numbered 6546, 6547 and 6548 upon Drawing Number; 00620_MP_07 shall not be felled, lopped, lifted or disturbed until bat checking surveys have been carried out by a suitably qualified person and submitted for the approval of the Planning Authority. Once the biological value of each of these trees has been established it shall thereafter be agreed with the Planning Authority if these trees should be retained with reduced crowns or removed, through the submission of a Tree Works Plan for the approval of the Planning Authority. Once approved, all works to the three Ash trees shall be carried out in accordance with the approved Tree Works Plan.

Reason: To ensure local habitats are protected and trees with biological value are retained.

9 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.
- viii. Expected water levels to be retained within the SUDS pond.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

10 All planting, seeding or turfing comprised in the approved details of landscaping required by Condition 9 shall be carried out in strict accordance with the programme of implementation set out in the phasing plan required by condition 2 and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

- 11 No development shall commence until a scheme of precise details of junction improvement works (including the provision of associated junction signage that may be required) which are to be carried out to the C101 junction with the A6105 have been submitted to and approved in writing by the Planning Authority and thereafter no development shall take place except in strict accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority. The approved junction works shall be completed before site development works commence upon the residential development hereby approved.
Reason: To ensure that the junction can safety cope with its increased use as a result of this development.
- 12 No development shall commence until a scheme of details for improvement to the local public bus transport waiting/stopping area for west bound journeys has been submitted to and approved in writing with the Planning Authority. The scheme shall include provision for a handrail to be constructed along the footpath known as Red Braes from the village to the bus stop. The approved scheme shall be implemented before completion of the development unless any changes are otherwise agreed in writing with the Planning Authority.
Reason: To ensure that the local public transport network is capable of accommodating its increased use as a result of this development.
- 13 The areas allocated for parking on the approved plan shall be properly consolidated, surfaced and drained before the dwellinghouses in each phase of this development (as required by Condition 2) are occupied, and shall not be used other than for the parking of vehicles on connection with the development hereby permitted.
Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.
- 14 The proposed roads, footpaths and turning spaces indicated on the approved drawings shall be constructed in such a manner as to ensure each dwelling, before it is occupied, shall be served by a properly consolidated and surfaced carriageway and footpath.
Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic.
- 15 No development shall commence until a Drainage Impact Assessment has been submitted to and approved in writing with the Planning Authority in consultation with Scottish Water. The assessment shall establish if there is sufficient capacity within Scottish Water's infrastructure to accommodate foul drainage demands of the development, in the event that there are any deficiencies, details of proposed upgrades shall be provided. Once approved, the development shall be carried out in strict accordance with the approved details and any required upgrades to the drainage network infrastructure shall be completed before occupation of the first dwellinghouse.
Reason: To ensure that the existing drainage infrastructure has the capacity to service the development.
- 16 Prior to the commencement of the development, details of measures to control Greenfield Run-Off rates shall be submitted to and approved by the Planning Authority. Once approved, the measures shall be completed in strict accordance with the approved details and to agreed time scale as set out in phasing plan required by condition 2.
Reason: To ensure appropriate greenfield run-off rates which do not result in posing a flood risk.

- 17 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis the results of which will be submitted to the Planning Authority
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
- 18 No vegetation or scrub clearance shall be carried out during the breeding bird season (March – August) without the express written permission of the Planning Authority. If works are to be undertaken during the bird breeding season, checking surveys and appropriate measures of mitigation will be required to be submitted for the agreement of the Planning Authority and thereafter all works shall be carried out in accordance with the agreed details.
Reason: To safeguard the ecological interests of the site.
- 19 No development shall commence until a Badger Protection Plan and Biodiversity and Habitat Management Plan have been submitted to and agreed in writing with the Planning Authority. Once approved the development shall be undertaken in accordance with the approved details unless any variation is agreed in writing with the Planning Authority.
Reason: To safeguard and enhance the ecological interests of the site.
- 20 A scheme for the relocation and /or repositioning of the existing 30mph signs on the C101 leading into the village from the A6105 and on Fogo Road (C102) shall be submitted to approved in writing by the Planning Authority before the commencement of the development. Thereafter, the scheme shall be implemented in accordance with an agreed programme of works.
Reason: In the interest of road safety.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 With reference to Condition 4, the Notes to be applied to the site notice should be completed as follows:
Note 1: Insert address or describe the location of the development
Note 2: Delete "subject to conditions" if the planning permission is not subject to any conditions
Note 3: Insert the name and address of the developer
Note 4: Insert the date on which planning permission was granted (normally the date of this Notice)
Note 5: Insert the description of the development.
Note 6: Insert the application reference number.

- 2 The Planning & Building Standards Committee agreed that the carriageway width of Fogo Road (C102) did not need to be widened to the south of its junction with Maitland Row. In addition, it may not be necessary to extend the new footway along this road to the south beyond Maitland Row.
- 3 Members also highlighted that they were supportive of the proposal from the Community Council that the existing bus service be directed into the village. Officers were asked to open discussions with the bus operators to establish whether this was a feasible option.

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.