

Ms Beverley Robinson
per Grahame Cullinan
6 Buttermere Avenue
Whickham
Newcastle
NE16 4EX

Please ask for: Paul Duncan
☎ 01835 825558
Our Ref: 21/00769/FUL
Your Ref:
E-Mail: paul.duncan@scotborders.gov.uk
Date: 21st July 2021

Dear Sir/Madam

PLANNING APPLICATION AT Land East of 11 Kerrigan Way Foulden Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse (renewal of planning permission 18/00524/FUL)

APPLICANT: Ms Beverley Robinson

Please find attached the decision notice for the above application.

Please read the schedule of conditions and any informative notes carefully.

Drawings can be found on the Planning pages of the Council website at <https://eplanning.scotborders.gov.uk/online-applications/> . Please see the requirement for notification of initiation and completion of development as well as for Street naming and numbering as appropriate.

It should be noted that before works commence, where applicable, all necessary consents should be obtained under the Building (Scotland) Act 2003. If you require any further information in this respect, please contact the relevant Building Standards Surveyor.

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

Application for Planning Permission

Reference : 21/00769/FUL

**To : Ms Beverley Robinson per Grahame Cullinan 6 Buttermere Avenue Whickham Newcastle
NE16 4EX**

With reference to your application validated on **27th May 2021** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse (renewal of planning permission 18/00524/FUL)

at : Land East of 11 Kerrigan Way Foulden 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 (as amended), 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 20th July 2021
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 21/00769/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved
	Proposed Site Plan	Approved
	Proposed Plans & Elevations	Approved

REASON FOR DECISION

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

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 Planning Authority.
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 to be used in all external areas of the development 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 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to, and be approved in writing by the Planning Authority, and none of the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Planning Authority.
Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.

- 4 Before any part of the development hereby approved is commenced, the trees to be retained on the site shall be protected by a protective barrier to a standard and format compliant with BS 5837 2012, placed at a minimum radius of one metre beyond the crown spread of the 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; and

(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 adjacent to the development site, the loss of which would have an adverse effect on privacy of the neighbouring property.

5 Prior to the commencement of development, a scheme of details for hard and soft landscaping and boundary treatments shall be submitted to and approved in writing by the Planning Authority. The scheme of details shall include:

1. A site plan showing details of proposed hard and soft landscaping and boundary planting/ fencing/ walling;
2. A plant/ tree/ shrub schedule including sizes, species and numbers;
3. Details of boundary fence/ wall materials and heights;
4. Details of hardstanding materials.
5. Details of planting maintenance.

Thereafter, the development shall be carried out wholly in accordance with the agreed scheme of details and all agreed planting shall be carried out by the end of the first planting season following the occupation of the dwellinghouse hereby approved, unless otherwise agreed in writing by the Planning Authority, and maintained thereafter in accordance with the agreed maintenance measures.

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

6 No drainage system other than the public mains sewer shall be used to service the property without the written consent of the Planning Authority. Prior to the occupation of the dwellinghouse hereby approved the property shall be connected to the public mains sewer.

Reason: To ensure that the development does not have a detrimental effect on public health.

7 No development shall commence until a revised east elevation drawing with an amended pattern of the living room windows has been submitted to and agreed in writing by the Planning Authority. Thereafter, notwithstanding the drawings hereby approved, the development shall be carried out wholly in accordance with the agreed revised east elevation drawing.

Reason: To ensure a satisfactory form of development, appropriate to its setting.

8 No development shall commence during the breeding bird season (March to August), unless in accordance with a Species Protection Plan for birds that has first been approved in writing by the Planning Authority. The SPP shall include provision for mitigation including supplementary surveys and no development areas if breeding birds are found.

Reason: To protect breeding birds during the construction phase of the development.

9 Prior to the occupation of the dwellinghouse hereby approved, two parking spaces, not including any garage space, shall be provided within the site. Thereafter, the two parking spaces shall be retained in perpetuity.

Reason : To ensure there is satisfactory off street parking for the property.

- 10 The first two metres of the verge crossing shall be formed to a specification that has been agreed by the Planning Authority.
Reason : To ensure the site is served by an appropriate vehicular access.
- 11 No development shall commence until a scheme of details for the re-location of the existing lighting column outwith the driveway (including a timetable for completion) has been submitted to, and agreed in writing by the Planning Authority. Thereafter, the development shall require to be carried out in accordance with the agreed scheme of details.
Reason : To ensure this existing public road is properly lit.
- 12 A public water supply connection shall be functional prior to the occupancy of the dwellinghouse hereby approved, unless otherwise agreed by the Planning Authority, and no other water supply arrangements shall be used thereafter without the written agreement of the Planning Authority.
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 In the event that badgers and their setts are found during construction, work should stop immediately and SNH 01463 725 364 or a licenced badger ecologist should be contacted. Any works should then be carried out in accordance with SNH's or the licenced ecologist's advice and any licensing requirements as appropriate. Further details can be found at <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/protected-species-z-guide/protected-species-badgers>
- 2 With respect to condition 3, the following British Standards should be referred to:
 - a) BS: 3998:2010 Tree work - Recommendations
 - b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- 3 With respect to condition 10 the following verge crossing specification is hereby agreed:
75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.

Any variation from this specification will require the prior written approval of the Planning Authority.

It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.
- 4 The Council's Flood Risk Service advises as follows:

The applicant is advised to ensure that any potential surface water run-off from the road towards the property is routed away from their front and back by installing appropriate boundary drainage.

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.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 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 at the Council.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act 1997 (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 available on the Council's website for this purpose.

Notice of Completion of Development

Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) 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 require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed to the Clerk of The Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells. TD6 0SA or sent by email to localreview@scotborders.gov.uk. The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

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 (as amended).