

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission in Principle

Reference : 15/00822/PPP

To : Granton Homes Ltd per Zone Architects Per David Jamieson 211 Granton Road
Edinburgh EH5 1HD

With reference to your application validated on **14th July 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of residential apartments

at : Site In Grounds Of Kingsmeadows House Kingsmeadows Road Peebles Scottish Borders

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 30th March 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 15/00822/PPP

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
329-001	Site Plan	Approved
329-002	Location Plan	Approved
329-009	Site Plan	Approved
Design Statement	Report	Approved

REASON FOR DECISION

The application complies with Development Plan Policies and Supplementary Planning Guidance on new infill development within the setting of a Listed Building and Conservation Area in that the proposals, with conditions and subject to a Legal Agreement, would result in a sympathetic development in a location where, subject to suitable design, the character of the listed building and amenity of the Conservation Area would be preserved and where issues of flooding, trees, access and developer contributions can be addressed.

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 been submitted to and approved in writing by the Planning Authority.
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.
- 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 No development shall take place until the applicant has secured and implemented an approved programme of archaeological work and reporting in accordance with a Written Scheme of Investigation (WSI) outlining an Archaeological Top-Soil Strip, Map and Record. Development and archaeological investigation shall only proceed in accordance with the WSI. The requirements of this are:
 - The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
 - If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
 - Limited intervention of features, or expansion of excavations will only take place if approved by the Council's Archaeology Officer.

- Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion.
- Further development work shall not take place until the Planning Authority has determined the potential for further archaeological impacts and, if required, a further requirement for mitigation.
- Development should seek to mitigate the loss of significant archaeology through avoidance by design in the first instance according to an approved plan.
- If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI or a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).
- The results of additional excavations and post-excavation research will be reported to the Council within 1 year of the final archaeological works, and published in an appropriate publication within 3 years.

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.

- 4 No finished floor levels to be below 158.70m AOD.
Reason: The site is partially at risk from flooding.
- 5 The development hereby permitted shall not be commenced before fully detailed design proposals for foul and surface water drainage, including SUDs measures, have been submitted to and approved by the Planning Authority.
Reason: To ensure the site is adequately serviced.
- 6 The first Application for Matters Specified as Conditions application should be accompanied by an updated and detailed Tree Survey in accordance with BS 5837:2012 clearly demonstrating the impacts of the proposed development on existing trees within the site.
Reason: To ensure that existing trees within the site are safeguarded and protected from and during the development.
- 7 The first Application for Matters Specified as Conditions application should be supported by a Management Plan for the site and the remainder of the parkland/woodland, detailing maintenance, curtilage, access and boundary treatment proposals. This should include for an open plan area along the riverbank north of the development, free from individual gardens, fences, gates and other structures.
Reason: To maintain the character and open nature of the grounds within and surrounding the site and to protect the amenity of the Conservation Area.
- 8 The development submitted with the Application for Approval of Matters Specified as Conditions to be based upon the location, scale and general design principles shown in the supporting plans and Design Statement submitted with this application.
Reason: To ensure a form and scale of development appropriate to the setting of the listed building and the amenity of the Conservation Area.

- 9 The development to be served throughout by roadways, footpaths and parking to adoptable standards. Included within the requirements are the following:
- Detailed route of the proposed access road, including detailed design of the junction with Kingsmeadows Road.
 - Visibility splays of 2.4 by 43 metres to be provided in both directions onto Kingsmeadows Road at the new junction
 - Proposed access road to be 5.5 metres wide for the first 15 metres, or other agreed distance. Thereafter the road may taper down to a minimum width of 3.7m and can be shared surface in nature - or 3,2m with a remote footpath/service strip of a minimum of 2m width.
 - New road to include satisfactory drainage measures and appropriate SUDS feature.
 - Allowance to be made for street lighting and other utilities. The detailed layout of street lighting will be covered by Road Construction Consent which is required for the development.
 - Parking provision to be 175% for communal parking - only 25% to be adopted.
 - Swept path analysis to be provided to demonstrate that the turning area at the end of the proposed public road can accommodate a refuse vehicle.

All details to be agreed with the Planning Authority before the development is commenced and completed before the fifth residential unit is occupied.

Reason: In the interests of road safety.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

Should any part of the development impact on the 1 in 200 year flood plain at the stage of submission of Matters Specified as Conditions, then the submission should also include details of adequate compensatory storage.

The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used.

The following are the recommended hours for noisy work

Monday – Friday 0700 – 1900

Saturday 0700 – 1300

Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council).

Contractors will be expected to adhere to the noise control measures contained in British Standard 5 228:2009 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.

Petroleum licensing records identify the presence of a petrol tank associated with 'Kingsmeadow House'. Petroleum storage is potentially contaminative and may have resulted in land contamination which could affect the welfare of users, the value of the property, and the liabilities the owner/ occupier may have.

No further records are held with regard to this tank which was discontinued in 1971. Having viewed the site and grounds and discussed this with Scottish Borders Council Petroleum Officer it appears most likely the tank was associated with ancillary estate building, namely the former agricultural buildings. These buildings fall out with the current application site.

Although most probable the tank is located off site this is not known with any certainty. It is therefore recommended, that by way of an Informative Note, the applicant is made aware of potential land contamination that may have occurred should the tank have been located on site. Should unexpected ground conditions e.g. made ground extending to depth, discolouration or malodorous substances be encountered in excavations, or evidence of potential contamination e.g. underground structures, remains of buried wastes or equipment be encountered during site works it is requested that Environmental Health are immediately consulted.

The Application for Matters Specified as Conditions should include an updated Design Statement with photomontages (or similar) looking at the development from the northern bank of the River Tweed.

In pursuance of Condition 9, any alteration works to the roadside wall may require Listed Building Consent which should be applied for separately.

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 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.