

Your Ref:

Our Ref: 14/P/3/0143

15 July 2015

Broadway Malyan
Riverside House
24 Southwark Bridge Road
London
SE1 9HA

Planning and Environment Services
Development Management
Kirkbank
English Street
Dumfries
DG1 2HS

Any enquiries please contact

Patrick Hanna

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Website – www.dumgal.gov.uk/planning

Dear Sir / Madam

Town and Country Planning (Scotland) Act 1997

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

ERECTION OF 29 DWELLINGHOUSES AND GARAGES, WIDENING OF EXISTING ROAD, CONSTRUCTION OF NEW ROAD AND DRAINAGE, FORMATION OF AMENITY SPACE AND LANDSCAPING, AND ASSOCIATED WORKS AT BROOMFIELD, SANQUHAR

I have pleasure in enclosing formal notice of approval.

Please take careful note of the terms of any conditions attached to this permission and especially the need to comply with any suspensive conditions (usually in bold) before either commencing work and / or occupying the development. **Failure to comply with such conditions may invalidate your permission.** In addition to any conditions, please note the advice given in the Appendix which may be attached to the approval. This may include a requirement to formally notify the Council as planning authority of initiation and completion of development. The relevant Notice forms and guidance notes will be enclosed where appropriate.

It should also 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

Steve Rogers

Steve Rogers
Head of Planning & Regulatory Services

GRANT OF PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013

To:
Broadway Malyan
Riverside House
24 Southwark Bridge Road
London
SE1 9HA

Dumfries & Galloway Council, having considered the application dated 24/02/2014,
reference 14/P/3/0143, hereby **grants Planning Permission**

for:

Description: **ERECTION OF 29 DWELLINGHOUSES AND GARAGES,
WIDENING OF EXISTING ROAD, CONSTRUCTION OF NEW
ROAD AND DRAINAGE, FORMATION OF AMENITY SPACE AND
LANDSCAPING, AND ASSOCIATED WORKS**

Location: **BROOMFIELD, SANQUHAR**

in accordance with the details given in and the plans accompanying the application. This approval is also subject to the compliance with the conditions below, which may override details shown on the approved plans. Reasons for these conditions are also listed below.

CONDITIONS:

1. That **no development in respect of this planning permission shall take place** unless a Coal Mining Risk Assessment has been submitted to and approved in writing by the planning authority (in consultation with the Coal Authority). Thereafter, the development shall be implemented in full accordance with any mitigation or recommendations contained within the said assessment.

2. That **no development in respect of this planning permission shall take place** unless proposals for the future maintenance of all areas of open space within the development have been submitted to and approved in writing by the planning authority. Thereafter, the said areas of open space shall be maintained in complete accordance with the terms of such scheme as may be so approved unless the planning authority gives written approval to any variation.
3. That **no development in respect of this planning permission shall take place** unless proposals for the future maintenance of the surface water drainage and sustainable drainage systems (SUDS) within the site have been submitted to and approved in writing by the planning authority. Thereafter, the said surface water drainage and sustainable drainage systems (SUDS) shall be maintained in complete accordance with the terms of such scheme as may be so approved unless the planning authority gives written approval to any variation.
4. That, notwithstanding the details shown on the approved drawings, no permission is hereby granted for the external finishes for the proposed dwellinghouses. **No development in respect of this planning permission shall take place** unless details of the precise external finishes proposed have been submitted to and approved in writing by the planning authority. **No dwellinghouse hereby granted planning permission shall be occupied** unless it has been finished in such external finishes as have been so approved.
5. That **no development in respect of this planning permission shall take place** unless a scheme of phasing of the implementation of the development has been submitted to and approved in writing by the planning authority. The scheme shall include provision for the improvements to the U462n public road to be carried out prior to the occupation of the first dwellinghouse, and for the open space to be provided no later than the occupation of the ninth dwellinghouse. Thereafter, the implementation of the development shall be carried out in complete accordance with the terms of such scheme as may be so approved unless the planning authority gives written approval to any variation.
6. That, notwithstanding the details shown on the approved drawings, no permission is granted for the road layout, surfacing and detailing of the shared surface road at the northern end of the site (serving Plots 17-20). **No development in respect of this planning permission shall take place** unless details of amended layout, surfacing and detailing has been submitted to and approved in writing by the planning authority (in consultation with the roads authority). The said scheme shall omit the formalised dog-leg turning arrangement, and shall incorporate Designing Streets measures such as non-conventional surfacing, reduced delineations, green infrastructure, and entrance piers and walls to reflect that provided at the southern shared space. The development shall be implemented in full accordance with such details as may be so approved, and in accordance with any phasing as may be so approved as part of Condition 5.

7. That **no development in respect of this planning permission shall take place** unless a scheme detailing new tree and shrub planting and hard landscaping has been submitted to and approved in writing by the Council as planning authority. The scheme shall be broadly in accordance with the landscaping scheme shown in L-90-001 Rev D, and shall include all grassed areas, hedges, retained trees and other retained vegetation, details of changes to existing levels, hard surfacing, walls, fences and other means of enclosure, formation of banks, terraces or other earthworks, and details of play equipment for the toddler's play area. The scheme shall also include dyke/hedge boundary treatment for Plots 21-24. The scheme shall be plotted on an accurate plan of the site, to a recognised metric scale, and shall detail the number and species of trees and shrubs to be planted, locations, planting density, nursery stock sizes at time of planting and initial maintenance to aid establishment. The scheme shall also detail the specification of the materials and colours to be used in respect of any hard surfaces, walls, fences or external structures.
8. That such scheme as may be so approved in respect of Condition 7 above shall be implemented **within 12 months** following the completion or occupation of the development hereby granted planning permission (or any phasing of the development as may be so approved under Condition 5). Thereafter, all trees and shrubs forming part of the approved scheme shall be maintained and replaced where necessary to the satisfaction of the planning authority for a period of not less than 10 years. No trees forming part of the approved scheme shall be pruned or lopped during the 10 year period following planting without the prior written approval of the planning authority.
9. That **no development in respect of this planning permission shall take place** unless a Traffic Regulation Order to restrict the speed of all traffic to 20mph within the development site has been successfully promoted by the Council. **None of the dwellinghouses hereby approved shall be occupied** unless the said Traffic Regulation Order has been fully implemented.
10. That **no development in respect of this planning permission shall take place** unless a scheme of street lighting columns has been submitted to and approved in writing by the planning authority (in consultation with the roads authority). Such scheme shall include details of the number, type and location of the proposed street lights. **No dwellinghouse hereby granted planning permission shall be occupied** unless such scheme as may be so approved has been implemented and is fully operational.
11. That any vehicular access gate shall be not less than 1.5 metres behind the road boundary with 45 degree splays from the gate posts, or that any wall, fence or hedge bounding the site shall be not more than 1 metre in height (as measured from the adjoining road level) for a distance of 1.5 metres on both sides of the access. Any gates shall open into the site only.

12. That **no dwellinghouse hereby granted planning permission shall be occupied** unless the gradient of the respective access for the first 5 metres has been formed so as to be no greater than 8% (1 in 12.5).
13. That **no dwellinghouse hereby granted planning permission shall be occupied** unless the respective off-street car parking / turning area shown on the approved drawings has been formed in complete accordance with the said drawings or such other drawings as may be approved in writing for the purpose by the planning authority. Thereafter, the said parking / turning areas shall be kept clear from obstruction and shall be retained only for that purpose for the lifetime of the development.
14. That **no dwellinghouse hereby granted planning permission shall be occupied** unless visibility areas have been provided on both sides of the respective access between the public carriageway edge and the line joining two points defined as follows:-
 - (a) measured 2.4 metres back along the centre line of the respective access from the nearer edge of the main carriageway; and
 - (b) measured 43 metres from the centre line of the access along the nearer edge of the carriageway of the U462n public road.
15. That **no dwellinghouse hereby granted planning permission shall be occupied** unless everything exceeding 1 metre in height has been removed from the respective visibility areas referred to in Condition 14 above. Thereafter, nothing exceeding 1 metre in height (as measured from the adjoining carriageway level) shall be grown, placed or erected within the said visibility areas.
16. That **no dwellinghouse hereby granted planning permission shall be occupied** unless:- a) it has been served by a properly surfaced and adequately drained carriageway and footway; b) its respective access has been formed with a dropped kerb detail; and c) its respective access has been trapped and drained to an outfall or soakaway so as to prevent any surface water flowing onto the public road or into the site from the public road.

REASONS:

1. The site is identified by the Coal Authority as being within a high risk area (as updated on the Council's GIS dataset on 22 December 2014).
2. To accord with the Council's policy on the provision of open space, and the adoption management and maintenance procedures set out in Supplementary Guidance: Open Space and New Development.
3. To accord with the Council's policy on surface water drainage (SUDS) systems, and requirements of Supplementary Guidance: Surface Water Drainage and Sustainable Drainage Systems (SUDS).

4. In order to define the terms of this permission and in the interests of visual amenity.
5. In order to define the terms of this planning permission.
6. In order to define the terms of this permission, in order to preserve the visual and residential amenity of adjacent properties, and in order to comply with the Council's policies on open space and Designing Streets.
7. In order to define the terms of this permission and in the interests of visual amenity.
8. In order to define the terms of this permission and in the interests of visual amenity.
9. In the interests of road safety.
10. In the interests of road safety.
11. In the interests of road safety.
12. In the interests of road safety.
13. In the interests of road safety.
14. In the interests of road safety.
15. In the interests of road safety.
16. In the interests of road safety.

It must be understood that this document does not imply or comprise any permission, consent or approval necessary for the legitimate undertaking of this proposal under any other legislation.

Signed: *Steve Rogers*

Dated: 15/07/2015

Steve Rogers
Head of Planning & Regulatory Services
on behalf of the Council

14/P/3/0143

Hierarchy Type: Local
Decision Level: Delegated

Relevant Drawing Numbers:

Drawings received 4 March 2014

A-01-001 Rev A Location Plan
73694/1020 Rev C Proposed Widening to Existing Road
73694/1021 Rev D Proposed Levels
73694/1022 Rev B Proposed Road Long Section
73694/1023 Rev A Adoption Plan & Autotrack
A-04-006 Proposed Retaining Wall System
A-05-001 Rev B Artists Illustrations

Amended drawings received 7 November 2014

A-02-002 Rev A Proposed Site Layout
A-03-002 Rev A House Type 02
A-03-003 Rev A House Type 02a
A-03-004 Rev A House Type 03
A-03-005 Rev A House Type 4
A-03-006 Rev A House Type 5
A-03-007 Rev A Single Garage / Double Garage
A-04-004 Rev D Proposed Site Layout & Cross Sections 2 of 4
A-04-007 Rev B Plot 7 vs Plot 2 relationship 4 of 4
L-90-002 Rev C Proposed Boundary Treatments
L-90-003 Rev C Open Space Strategy

Amended drawings received 16 February 2015

A-02-001 Rev C Proposed Site Layout
L-90-001 Rev D Proposed Site Layout Landscape
73694/1024 Rev C Drainage & Suds Strategy

Amended drawings received 24 April 2015

A-02-003 Rev D Proposed Site Layout
A-04-003 Rev E Proposed Site Layout & Cross Sections 1 of 4
A-04-005 Rev G Proposed Site Layout & Cross Sections 3 of 4

Additional drawings received 24 April 2015

A-02-004 Proposed Levels (Plots 5, 6 & 7)

REASON FOR DECISION:

It is considered that the proposal is in accordance with the provisions of the development plan and that there were no material considerations of sufficient weight in this case to justify making a decision otherwise. Consequently, under Section 25 of the Town and Country Planning (Scotland) Act 1997, the application was approved subject to the condition(s) listed above.

[NB - Full details of the assessment of this proposal and the resultant decision can be found in the Statutory Report on Handling relative to this case, a copy of which is published on the Council's website at www.dumgal.gov.uk/planning.]

This appendix constitutes advice only. However, you should take careful note of the content of the comments below as it may affect the proposals.

Where applicable, copies of the relevant application forms are enclosed.

1. In order to comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission will only last for **three years** from the date of this decision notice unless the development has been commenced within that period.
2. Please note that there is now a formal requirement for the developer to notify the Council as planning authority of Initiation of Development and Completion of Development. The relevant forms are enclosed for your use. Additional forms can be collected from planning offices or downloaded from www.dumgal.gov.uk/planning.
3. The grant of planning permission does not imply or permit the execution of any works on land outwith the site boundaries without the agreement of the relevant landowner or authority. Where access to other land is required in order to complete such development, the applicant / developer must separately obtain the necessary permission(s) or agreement(s) prior to commencement of any operations.
4. Please note the comments in the letter from Scottish Water, a copy of which is enclosed with this permission.
5. Please note the comments in the letter from SEPA, a copy of which is enclosed with this permission.
6. The developer must contact the Development Team Leader (Planning) prior to the commencement of works on site for information and specification details on:-
 1. Road Construction Consent
 2. Traffic Order
7. The developer must contact the Development Team Leader (Nithsdale) prior to the commencement of works on site for information and specification details on road opening permits.
8. Persons in charge of vehicles will be held responsible for the prompt removal of all mud, silt or loose material collecting on public roads arising from the operation of haulage vehicles to and from the site (Section 95, Roads (Scotland) Act 1984).
9. Application for a Construction Consent in respect of the access roads must be made to the Council as roads authority. Construction of the access roads must not commence in advance of the issuing by the Council of a Construction Consent. It is recommended that an application be made 3 months before it is proposed to commence construction of the access roads.

10. The security for Private Roadworks (Scotland) Regulations 1985 will apply to the development and in this respect it should be noted that, in accordance with the Regulations, house building works should not commence until construction consent has been granted and security lodged in respect of the new road.
11. The Development Team Leader (Nithsdale) can be contacted at DG First, Wayside Depot, Annan Road, Dumfries, DG1 3JX (Tel: 01387 271171).
12. The developers should contact the Development Team Leader (Nithsdale) to agree a scheme of street naming and numbering.