

Your Ref:

Our Ref: 18/0429/PIP

Date: 11 December 2018

Andrew Clark
Robert Potter and Partners LLP
49 Newall Terrace
Dumfries
DG1 1LN

Dumfries & Galloway Council
Economy, Environment & Infrastructure
Development Management
Kirkbank
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Town and Country Planning (Scotland) Act 1997
Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013

Application for Planning Permission in Principle

PROPOSAL: RESIDENTIAL DEVELOPMENT INCLUDING FORMATION OF
ACCESS ROAD AND LANDSCAPING (AT VARIANCE WITH
CONDITION 1 OF PLANNING PERMISSION IN PRINCIPLE
09/P/3/0355 TO ALLOW AN EXTENDED PERIOD OF TIME FOR
THE PERMISSION TO BE IMPLEMENTED)
LOCATION: Land Opposite Queensberry Brae, Thornhill

Dear Sir/Madam

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 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

Application for Planning Permission in Principle

To:

Andrew Clark
Robert Potter and Partners LLP
49 Newall Terrace
Dumfries
DG1 1LN

Dumfries & Galloway Council, having considered the application dated 26 March 2018 reference 18/0429/PIP, hereby **grants Planning Permission in Principle**

for:

PROPOSAL: RESIDENTIAL DEVELOPMENT INCLUDING FORMATION OF
ACCESS ROAD AND LANDSCAPING (AT VARIANCE WITH
CONDITION 1 OF PLANNING PERMISSION IN PRINCIPLE
09/P/3/0355 TO ALLOW AN EXTENDED PERIOD OF TIME FOR
THE PERMISSION TO BE IMPLEMENTED)
LOCATION: Land Opposite Queensberry Brae, Thornhill

in accordance with the details and plans accompanying the application. This approval is also subject to 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 in principle shall take place unless further application(s), accompanied by plans showing all the matters

specified in Conditions 2 to 5 below, have been submitted to and approved by the Council as planning authority.

2. Layout : This shall include contours and cross-sections of the site showing a datum point and final floor levels of all the dwellinghouses; position of all the dwellinghouses within the site; position, geometry, dimensions, levels and surfacing of all roads and footpaths; provision for car parking and garaging of vehicles; details of all individual accesses, fences and walls; details of foul and surface water drainage (including any SUDS); and details of the location of any public open space. The said layout shall incorporate the following features, unless otherwise agreed in writing with the planning authority:-
 - (i) The access to the site from Kinnel Street shall be provided in accordance with the details outlined in Drawings 73693-1020 Rev B, 73693-1021 Rev B, 73693-1022 Rev A, and 73693-1023.
 - (ii) All roads shall be designed in accordance with Designing Streets, or any subsequent update to this policy.
 - (iii) Public open space provision shall be provided in accordance with 'Supplementary Planning Guidance No.1 - Open Space in New Residential Developments', or any subsequent update to the guidance.

[NB - For the avoidance of doubt and notwithstanding the details shown on the supplied indicative drawings, no permission is hereby granted in respect of the number of plots, roads layout, landscaping features, or drainage features shown on the drawings hereby approved]

3. Design : This shall include plans, sections and elevations of all buildings and any other structures.
4. External Appearance : This shall include a specification of the colour and type of all materials to be used on walls, roofs, windows, doors, rainwater goods and any other external finishes to the building
5. Landscaping : This shall show the treatment of land (other than buildings) forming part of the site, including planting of new trees and shrubs, grassed areas, hedges, retained trees and other retained vegetation, details of level changes, hard surfacing, erection of walls, fences or other means of enclosure, formation of banks, terraces or other earthworks and the layout of gardens, courts and other amenity features designed to provide a landscape setting for the development. The said landscaping scheme shall incorporate the following features and information, unless otherwise agreed in writing with the planning authority:-
 - (i) The landscaping of the access to the site from Kinnel Street shall be provided in accordance with the details outlined in Drawings 1107E-300 Rev PO1 and 1107E-700 Rev P01.

- (ii) All new tree and shrub planting shall be of native Scottish species of local origin.
 - (iii) Details of phasing of landscaping.
 - (iv) Details of formative/restorative pruning to all retained trees adjacent to the access hereby approved.
 - (v) Details of replacement woodland planting (as shown as area D on the approved plan).
 - (vi) Details of the precise routing of the woodland path (as shown as path C on the approved plan), along with details of surfacing and any associated landscape planting.
6. That no development in respect of this planning permission shall take place unless details of the phasing of the construction of the residential development hereby approved, including the provision and early phasing of affordable housing, have been submitted to and approved by the planning authority. Thereafter, the development shall proceed in accordance with the approved plan, unless otherwise agreed in writing with the planning authority.
7. That no development in respect of this planning permission shall commence unless a Traffic Regulation Order to restrict the speed of all traffic to 20mph within the development site shall have been successfully promoted by the Council at the applicant's expense. None of the residential units hereby granted planning permission shall be occupied / brought into use unless and until the said Order has been respectively implemented, including signage, to the satisfaction of the planning authority (in consultation with the roads authority).
8. That no development in respect of this planning permission shall take place unless a scheme of street lighting scheme 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 respectively implemented and is fully operational.
9. That no development in respect of this planning permission shall take place unless details of the vehicle restraint system barrier along the access road hereby approved (as shown on Drawing No. 73693-1021 Rev B) have been submitted to and approved in writing by the planning authority (in consultation with the roads authority). The said barrier shall be visually integrated with the landscaping scheme. No dwellinghouse hereby granted planning permission shall be occupied unless such barrier as may be so approved has been fully implemented
10. That none of the dwellinghouses hereby granted planning permission shall be occupied unless it has been respectively served by a properly surfaced and

adequately drained carriageway and footway or footpath to the satisfaction of the planning authority.

11. That not more than 50 dwellings, or the equivalent traffic generator, shall be served by a single access point at any time.
12. That no development in respect of this planning permission shall take place unless the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the planning authority (in consultation with the Council Archaeologist). This shall include, in the first instance, a geophysical survey of the development site. In addition, the developer shall afford access at all reasonable times to the Council Archaeologist or a nominated representative and shall allow them to observe work in progress.
13. That no development in respect of this planning permission shall take place unless details of water supply and treatment of foul drainage (including phasing arrangements) have been submitted to and agreed in writing by the planning authority in consultation with Scottish Water. Thereafter, no dwellinghouse hereby granted planning permission shall be occupied unless connections have been constructed in accordance with such details as may be so agreed in writing by the planning authority.
14. That the surface water drainage scheme (SUDS) required by Condition 2 above shall be in accordance with the principles of the SUDS Manual (C697) which was published by CIRIA in March 2007, or any subsequent update, and shall be implemented contemporaneously with the development in so far as is reasonably practical. Within three months of the construction of the SUDS, a certificate (signed by a Chartered Civil Engineer experienced in drainage works) shall be submitted to the planning authority confirming that the SUDS has been constructed in accordance with the relevant CIRIA Manual and the approved plans.
15. That, in the event that Scottish Water declines to accept responsibility of the surface water drainage scheme (SUDS) referred to in Conditions 2 & 14 above, a scheme detailing the maintenance and repair in perpetuity of the proposed surface water drainage infrastructure / systems up to and including the discharge to the existing culverts, shall be submitted and approved in writing by the planning authority, prior to the commencement of construction on the site.
16. That no development in respect of this planning permission shall take place unless a timetable for the implementation of open space required by Condition 2 above has been submitted to and approved in writing by the planning authority. Thereafter, the said areas of open space shall be implemented and 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.

17. That, in the event the Council declines to accept responsibility for the future maintenance of any open space in this development, the developer shall provide evidence of an agreement to maintain the open spaces in perpetuity to the satisfaction of the planning authority, prior to the commencement of construction on the site.
18. That no development in respect of this planning permission nor any works to trees within the application site shall take place unless a plan giving details of the proposed methods of protecting the trees which are to be retained has been submitted to and approved in writing by the planning authority. Protective fencing must be chestnut pale or chain-link and must be located at a distance from the trees of at least the branch spread, in accordance with BS 5837: 2012 ('Trees in Relation to Construction'). No construction work in respect of the development hereby granted planning permission shall take place unless such tree protection methods as may be so approved have been implemented in full. Such tree protection methods as may be so approved shall remain in place for the duration of the construction works.
19. That no excavations, changes in levels, trenching, storage of materials, open fires or vehicle manoeuvres shall take place within the protected areas referred to in Condition 18 above.
20. That, following completion of the development, no trees identified as being retained within the application site shall be felled, topped, lopped or uprooted during the lifetime of the development unless the planning authority has given prior written approval for such operations
21. That such landscaping scheme as may be so approved in respect of Condition 5 above shall be implemented in the first planting season following the completion or occupation of the first dwellinghouse hereby granted planning permission. 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 the lifetime of the development. No trees forming part of the approved scheme shall be pruned or lopped without the prior written approval of the planning authority.

Reasons:

1. Permission is hereby granted in principle only and no permission is granted for the details shown on the approved plans. Matters of detail are to be the subject of subsequent application(s) for approval by the Council as planning authority.
2. Permission is hereby granted in principle only and no permission is granted for the details shown on the approved plans. Matters of detail are to be the subject of subsequent application(s) for approval by the Council as planning authority.
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5. Permission is hereby granted in principle only and no permission is granted for the details shown on the approved plans. Matters of detail are to be the subject of subsequent application(s) for approval by the Council as planning authority.
6. In order to define the terms of this planning permission and to protect the amenity of nearby residential dwellings.
7. In the interests of road safety.
8. In the interests of road safety.
9. In the interests of road safety.
10. In the interests of road safety.
11. In the interests of road safety.
12. To accord with the Council's policy on archaeology.
13. In order to ensure that the development can be suitably serviced.
14. In order to ensure satisfactory drainage on site.
15. In order to define the terms of this planning permission, for the avoidance of doubt and to ensure that the development can be satisfactorily serviced.
16. To accord with the Council's policy on open space in residential development
17. To accord with the Council's policy on open space in residential development.
18. In order to define the terms of this permission and in the interests of visual amenity.
19. In order to define the terms of this permission and in the interests of visual amenity.
20. In order to define the terms of this permission and in the interests of tree protection and visual amenity.
21. In the interests of visual amenity.

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: 11 December 2018

Steve Rogers

Head of Planning & Regulatory Services
on behalf of the Council

18/0429/PIP
(BW Ref.)

Hierarchy Type: Major
Decision Level: Planning Applications Committee

Relevant Drawing Numbers:

Plan Type	Reference	Version No	Received Date
Location Plan	09/P/3/0355		
Other	(02) 003 A	Masterplan	

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.

APPENDIX:

18/0429/PIP

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 59(2) of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission in principle will expire three years from the date of this permission unless further application(s) for all of the matters specified in conditions attached to this permission have been submitted to the planning authority within that time period.

Development in accordance with this planning permission in principle must be commenced within three years of the date of this permission, or within two years of the final approval of matters specified in conditions (whichever is later of these two dates).

Please take some time to tell us about your encounter with the Planning Service by completing the below customer survey, which is also available to complete in [electronic format](#) online.



Customer Satisfaction Survey

DEVELOPMENT MANAGEMENT – PLANNING SERVICES

Question 1 What was your involvement in the application?

- ☐ Applicant ☐ Agent
☐ Objector ☐ Supporter

Question 2 Was the application approved?

- ☐ Yes ☐ No

SERVICE DELIVERY

Question 3a Did Planning Services deliver the service that they promised?

- ☐ Very satisfied ☐ Satisfied ☐ Neither satisfied nor dissatisfied
☐ Dissatisfied ☐ Very dissatisfied

Question 3b Do you have any comments about the service offered? If dissatisfied, what was the nature of the problem, and was it resolved to your satisfaction?

TIMELINESS

Question 4a Was your application or enquiry dealt with within the timescale promised?

- ☐ Very satisfied ☐ Satisfied ☐ Neither satisfied nor dissatisfied
☐ Dissatisfied ☐ Very dissatisfied

Question 4b Do you have any comments about timescales? If there was a delay, was a satisfactory explanation offered, and was the matter resolved to your satisfaction?

INFORMATION

Question 5a Please indicate the quality of the information or advice provided.

- ☐ Very satisfied ☐ Satisfied ☐ Neither satisfied nor dissatisfied
☐ Dissatisfied ☐ Very dissatisfied

Question 5b Do you have any comments about the information or advice offered? If you were dissatisfied with the advice, what was the nature of the problem, and was it resolved to your satisfaction?

PROFESSIONALISM AND STAFF ATTITUDE

Question 6a Were you satisfied with the customer service offered by staff?

- ☐ Very satisfied ☐ Satisfied ☐ Neither satisfied nor dissatisfied
☐ Dissatisfied ☐ Very dissatisfied

Question 6b Do you have any comments about the way staff did their jobs?

SATISFACTION WITH SERVICE

Question 7 Were you satisfied with the service overall?

- ☐ Very satisfied ☐ Satisfied ☐ Neither satisfied nor dissatisfied
☐ Dissatisfied ☐ Very dissatisfied

Question 7b Do you have any comments about the overall service?

Please return your survey form to planning@dumgal.gov.uk or to Planning Services, Kirkbank House, English Street, Dumfries DG1 2HS.

Thank you for taking the time to share your thoughts on your encounter with the service. The results of the survey will inform how the service is continuously improved.