



Mr Richard & Mr David Grieve
per Stuart Davidson Architecture
Design Studio
32 High Street
Selkirk
Scottish Borders
TD7 4DD

Please ask for: Julie Hayward
01835 825585
Our Ref: 19/01616/FUL
Your Ref:
E-Mail: jhayward2@scotborders.gov.uk
Date: 17th April 2023

Dear Sir/Madam

**PLANNING APPLICATION AT Land South and East of Rosedean Main Street Maxton
Scottish Borders**

PROPOSED DEVELOPMENT: Erection of two dwellinghouses and associated works

APPLICANT: Mr Richard and Mr David Grieve

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 : 19/01616/FUL

**To : Mr Richard & Mr David Grieve per Stuart Davidson Architecture Design Studio 32 High Street
Selkirk Scottish Borders TD7 4DD**

With reference to your application validated on **13th November 2019** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of two dwellinghouses and associated works

at : Land South and East of Rosedean Main Street Maxton Scottish Borders

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 conditions attached to the following schedule for the reasons stated.

**Dated 31st March 2023
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 19/01616/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
P458-PL-LOC A	Location Plan	Approved
P458-PL-001 D	Proposed Site Plan	Approved
P458-PL-002 B	Proposed Plans	Approved
PL458-PL-003 B	Other	Approved

REASON FOR DECISION

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

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 2 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.
- 3 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.
Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
- 4 Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

and thereafter

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

- 5 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings and the colour/finish of all external joinery, doors and window frames 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.

- 6 Details of the proposed windows (material, frame thickness, method of opening, astragal width, profile and method of fixing) to be submitted to and approved in writing by the Planning Authority before the development commences, 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.
- 7 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include (as appropriate):
- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.
- Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
- 8 Only those trees shown on Drawing P458-PL-001 Rev. D to be felled are to be removed. None of the other 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 trees represent an important visual feature which the Planning Authority considered should be substantially maintained.
- 9 Before any part of the development is commenced, the trees and hedges to be retained on the site and the tree within the grounds of the village hall shall be protected in accordance with the requirements of BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations and the protective 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;
 - (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 on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

- 10 The site to be cleared of vegetation and the trees to be felled outwith the bird breeding season (March to September) unless in strict compliance with a Species Protection Plan for breeding birds, including provision for pre-development supplementary survey, that shall be submitted to and approved in writing by the Planning Authority.
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
- 11 The finished floor levels of the dwellinghouses hereby approved shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Planning Authority before the development commences. Such details shall indicate the existing and proposed levels throughout the application site and shall be measurable from a fixed datum point in a location clearly indicated in the scheme of details so approved.
Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers.
- 12 The existing boundary wall with the public road to be retained and repaired as necessary (with the exception of the section of wall required to be removed for the vehicular access or lowered to achieve the visibility splays) in accordance with a scheme of works that have been submitted to and approved in writing by the Planning Authority before the development commences. The repairs and alterations to be completed before the first dwellinghouse is occupied.
Reason: To secure the retention and repair of the wall, which contributes to the visual amenities of the area.
- 13 Details of the position, materials/finish and height of new walls within the site to be submitted to and approved in writing by the Planning Authority before the development commences. The walls then to be completed in accordance with the approved details before the first dwellinghouse is occupied.
Reason: To safeguard the visual amenities of the area.
- 14 No foul water drainage system other than the public mains sewer shall be used to service the dwellinghouses hereby approved. No development to commence until evidence has been submitted to and approved in writing by the Planning Authority that the development can connect to Scottish Water's public foul drainage system. Prior to occupation of the dwellinghouses, written evidence shall be submitted to and approved in writing by the Planning Authority that the dwellinghouses have been connected to the public foul water drainage network.
Reason: To ensure that the development does not have a detrimental effect on public health.
- 15 No development is to commence until a report has been submitted to and approved in writing by the Planning Authority that the public mains water supply is available and can be provided for the development. Prior to the occupation of the dwellinghouses, written confirmation shall be submitted to and approved in writing by the Planning Authority that the development has been connected to the public mains water supply. No water supply other than the public mains shall be used to supply the development without the written agreement of the Planning Authority.
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

- 16 Details of surface water drainage shall be submitted to and approved in writing by the Planning Authority before the development commences. The surface water drainage then to be installed as approved before the dwellinghouses are occupied.
Reason: To ensure that the development is adequately serviced and does not have a detrimental effect on public health.
- 17 Details of the surfacing materials for the access, access road, visitor parking spaces, driveways and parking spaces to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved materials.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 18 Prior to occupation of each dwellinghouse, the parking associated with that dwelling must be available for use and retained thereafter in perpetuity.
Reason: To ensure the development hereby approved is served by adequate parking.
- 19 The visitor parking spaces and parking for the existing houses shown on Drawing P458-PL-001 Rev. D must be completed and available for use prior to the occupation of the first dwellinghouse and thereafter retained in perpetuity.
Reason: To ensure the development hereby approved is served by adequate parking at all times.
- 20 The access arrangements for each plot, shown on Drawing P458-PL-001 Rev. D, must be formed as per the approved drawing prior to occupation of the dwellinghouse it serves.
Reason: To ensure the development hereby approved is served by an appropriate form of access at all times.
- 21 Prior to commencement of development, engineering details to be submitted to and approved in writing by the Planning Authority covering the amended access onto the public road. Once approved, the access to be constructed as per the approved details prior to occupation of the first dwellinghouse.
Reason: To ensure the development hereby approved is served by an appropriate form of access.
- 22 Prior to commencement of development, engineering details to be submitted to and approved in writing by the Planning Authority for the short section of footway. Once approved, the footway to be constructed as per the approved details prior to occupation of the first dwellinghouse.
Reason: To ensure the development hereby approved is served by an appropriate form of pedestrian footway.
- 23 Details of the refuse storage facilities indicated on Drawing P458-PL-001 Rev. D to be submitted to and approved in writing by the Planning Authority before the development commences. The refuse storage facilities shall then be provided in accordance with the approved details before the first dwellinghouse is occupied and thereafter retained and made available to the occupiers of the dwellinghouses hereby approved for use at all times.
Reason: To ensure the provision of adequate facilities for the storage of refuse.

- 24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or amendments or re-enactment or re-enactment thereof) no extension or enlargement of the dwellinghouses hereby approved shall be carried out without the prior written approval of the Planning Authority, to whom a planning application must be made.
Reason: The Planning Authority considers that the development hereby approved permitted is the maximum that can be reasonably allowed without causing detriment to the amenities of adjoining properties, and for this reason would wish to control any future extensions.
- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent order amending or re-enacting that Order), no fences shall be erected on the boundaries of the plots, within the site or on the site boundaries unless an application for planning permission in that behalf is first submitted to and approved in writing by the Planning Authority.
Reason: To allow the Planning Authority the ability to exercise control over the matters referred to which, if unrestricted, may detract from the overall setting of the development hereby permitted.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 In respect of condition 3, the ALGAO guidance for historic building recording can be found at:

www.algao.org.uk/sites/default/files/documents/ALGAO_Scotland_Buildings_Guidance_2013.pdf
- 2 In respect of condition 7, the landscaping plan to include replacement tree replacement planting along the frontage with the public road and within the site and precise details of hedges around the plots. Consideration should be given to providing Rosedean a turning area adjacent to the property's driveway.
- 3 In respect of condition 8, the trees to be felled should be checked for bats by a qualified person. In the event that bats are discovered following the commencement of works, works should stop immediately and the developer must contact Scottish Natural Heritage (tel: 01896-756652 or 01463 725 364) for further guidance. Works can only recommence by following any guidance given by SNH. The developer and all contractors to be made aware of accepted standard procedures of working with bats at www.bats.org.uk. Further information and articles available at:

http://www.bats.org.uk/pages/bats_and_buildings.html
http://www.bats.org.uk/pages/existing_buildings.html
<https://cdn.bats.org.uk/pdf/Bats-Trees.pdf?mtime=20181101151317>
- 4 In respect of condition 10, all wild birds are afforded protection and it is an offence to deliberately or recklessly kill, injure and destroy nests and eggs of wild birds. Additionally for those species protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any bird whilst it is nest-building or at or near a nest containing eggs or young, or to disturb any of its dependent young.

- 5 In respect of conditions 21 and 22, all works within the existing public road boundary must be carried out by a contractor first approved by the Council.

Upon satisfactory completion, the new footway will be adopted as public by the Council when an appropriate request is forthcoming. The engineering details associated with this and the access should include construction, kerbing and drainage details.

- 6 Any existing power or phone cables crossing the site should be re-routed with minimum disruption to local residents.
- 7 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 0800 - 1300

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

Contractors will be expected to adhere to the noise control measures contained in British Standard 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.

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**

There are a number of risks created by built over gas mains and services; these are:

- Pipework loading – pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.
- Gas entry into buildings – pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.
- Occupier safety – lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. Check your proposals against the information held at <https://www.linerearchbeforeudig.co.uk/> to assess any risk associated with your development **and**
2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work <https://www.sgn.co.uk/damage-prevention>

Further information can also be found here <https://www.sgn.co.uk/help-and-advice/digging-safely>

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. To seek a review of the decision, please complete a [request for local review](#) form and return it to the Clerk of the Local Review Body, Democratic Services, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

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).