


C & V Developments Ltd
per Stuart Davidson Architecture
Design Studio
32 High Street
Selkirk
Scottish Borders
TD7 4DD

Please ask for: Paul Duncan
 01835 825558
Our Ref: 09/00191/FUL
Your Ref:
E-Mail: paul.duncan@scotborders.gov.uk
Date: 28th February 2022

Dear Sir/Madam

PLANNING APPLICATION AT Land North East of Edington Mill Chirnside Scottish Borders

PROPOSED DEVELOPMENT: Erection of two dwellinghouses

APPLICANT: C & V Developments Ltd

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 : 09/00191/FUL

**To : C & V Developments Ltd per Stuart Davidson Architecture Design Studio 32 High Street
Selkirk Scottish Borders TD7 4DD**

With reference to your application validated on **23rd February 2009** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of two dwellinghouses

at : Land North East of Edington Mill Chirnside 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 25th February 2022
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 09/00191/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
CV-EN-SK4 REV A	Proposed Elevations	Approved
CV-EN-SK3 REV A	Proposed Plans	Approved
CV-EN-SK3	Proposed Sections	Approved
CV-EN-SK2 REV A	Proposed Elevations	Approved
CV-EN-SK1 REV A	Proposed Plans	Approved
CV-EN-LOC	Location Plan	Approved
CV-EH-SK2 REV A	Proposed Site Plan	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 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 not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 Prior to the commencement of development, a sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out wholly in accordance with the agreed materials.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - (i) existing and finished ground levels in relation to a fixed datum preferably ordnance
 - (ii) existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - (iii) location and design, including materials, of walls, fences and gates
 - (iv) soft and hard landscaping works
 - (v) existing and proposed services such as cables, pipelines, sub-stations
 - (vi) other artefacts and structures such as street furniture, play equipment
 - (vii) A programme for completion and subsequent maintenance.
 Reason: To ensure the satisfactory form, layout and assimilation of the development.
- 4 Details of all proposed means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before work on the site is commenced.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.

- 5 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 Local 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 Local 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.
- 6 Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent Order amending, revoking or re-enacting that Order);
- (i) There shall be no addition or extension to the dwellings (including the insertion of dormer windows or chimneys);
 - (ii) There shall be no further building, structure or other enclosure constructed or placed on the site;
 - (iii) No additional window or other opening shall be made in any elevation; unless an application for planning permission in that behalf has first been submitted to and approved by the Local Planning Authority.
- Reason: To safeguard the character, appearance and setting of the development that will be established at this site.
- 8 Prior to any development commencing on site, a scheme will be submitted by the Developer to identify and assess potential contamination on site. No construction work shall commence until such scheme has been submitted to, and approved, by the Council, and is thereafter implemented to like satisfaction. The scheme shall contain details of proposals to investigate and remediate potential contamination and must include:-
- a) A desk study and development of a conceptual site model, measurement of pollutant linkages through a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents. The scope and method of this investigation to be agreed in advance with the Council, and be undertaken in accordance with PAN 33 (2000) and BS10175:2001.
 - b) 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).
 - c) Submission of a Validation Report (should remedial action be required) by the competent person employed by the developer who will validate and verify the completion of works to a satisfactory standard as agreed with the Council.
 - d) 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 implemented 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: The site is potentially contaminated, therefore a suitable investigation and mitigation should be considered to avoid harm to health of any site users.

- 9 The following requirements shall be fully undertaken prior to the occupation of any new dwelling built as a result of this planning permission:
- (i) The approved access must be 5.5 metres wide over the first 7.5 metres, formed with 6 metre radii and constructed to the following specification '40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.'
 - (ii) Visibility splays of 2.4 by 90 metres to the north and 2.4 by 70 metres to the south onto the public road must be provided and retained in perpetuity.
 - (iii) Parking and turning for two vehicles, not including garages, within the curtilage of the plot shall be provided and retained in perpetuity.
 - (iv) 2 no. passing places, in a location and of a specification to be agreed by the Director of Technical Services, shall be installed within the public highway/verge
- Reason: In the interests of amenity and road safety.
- 10 No development shall take place until the applicant has provided details of an Archaeological Watching Brief in relation to the disturbance of ground in preparation for implementation of the development. The Brief shall be submitted to and approved in writing by the Local Planning Authority prior to any disturbance of ground within the site, and thereafter any recommendations agreed shall be strictly adhered to. Access shall be afforded to allow archaeological investigation, at all reasonable times, by a person or persons nominated by the Local Planning Authority.
- 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.
- 11 Prior to the commencement of the development hereby approved, a Construction Method Statement shall be submitted to, and approved in writing by the Planning Authority. Thereafter, the development shall be undertaken in strict accordance with the method statement, and shall include the following information:
- (i) details of site preparation and any temporary compounds or enclosures;
 - (ii) approximate timing for activities such as archaeological and contamination investigation, and any mitigation arising from said activities;
 - (iii) details of level of excavation required;
 - (iv) geological survey information identifying the capacity of the site to safely hold the development;
 - (v) proposals for protection of the land between the cliff base and the River Whiteadder (to ensure materials do not contaminate that area).
- Reason: The development hereby approved is likely to require construction methods which are not straightforward due to the form and location of the land, and its proximity to the river. Further consideration must be given to the potential impacts of the undertaking of the development.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

1. This planning permission does not purport to grant consent under any other legislation or Regulations, operated by any other body including SEPA, Scottish Natural Heritage, Scottish Water and/or any other Department within Scottish Borders Council.

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.linesearchbeforeudig.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 appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. The notice of the appeal should be addressed to Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Falkirk, Callendar Business Park, Callendar Road, FK1 1XR. A copy of the notice of the appeal must, at the same time, be sent to the Legal Services Section, Scottish Borders Council, 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 (as amended).