

Scottish Borders Council  
per Scottish Borders Council  
Per David Johnston  
Council HQ  
Newtown St Boswells  
Melrose  
Scottish Borders

**Please ask for:** Cameron Kirk  
**☎** 01835 825253  
**Our Ref:** 19/01562/FUL  
**Your Ref:**  
**E-Mail:** cameron.kirk@scotborders.gov.uk  
**Date:** 28th April 2020

Dear Sir/Madam

**PLANNING APPLICATION AT Land East Of 1 Kelso Road Coldstream Scottish Borders**

**PROPOSED DEVELOPMENT:** Change of use from agricultural land to form cemetery, formation of new access and associated works

**APPLICANT:** Scottish Borders Council

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 : 19/01562/FUL**

**To : Scottish Borders Council per Scottish Borders Council Per David Johnston Council HQ  
Newtown St Boswells Melrose Scottish Borders TD6 0SA**

With reference to your application validated on **4th November 2019** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Change of use from agricultural land to form cemetery, formation of new access and associated works**

**At : Land East Of 1 Kelso Road Coldstream 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 28th April 2020  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 19/01562/FUL**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
8015	Proposed Site Plan	Approved
8020	Proposed Site Plan	Approved
8017	Proposed Plans	Approved
8014	Location Plan	Approved
LGN4	Proposed Sections	Approved

**REASON FOR DECISION**

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

**SCHEDULE OF CONDITIONS**

- 1 No works in connection with the development hereby approved shall commence until engineering drawings for the new road have been submitted to and approved in writing by the Planning Authority.  
The engineering drawings shall include:
  - a) A road drainage layout;
  - b) Construction details;
  - c) A longitudinal section;
  - d) A layout drawing.
 Thereafter, the road shall be constructed in complete accordance with the approved drawings before the cemetery becomes operational, unless otherwise agreed in writing by the Planning Authority.  
Reason: To ensure the development hereby approved is served via an appropriate road and access.
  
- 2 No works in connection with the development hereby approved shall commence until a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority.  
Details of the scheme shall include:
  - a) Existing landscape features and vegetation to be retained;
  - b) Protection measure for the landscape features to be retained;
  - c) The location of new trees, shrubs, hedges and grassed areas;
  - d) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
  - e) The location, design and materials of all hard landscaping works including walls, fences, gates and street furniture;
  - f) An indication of existing trees, shrubs and hedges to be removed;
  - g) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.  
Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenities of the area.

- 3 No development shall take place until a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation has been submitted to the Planning Authority. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s), first agreed in writing by the Planning Authority. The archaeologist(s) shall conduct a programme of evaluation prior to the commencement of development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. Any significant data and finds must undergo post-excavation analysis, the results of which will be submitted to the 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.
- 4 No works in connection with the development hereby approved shall commence until written confirmation is submitted to and approved in writing by the Planning Authority that the Species Protection Plan for bats and badger, as outlined in Coldstream Cemetery, Preliminary Ecological Appraisal prepared by Findlay Ecology Services, dated February 2020 shall be implemented in full. Thereafter, no development shall take place except in strict accordance with the aforementioned Species Protection Plan.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1 and EP3.
- 5 No works in connection with the development hereby approved shall be undertaken during the breeding bird season (March to August) unless written confirmation is submitted to and approved in writing by the Planning Authority that the Species Protection Plan for breeding birds, as outlined in Coldstream Cemetery, Preliminary Ecological Appraisal prepared by Findlay Ecology Services, dated February 2020 shall be implemented in full. Thereafter, no development shall take place except in strict accordance with the aforementioned Species Protection Plan.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
- 6 No trees within the application site shall be felled, lopped, lifted or disturbed in any way, other than those identified on the approved drawings, without the prior written consent of the Planning Authority.  
Reason: The existing trees represent an important visual feature which the Planning Authority considered should be substantially maintained.
- 7 There shall be no excavation or raising or lowering of levels within the root protection area of retained trees, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the trees to be retained will not be damaged during construction.

#### **FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

- 1 It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.
- 2 The following British Standards should be referred to:

BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

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, 4<sup>th</sup> 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 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed to the Clerk of The Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells. TD6 0SA or sent by email to [localreview@scotborders.gov.uk](mailto:localreview@scotborders.gov.uk). The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

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).