

Smith & McMath  
per Stuart Davidson Architecture  
Design Studio  
32 High Street  
Selkirk  
Scottish Borders  
TD7 4DD

**Please ask for:** Carlos Clarke  
( 01835 826735  
**Our Ref:** 22/01358/FUL  
**Your Ref:**  
**E-Mail:** cgclarke@scotborders.gov.uk  
**Date:** 31st October 2022

Dear Sir/Madam

**PLANNING APPLICATION AT Plots 7 and 8 Land at St Dunstan Farm Lilliesleaf Scottish Borders**

**PROPOSED DEVELOPMENT:** Erection of 2 no dwellinghouses (change to house type to previously approved 05/01796/FUL)

**APPLICANT:** Smith And McMath

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 : 22/01358/FUL**

**To : Smith & McMath per Stuart Davidson Architecture Design Studio 32 High Street  
Selkirk Scottish Borders TD7 4DD**

With reference to your application validated on **8th September 2022** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Erection of 2 no dwellinghouses (change to house type to previously approved 05/01796/FUL)**

**at : Plots 7 and 8 Land at St Dunstan Farm Lilliesleaf 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.

And subject to the conditions on the attached schedule imposed by the Council for the reasons stated.

**Dated 25th October 2022  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 22/01358/FUL**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
P714-PL-LOC	Location Plan	Approved
P714-PL-006C	Proposed Site Plan	Approved
P714-BW-007H	Proposed Plans & Elevations	Approved

**REASON FOR DECISION**

Subject to compliance with the schedule of conditions, the development is acceptable, having principally had regard to the relevant provisions of the Local Development Plan 2016 but also having had regard to overriding material considerations in this case which are as set out in the Report of Handling.

**SCHEDULE OF CONDITIONS**

- 1 The development shall be implemented in accordance with the plans and drawings approved under this consent, unless otherwise amended by any other condition in this schedule. Notwithstanding the General Permitted Development (Scotland) Order 1992 (or any subsequent Order or revision), there shall be no alterations to, or additions of, external window or door openings, including roof windows/lights; adjustments to the obscure glazing required in plot 7; or enlargements of the approved dwellinghouses without a planning application for the same having been submitted to and approved by the Planning Authority  
Reason: To ensure the development has sympathetic visual and amenity impacts
- 2 The roofing material shall be natural slate  
Reason: To safeguard the visual amenity of the area
- 3 The external materials (i.e. those not already covered by condition 2) shall be implemented only in accordance with details agreed in writing with the Planning Authority.  
Reason: To safeguard the visual amenity of the area
- 4 The gable window in bedroom 2 of Plot 7 shall be fitted with obscure glazing of a specification first agreed in writing with the Planning Authority prior to occupancy of the dwellinghouse, and the obscure glazing shall be retained throughout occupancy of the dwellinghouse in accordance with the approved details  
Reason: To minimise the effects of the development on the privacy of neighbouring properties
- 5 The development shall be implemented in accordance with a revised planting scheme, incorporating hedging within the frontage of Plot 7 in addition to the planting specified on drawing P714-PL-006C, and revised hedging for plot 8 (to account for the revised parking area required by condition 7) that has been submitted to and approved in writing by the Planning Authority and the planting shall be implemented in accordance with the approved details within the first planting season following completion of the development and maintained thereafter. All failed planting within the first five years shall be replaced on a like-for-like basis the following planting season  
Reason: To ensure the development has a sympathetic visual impact

- 6 Boundary treatments specified on plan P714-PL-006C shall be implemented prior to occupancy of the dwellinghouses, and retained throughout their occupancy, subject to the fencing on the south-westerly boundary of plot 8 being amended in accordance with details (location, height, specification) that have been submitted to and approved in writing by the Planning Authority. The amendment shall be implemented prior to the occupancy of Plot 8  
Reason: To ensure the development has a sympathetic visual impact and to minimise the effects of the development on the privacy of neighbouring properties
- 7 The dwellinghouse on Plot 7 shall not be occupied until the parking area within its plot has been completed in accordance with plan P714-PL-006C. Plot 8 shall not be occupied until a revised parking area layout has been submitted to and approved in writing by the Planning Authority and the parking area has been completed in accordance with the approved revised layout.  
Reason: in the interests of road safety
- 8 Surface water drainage within the site shall maintain pre-development run-off levels such that there shall be no increase in run-off from the site onto neighbouring properties or the adopted/prospectively adopted road  
Reason: To ensure the adequate treatment of surface water within the site

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

It should be noted that:

- 1 Notwithstanding that the existing dwellinghouse being constructed on Plot 8 has incorporated a dormer into Bedroom 1, this consent permits only a rooflight in this location. In order to comply with this Planning Permission, the development must be implemented with a rooflight only. Non-compliance with the plans and drawings approved under this consent would constitute a breach of planning control with the prospect of enforcement action being undertaken by the Council.
- 2 If a solid fuel stove is intended, this should be specified as being under 45kw. If specified to be larger, a screening assessment will be required in liaison with the Council's Environmental Health Service to ensure there is no risk of a statutory nuisance from emissions.

Solid fuel heating installations can cause smoke and odour complaints and Planning Permission for this development does not indemnify the applicant in respect of nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted Planning Permission. It is recommended, therefore, that:

- the flue should be terminated with a cap that encourages a high gas efflux velocity.
- the flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.
- the appliance should only burn fuel of a type and grade that is recommended by the manufacturer.
- if you live in a Smoke Control Area you must only use an Exempt Appliance ([www.smokecontrol.defra.gov.uk](http://www.smokecontrol.defra.gov.uk)) and the fuel that is approved for use in it.
- in wood burning stoves you should only burn dry, seasoned timber. Guidance is available on [www.forestry.gov.uk](http://www.forestry.gov.uk)

- treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel. Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems

3 The former use of the site is potentially contaminative and may have resulted in land contamination. The land is not currently identified as contaminated land and the Council is not aware of any information which indicates the level of risk the potential contamination presents. The historic use of the site is recorded within a Council database. This database is used to prioritise land for inspection within the Council's Contaminated Land duties. Should the applicant wish to discuss these duties their enquiry should be directed to the Council's Environmental Health Service.

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**

**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](mailto: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.

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).