

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**1 MARCH 2021**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE:</b> 20/01246/FUL
<b>OFFICER:</b>	Euan Calvert
<b>WARD:</b>	Jedburgh And District
<b>PROPOSAL:</b>	Erection of 2 No buildings comprising up to 10 No. units for industrial/commercial/storage uses and associated works
<b>SITE:</b>	Land South of 10 Malestroit Court, Jedburgh
<b>APPLICANT:</b>	Mr David Palmer
<b>AGENT:</b>	Hodgson And White Ltd

**PLANNING PROCESSING AGREEMENT:**

A Planning Processing Agreement is in place until the date of this meeting.

**SITE DESCRIPTION**

The application site is the site of the former Bongate Woollen Mill located on the east bank of the Jedwater. There is no sign of the former mill lade which flowed through this site but the mill lade and sluice gate are still visible in the riverbank adjacent to the weir, located immediately south of the site. The mill lade is presumed to have been infilled and the site is now generally flat and appears as bare land. The Mill was demolished around 2010. There remains an electric substation east of centre of the site enclosed by steel security fencing.

The stone from the mill building has been crushed and remains in piles on-site. The site is south of Malestroit Court, which is a residential cul-de-sac. There is a public path which connects this cul-de-sac to the riverside walk. This is the northern boundary of this site where a 1.8m high close boarded fence forms the boundary. The riverside walk (Borders Abbeys Way, Core path 1) encloses the west boundary and this boundary is treated, in part, to a 1.8m feather edged fence. J Laidlaw and Sons Joiners workshop is the immediate neighbour to the south and this building is also enclosed by the riverside path. The industrial site to the east was formerly also part of the Woollen Mill but is now a separate planning unit belonging to J Laidlaw and Sons. A significantly sized historic stone wall which has been repaired and extended in block and brick separates the sites. This neighbouring site functions as workshops and yard space for the construction company. Access to all three units is by a single adopted road approached from Old Bongate.

**PROPOSED DEVELOPMENT**

Two steel portal framed buildings are proposed to create 11 No. individual industrial units. This has been amended to 10 no. units throughout the course of the application.

The application submitted proposes a terrace of units (referred to in the report as the "Main Building") to be situated along the northern boundary (Units 5-11) measuring 36m x 10m in footprint. It was to be 5.5m to eaves and 7m to ridge. A smaller

secondary building is proposed to be sited in the south west corner (Unit 1-4) measuring 20m x 7.5m in footprint also with a dual pitched roof. 2no allocated parking bays were to be forward of each Unit and a turning head would be created in the courtyard capable of accommodating a dust cart or fire appliance.

The buildings would appear in anthracite grey coloured insulated steel profile cladding both to the walls and the roofs. Each Unit would receive a full height roller shutter door and a pedestrian door in the principal elevation. Inside each unit there would be a single w/c. Although not shown on the plans, the buildings would feature mezzanine storage above ground floor. Communal bin storage has been identified in the courtyard. Boundary treatments were to be steel palisade security fencing.

Throughout the course of this application the applicant has made changes to the size and location of buildings in response to concerns raised by both the Planning Authority and Objectors to the application.

The latest site layout, floor plans and elevations vary as follows;

- One Unit has been removed from the Main Building and it would now measure 30.9m in length and be micro-sited south and east from the original location.
- The Main Building is now proposed to be reduced in height to now measure 5m to eaves and 6.3m to ridge.
- Parking arrangements have been altered in response to an objection from the Road Planning Officer. Seven dedicated parking bays are now shown to be allocated to the side of the second building thereby being independent to the industrial units.
- Fence/ boundary details have been varied.

The revised proposals those which members are asked to consider.

## **PLANNING HISTORY**

- 06/01465/DEN: Demolition of mill building, No objection August 2006.
- 07/00380/OUT: Residential development, Withdrawn December 2010.
- 20/00175/FUL: Erection of 2 No buildings comprising up to 11 No. units for industrial/commercial/storage uses and associated works, Withdrawn May 2020.

## **REPRESENTATION SUMMARY**

Five objections were received in response to the latest re consultation exercise.

These can be viewed in full on the Public Access website and raise the following issues:

- Height of building and adverse visual impact;
- Loss of light;
- Loss of view;
- Noise nuisance;
- Privacy;
- Value of property;
- Buildings too close to homes.
- The Council should consider the alternative layout as suggested in Mr McDonald's objection, which would have a have a much less impact on amenity;

- Overshadowing and ambiguity in analysis presented.
- Adverse impact neighbours proposed sun room.
- Amended fence proposals and gates are unnecessary for multiple occupancy buildings.
- Details of surface water are unclear.
- Extension of the current flood wall along the boundary of this site to provide protection to Malestroit Court residential properties is in abeyance until a decision on this development is concluded.

## **APPLICANTS' SUPPORTING INFORMATION**

- Design and Planning Statement
- Flood Risk Assessment, Gray Environmental Limited, May 2020
- Flood Risk Assessment, JBA, September 2020

## **DEVELOPMENT PLAN POLICIES:**

### **Scottish Borders Council Local Development Plan 2016**

Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

PMD3: Land Use Allocations

PMD5: Infill Development

ED5: Regeneration

HD3: Protection of Residential Amenity

EP3: Local Biodiversity

EP8: Archaeology

IS5: Protection of access routes

IS7: Parking Provisions and Standards

IS8: Flooding

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

IS13: Contaminated Land

## **OTHER PLANNING CONSIDERATIONS:**

Supplementary Planning Guidance:

Placemaking and Design 2010

Householder Development (Privacy and Sunlight) 2006

Contaminated Land Inspection Strategy 2001

Waste Management 2015

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Roads Planning Service:** Objection. The units are unable to operate independent of Parking and servicing owing to proposed parking layout. Parking must be off-to the side of the entrances and parking ratio should be 1 space per 70 square meters of site area.

**Re-consultation:** Remove objection. Support parking/ turning/ vehicle tracking layout as amended. Condition required to secure parking prior to site first becoming operational.

**Outdoor Access Officer:** No objection subject to condition to ensure signage and boundary treatments are appropriate for allowing public access along Core Path 1 during and after development.

**Archaeology Officer:** No response to current application. Response to 20/00175/FUL; No objection subject to condition requiring Developer Funded Evaluation. There is a high to very high potential for encountering the remains of the complex as foundations, floors and demolition spreads of material in the groundworks for this application. Recommend a WSI be prepared for evaluation trenching or further investigatory intrusive groundworks prior to determining this application.

**Flood Protection Officer:** No objection subject to conditions. The FRA shows 'with Slab' option - where the buildings are allowed to flood - would have the least negative impact on the site and neighbouring properties, especially compared to the 'impermeable building' scenario where the proposed buildings would not be allowed to flood. The modelled water decreases and increases of 10-20mm for the 'with slab' option are negligible. The 'with slab' option is the preferred option and a condition should be added to ensure that no property level protection measures will be used to prevent the buildings from flooding. This is to ensure the buildings will be allowed to flood. FFL for the larger building should be 70.93mAOD and for the smaller building 71.19mAOD and these levels should be confirmed on drawings.

SUDS. A condition is required to ensure that the details of proposed SUDS design are submitted once the detailed ground investigations are completed, as advised in the FRA. Require water resilient materials to be used and non-return valves on drainage pipes.

**Contaminated Land Officer:** No objection subject to a condition requiring a site investigation and risk assessment. The site previously operated as a mill and skin works. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

**Environmental Health:** No objection subject to conditions concerning potential noise. Plant noise has the potential to adversely impact residential amenity. No external proposals are shown. A condition is recommended requiring any lighting proposals to be designed and submitted prior to development including a layout plan; details of proposed equipment design; proposed hours of operation; light levels; and column heights.

**Forward Planning:** No objection. LDP confirms general support for commercial or retail development from the site. Site has historically operated for business/ industrial use, it is noted that there are existing residential properties within Malestroit Court which adjoin the site to the north. Steps must therefore be taken to control uses within the workshops to ensure they will have no adverse impact on the amenity of these residencies.

**Economic Development:** No objection. Development of business space is welcomed as it supports, sustains and helps growth in the local economy and jobs. This is a residential area therefore consideration must be given to appropriate; use classes; treatment of the boundary with neighbouring housing (screening); height of the premises (loss of heat for the business, loss of light for housing); vehicle movements

within the site and on access roads; noise management; and proposed hours of operation

### **Statutory Consultees**

**SEPA:** Objection. Require confirmation of finished floor levels with respect to the proposed slab levels. Lack of information in relation to flood risk. The Assessment recommends a 'With Slab' scenario which reflects the preferred development option for the site with the foundation slab of the former Old Bongate Mill reinstated below each of the proposed buildings.

**Re-consultation:** Remove objection. Flood levels on the proposed site are increased by approximately 10mm under the 'With Slab' scenario from the 1: 30 year design event. Review of the modelling results confirms there is no increase as a result of the development beyond the extent of the proposed site and we note that some reduction in flood levels is found at Malestroit Court (ID 10 -15) with this scenario. Finished Floor levels are given as, 70.93mAOD and 71.19mAOD respectively, flooding the proposed buildings to a depth of 1.21m at the 1: 200 year AP design event.

As a result, SEPA recommend that flood resistant and resilient materials are incorporated into the design of the building to mitigate flood risk to the site. The applicant should sign up to receive flood warnings for 'Jedburgh to Jedfoot Bridge' from Floodline.

**Community Council:** No response.

**Re-consultation:** No response.

### **Other Consultees**

#### **KEY PLANNING ISSUES:**

- Whether development is compatible with the character, amenity and established land use of the area.
- Siting, Scale and design of buildings.
- Impact on residential amenities.
- Impacts on flooding.
- Access and parking.

#### **ASSESSMENT OF APPLICATION:**

##### **Planning Policy**

The site is within the development boundary for Jedburgh and is identified as a Redevelopment opportunity (RJEDB002) under Policy PMD3: Land Use Allocations of the Local Development Plan (LDP). The following site requirements are listed in the LDP:

- A Flood Risk Assessment is require to inform development, mitigation and resilience measures.
- Suitable access to the site will be determined by proposed use.
- Screening may be required along northern boundary to protect residential amenity.
- Mitigation may be required to protect River Tweed SAC.

- Excavations may require Archaeological monitoring.

Policy PMD3 applies to all the allocated land use proposals shown on proposals maps for settlements identified in the LDP. The aim of the policy is to ensure that sites allocated in the Plan are developed for their intended use and that any alternative use is subject to appropriate justification. The plan identifies a number of redevelopment opportunities which have the potential to be developed for a number of uses and sets out a series of site requirements (as set out above) for the successful development of the site. Policy PMD3 states that sites proposed for redevelopment may be developed for a variety of uses, including employment as is the case here, subject to other local plan policies, including PMD5: Infill Development.

Policy PMD5 states that proposals will be approved in all cases where the set criteria are satisfied. These criteria will be assessed below and later within this report.

The first criterion is that the proposal should not conflict with the established land use of the area. There is a neighbouring residential estate to the north of this site (Malestroit Court) however it is considered that this surrounding land use is predominantly industrial in character. This site is a portion of the former Woollen Mill and other surrounding neighbours remain in industrial use. The proposal to erect 10 No. units for light industrial use (Class 4) is considered to be in-keeping with this surrounding land use. The applicant intends to retain ownership and lease Units to small self-employed trades. It is anticipated that the predominant use will be for manufacturing or storage for local businesses. Members will read that both Forward Planning and Economic Development have offered support to redevelopment of this brownfield site. The proposal is considered to be in accordance with the aims of both PMD3 and PMD5 of the LDP.

The applicant's Design Statement notes that residential development of this site was previously proposed under application 07/00380/OUT. However, Members will read below that the Flood Risk Assessment accompanying this application identifies significant future risk of flooding on this site. Flood waters may reach over 1m in depth in future. Whilst it is acknowledged that future residential use of this site would attract significant amenity benefits to existing neighbouring properties in Malestroit Court, there is little prospect of such use ever being approved under current local or national planning policy relating to flooding. Policy requires avoidance of flood plains to be the first means of protecting residents from harmful flooding events. It is considered that the proposed employment use is therefore a suitable neighbour to the adjoining residential estate.

It is recommended that a condition be applied to restrict the use of the proposed units to Class 4 (Business) of the Use Classes Order to protect the neighbours from potential harmful noise, operating hours, smell, fumes and vibration. It is noted that Class 5 uses such as car repairs or heavy industrial processes or manufacturing would be prohibited on amenity grounds. Similarly, Class 6, storage and distribution, would not be permitted to ensure that hours of work or operation did not conflict with Malestroit Court residential amenity.

### **Siting, Layout and Design**

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development. Both policy PMD5 and PMD2 identify that the proposal should not detract from the character and amenity of the surrounding area.

## Visual Amenity

Policy PMD5 requires that the development respects the scale, form, design, materials and density of its surroundings; the individual and cumulative effects of the development should not lead to over-development or town cramming;

Through the assessment and processing of the application changes were requested to ensure a better relationship with the residential neighbours to the north of the site. As a consequence, Unit 5 has been removed from the proposed layout in order to reduce the overall length of the Main Building thereby improving the relationship with No10 Malestroit Court. The Main Building has been reduced in height to 6.3m to ridge and 5m to eaves in response to concerns regarding visual impact to the residential estate. Objectors cite undue prominence of the proposed building and consider the building to be too close and too large in scale and form thereby appearing monolithic and damaging the outlook of the cul-de-sac.

Members will note from the third party representations that an alternative site layout was suggested whereby the Main Building and the smaller second building would have swapped positions. The applicant has responded stating that a power line passing through the site would render this impossible to achieve.

However, Members should be aware that the site previously featured a mill building in this location, on the same orientation as the proposed 'Main Building', and photos are on file to demonstrate this relationship. Residents of the cul-de-sac have enjoyed increased levels of visual amenity since demolition of the mill building but historically this residential estate had addressed the back of a large scale industrial building. There are both privacy and amenity benefits in reintroducing this arrangement, thereby clearly separating the residential and industrial uses.

The Flood Risk Assessment submitted with the current application identifies that these buildings, given their location close to the Jed Water should be designed to flood. As a consequence the height of the buildings is a deliberate and necessary design detail which allows dry storage at mezzanine level.

It is concluded that reintroducing a building of this scale, in this location, will not significantly adversely affect visual amenity. The dark grey colour of the walls and roof will not be unduly prominent or incongruous with the neighbouring sites. It is now considered that amendments achieved throughout the application process (a reduction in height; a reduction in length; and finally a change in position of the building) should be supported. The changes are sufficient to make the scheme acceptable and in accordance with policy. The building will not appear overtly tall, in fact, the building will relate to the height of the ridges of these adjacent dwellinghouses.

This is an allocated Redevelopment site in the LDP. The LDP identifies that screening may be required on this northern boundary. The revised site plan and location plan do not show details of proposed landscaping, instead, a drawing note advises that soft landscaping is "to be agreed". Should Members be minded to support the Officer recommendation and approve this application, it is recommended that a condition is used to secure landscape planting of trees and hedging along the northern boundary to soften this residential boundary. The movement in the building ensures that this landscape treatment can be achieved on the cul-de-sac side of any new fence. Boundary fencing and gates have been proposed to enclose the site. Details have been amended to change from steel palisade security fence to a timber design

consistent with an SBC 'standard fence detail' found in employment site throughout the Borders. It is recommended that a condition is used to secure exact details and locations. In the event of the flood wall being erected (see below) the exact specification of boundary treatment may need to be varied.

### **Impact on Residential Amenity**

The potential impacts of development on loss of light and overshadowing have been considered. The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

The Agent and one objector have both submitted their own sunlight and shadow cast analysis for the Main Building. Owing to the intervening distances involved it is considered that there is not a significant loss of light to habitable rooms of neighbouring dwellings. Neither is there demonstrated to be a significant adverse impact from overshadowing. In mid-December there is negligible change in overshadowing between the proposal and a bare site. In this regard, the shadow cast by existing 1.8m high privacy fencing must be acknowledged. In mid-winter (when the sun is low in the sky) the analysis demonstrates little perceivable difference arising from this scheme. Add to this the fact that, since this analysis was undertaken, the applicant has both moved and shortened the footprint of the building. The Main Building has been shifted east by 3m and south by 1.5m in response to concerns from neighbouring residents.

Policy PMD5 requires that development does not result in significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking. It is now considered that the scale and footprint are acceptable.

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. The Environmental Health Officer has identified that a noise condition should be applied to the permission to ensure that there are no harmful impacts on residential neighbours in the future. A condition is also requested to manage future external lighting. Both conditions are considered reasonable in this instance.

No significant adverse impacts are identified therefore it is considered the proposal complies with the advice contained within the Council's Supplementary Planning Guidance and meets the principal aims of Policies PMD2 and HD3 in relation to the protection of residential amenity.

Policy PMD5 also requires that adequate access and servicing can be achieved and this is discussed below.

### **Access and Parking**

Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards. Swept path analysis has now been provided for emergency services and refuse vehicles. Throughout the course of this application significant changes have been made to the site layout to ensure that allocated parking is located off-to-the-side and not forward of the entrances of these Units. The Roads Planning Service has now confirmed no objection to the latest amendments. A condition will be used to ensure that the parking and turning is available prior to first operation of the site. A condition can also be used to confirm proposed details of the

construction and finish of the road and parking area. The site is not being adopted therefore surfacing and street lighting will not be required to Council adopted standards but the make-up must be in accordance with the SUDS scheme to account for surface water drainage.

### **Water and Drainage**

Policy IS9 requires waste water associated with new development to be directly connected to the public sewerage system. The proposed development would connect to the public water supply and drainage network.

There remains further design details to be provided in relation to surface water treatment (SUDS). Modern development must have separate surface and foul water systems. A surface water scheme is therefore required to be submitted to the Planning Authority by condition to satisfy this element. This SUDS scheme will be required to be considered by the Flood Protection Officer to ensure it is in compliance with the FRA for this site. These details, once agreed, would be implemented as part of the future building warrant process.

### **Ecology**

It was confirmed by NatureScotland in a previous consultation relating to application 20/00175/FUL, that no ecological impacts are identified arising from this proposal to the River Tweed SAC. There are no buildings or natural vegetation on site which would harbour ecology therefore is considered that the proposals will not affect species or habitats of local, national or international significance in accordance with Policy EP1, 2 and 3.

### **Archaeology**

Members will note from the papers that there are archaeological implications for this site and that the Council's Archaeologist requires an evaluation of the site. It is considered appropriate that any evaluation trenching or further investigatory intrusive groundworks be secured by condition rather than in advance of determination. A condition will require a Written Scheme of Investigation (WSI) to be prepared and implemented for archaeological groundworks. The demolition of the former mill building (06/01465/DEN) had required a photographic record to be taken and submitted but no such record is on file. This presents an opportunity to reconcile matters. Site evaluation informed by a WSI will ensure compliance with Policy EP8.

### **Flooding**

SEPA and the Flood Protection Officer have now considered the Flood Risk Assessment (FRA) and both confirm support for the proposals. The plans have been amended to demonstrate Finished Floor levels of 70.93mAOD and 71.19mAOD, which is a requirement of the FRA. A condition will be applied to ensure that the buildings are constructed in strict accordance with this. Floor levels must be set in accordance with the 'With Slab' scenario, as modelled in the FRA, to mitigate flooding.

Members will note that the FRA does not require the presence of a flood protection wall, as shown on the supporting drawings. This flood wall would only protect against a 1:30 year flood event. The buildings are however required to be designed to flood thereby not displacing water. In the event of the 1:200 year storm the FRA notes that the buildings will flood to a depth of 1.21m. The Flood Protection Officer requires a

condition to ensure property level protection measures will not be used to prevent these buildings from flooding.

Members should be aware that the flood defence wall shown on the accompanying drawings does not form part of this application. The Council's Flood Protection Officer is fully aware of this wall and has been in discussion with neighbouring property owners. The wall (and fence above) have been partially constructed, enclosing the rear gardens of 8, 9 and 10 Malestroit Court. It was proposed to continue this flood defence wall along the western boundary of the application site but construction has been halted until final details of this application have been agreed.

The FRA identifies positive impacts to Malestroit Court in terms of flooding if this scheme is implemented. The flood wall is not critical to approval of this scheme however Members should be aware that approval of this application could act as a catalyst for completion of the wall which would protect residents of Malestroit Court from the 1:30yr flood event of the Jed Water.

It is recommended that this application be approved with a planning condition requiring details of boundary treatments (which may include a flood defence wall) to be submitted and approved and a timescale for construction prior to any development commencing on site.

### **Public access**

The Outdoor Access Officer notes the presence of the Borders Abbeys Way adjacent to the site. The route is a Core Path and any works temporarily affecting public access will require to be agreed in advance by condition. Policy IS5 is met.

### **CONCLUSIONS**

The proposals are considered acceptable and in accordance with Policy PMD3 concerning development of allocated land. Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016, specifically flooding and protection of residential amenity, and there are no material considerations that would justify a departure from these provisions.

### **RECOMMENDATIONS BY CHIEF PLANNING AND HOUSING OFFICER:**

I recommend the application is approved subject the following conditions:

1. 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.
2. The Units hereby approved shall only be used for Class 4 (Office, research and development or light industry) of the Schedule of The Town and Country Planning (Use Classes) (Scotland) Order 1997, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), unless otherwise agreed in writing by the planning authority.  
Reason: To ensure that the use remains compatible within the site.

3. The Finished Floor levels of the buildings hereby approved shall be 70.93m AOD for the building located in the former Bongate Mill footprint (towards the north of the site) and 71.19m AOD for the smaller building towards the south, unless otherwise agreed in writing by the planning authority and in consultation with SEPA. The Floor levels must be set in accordance with the 'With Slab' build scenario, as modelled in the JBA Consulting Flood Risk Assessment (September 2020)

Reason: To comply with the Flood Risk Assessment and to mitigate flooding.
4. No development shall commence until full details of the materials to be used in the construction of the road, footpaths, courtyard and parking area hereby approved, have first been submitted to and approved in writing by the Planning Authority. Thereafter development to be undertaken in strict accordance with the approved details.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting and to ensure appropriate SUDS design.
5. No development shall commence until full details of the materials to be used in the construction of the external walls, roofs and doors of the buildings hereby approved, have first been submitted to and approved in writing by the Planning Authority. Thereafter development to be undertaken in strict accordance with the details unless otherwise agreed in writing by the planning authority.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
6. Notwithstanding drawing reference number 003A, Site Plan – Fence Proposals, no development shall commence until a full scheme of details showing proposed boundary treatments (which may include proposals for a flood wall) has first been submitted to and approved in writing by the Planning Authority. Thereafter these boundary treatments and wall details shall to be implemented prior to the buildings being occupied.

Reason: To ensure development is in accordance with the Flood Risk Assessment in the interests of flooding and in the interests of protecting visual amenity of the surroundings.
7. No development shall commence on above ground works until an exterior lighting plan has first been submitted to and approved in writing by the planning authority. The lighting plan shall be designed in accordance with the guidance produced by The Institution of Lighting Professionals and the Bat Conservation Trust, Aug 2018. Thereafter no development shall take place except in strict accordance with the approved plan. All lights shall be suitably shuttered/shielded and directed to prevent unwanted light flood prior to occupation of the development hereby approved.

Reason: In the interests of protecting residential amenity and character of the Jed Water riverside.
8. No development shall commence until a scheme of soft landscaping has first been submitted to and agreed in writing by the Planning Authority. The landscaping shall include precise details of hedging and specimen tree planting, including a programme for future maintenance, along the northern boundary of the site. Thereafter the approved scheme shall be implemented concurrently with development, or the first planting season thereafter, and shall be maintained and replaced as may be necessary for a period of two years from the date of completion of the planting.

Reason: To ensure an appropriate landscaped boundary treatment with the adjoining residential cul-de-sac is formed.

9. No development shall commence unless in accordance with a fully detailed design proposal for foul and surface water drainage (including SUDS), demonstrating that there will be no negative impact to surface water flooding, public health, the environment or the quality of watercourses or ground water, which has first been submitted to and approved in writing by the Planning Authority. Thereafter development to be undertaken in accordance with these details.

Reason: The Planning Authority requires consideration of full details of surface water (SUDS) and foul water connections in the interest of protection of flooding.

10. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. 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) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to 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. The developer will ensure that any significant data and finds 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.

11. Public access to Core Path 1, (Borders Abbeys Way) (riverside walk) shall not be obstructed during construction of the buildings or services for those buildings hereby approved. Any proposals for temporary closure or diversion of the path must first be submitted to the Planning Authority for prior written approval. Thereafter any temporary closures or diversions only to be undertaken in accordance with these details.

Reason: To maintain public access along Core Path 1.

12. No property flood level protection measures are permitted in the design and use of these buildings.

Reason: The Flood Risk Assessment requires buildings to be designed to be flooded thereby minimising harmful impacts from flooding on neighbouring properties and downstream impacts.

13. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme shall 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 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: 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.

14. Any noise emitted by plant or machinery used on the premises shall not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason: To protect the residential amenity of nearby properties.

15. All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason: To protect the residential amenity of nearby properties.

16. Prior to the development becoming operational, the parking and turning areas shown on the approved site plan to be formed in accordance with the details agreed in Condition 4, and retained thereafter in perpetuity.

Reason: To ensure the development is served by adequate parking and turning at all times.

### Informatives

1. The applicant must adopt water resilient materials and finishes as advised in the submitted FRA section 4.2.
2. In respect of the condition requiring consideration of the future SUDS Design, any future proposals must demonstrate non-return valves for the drainage pipes, as set out in the FRA.

### DRAWING NUMBERS

Plan Ref	Plan Type
001E	Site Layout + Location Plans
002D	Plans and Elevations
003A	Site Plan – Fencing Details

### **Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

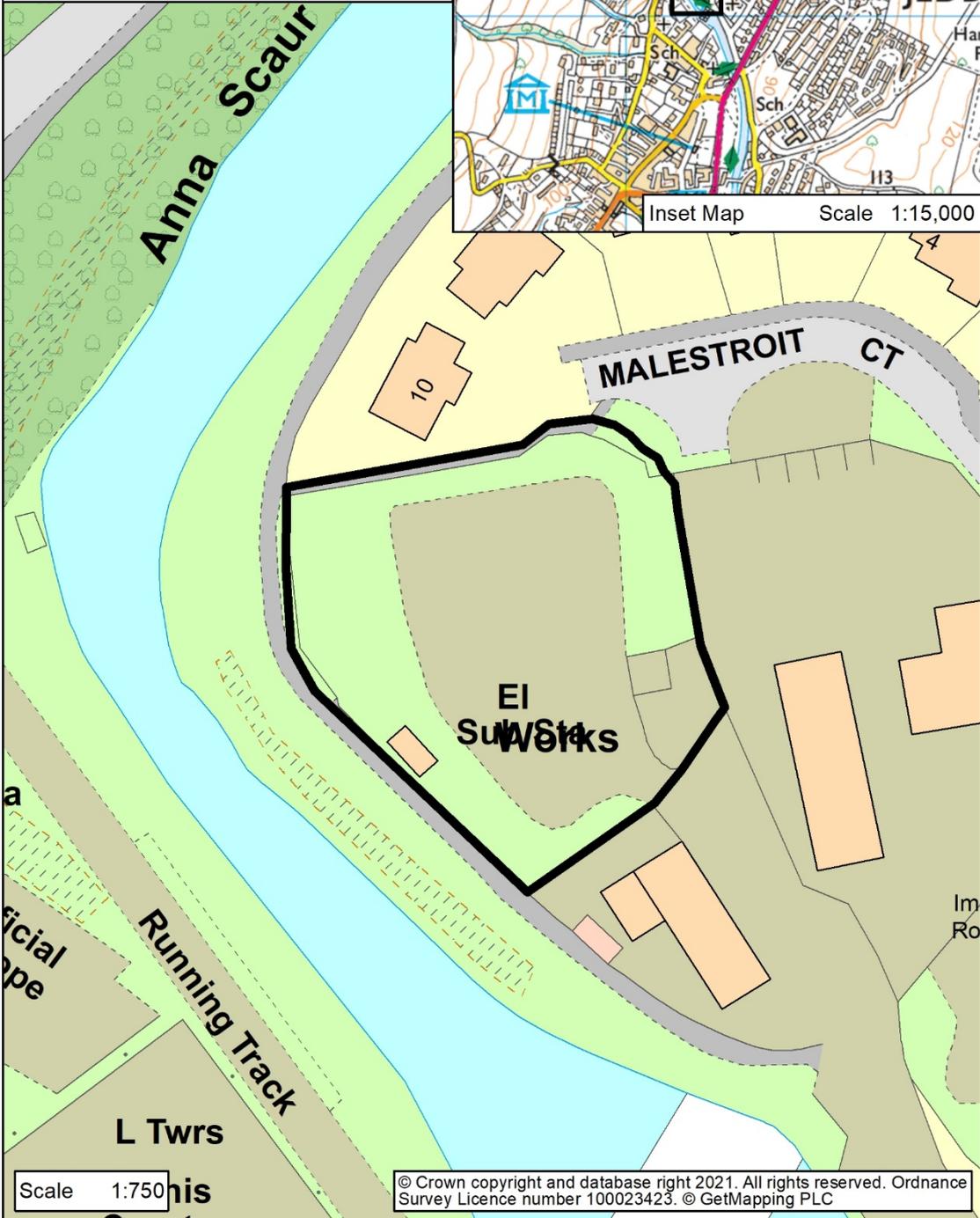
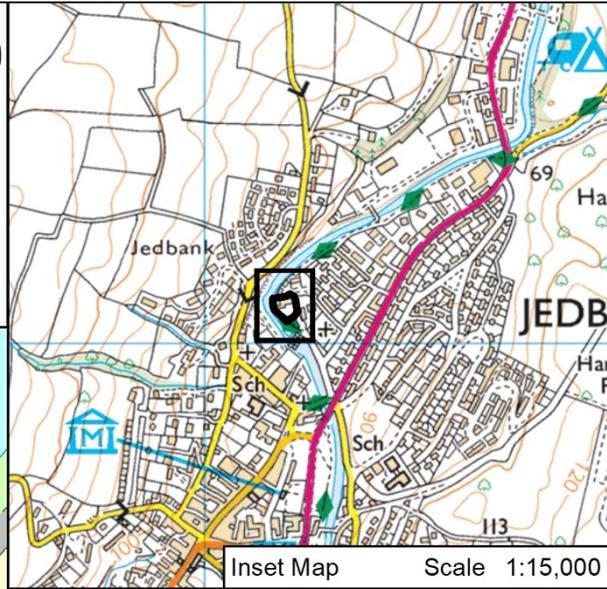
### **Author(s)**

Name	Designation
Euan Calvert	Assistant Planning Officer



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Land South Of  
10 Malestroit Court  
Jedburgh



Scale 1:750