

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

9 JANUARY 2023

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 22/00877/FUL

OFFICER: Julie Hayward
WARD: Selkirkshire
PROPOSAL: Partial demolition of buildings, erection of 3no dwellinghouses with detached garage block and erection of 2no industrial units
SITE: Langlands Mill Langlands Place Newtown St Boswells
APPLICANT: S And W Homes
AGENT: Marsh And Riddell Ltd

PLANNING PROCESSING AGREEMENT:

A Planning Processing Agreement is in place until 9th January 2023.

SITE DESCRIPTION:

Langlands Mill is situated on the eastern side of the main road through Newtown St Boswells (B6398) and comprised of the former mill buildings and more recent industrial buildings. The original stone frontage to Langlands Place has a date stamp of 1889 and is of particular historic value to the village. The buildings to the rear were also stone with multiple ridged (saw tooth) slated roofs. The whole site has been vacant for many years and the buildings had fallen into disrepair and were considered an eyesore and unsafe. The buildings have now been demolished, with the exception of the front façade.

There is an access lane to the north, with the Sprouston Burn and woodlands beyond (the area to the north east is part of the Border Woods Special Area of Conservation and Newtown St Boswells Woods SSSI/ ancient woodland). To the east is a building containing a car repair business, the former railway line and agricultural land; to the south and west are residential properties.

PROPOSED DEVELOPMENT:

Three terraced houses would be formed on the western portion of the site. These would be two-and-three quarter storey with 4 bedrooms. The existing front façade would be repaired and repointed to form the front elevation. Two window openings would be converted and one opening adjusted to accommodate composite entrance doors. New white UPVC windows would be inserted into existing openings, which would have the appearance of sash and case windows. The new walls to the side and rear would be wet dash rendered blockwork with UPVC tilt and turn windows and French doors. The roof would be asymmetrical, finished in slate and would accommodate a balcony with a glazed balustrade at second floor level (rear, east facing) accessed by glazed doors.

Each property would have a double garage at the end of their rear garden fronting onto a mono-block courtyard that would be shared by two workshop/light industrial units proposed for the eastern section of the site. Access would be from the lane to the north.

The garages would have wet dash rendered walls, up and over doors and a dark grey corrugated metal pitched roofs.

Each light industrial unit would provide 79.7 square metres of gross floor area and they would have wet dash rendered blockwork walls, roller shutter doors, pedestrian doors and a dark grey corrugated metal roof.

PLANNING HISTORY:

90/01336/FUL: Change of use of part of mill from mill to retail warehouse. Approved 1st June 1990.

REPRESENTATION SUMMARY:

Two representations have been received, one general comment and one support comment. These can be viewed in full on Public Access and raise the following planning issues:

- The site has been vacant and derelict for many years. The application should be approved without delay, given the site is an eyesore and will look so much better when developed as proposed. This application is what the community has wanted for the past decades.
- The site has always been an important part of the village development plans and this application provides the much wanted private residential accommodation as opposed to a possible industrial site with the loss of the Old Mill front wall. The wall is a part of village history, which villagers are particularly keen to retain.
- The site is opposite existing residential accommodation and at the back is very close to the planned new village centre regeneration site. Residential accommodation on this site would be more conducive to the surrounding area than unwanted industrial type development.
- There is a wish by the community to change this industrial building to residential and the legal agreement policies pose a disincentive for developers. The demolition and legal agreement costs, together with the usual risk and uncertainty of property sale could jeopardise the project or encourage developers to favour industrial development, or do nothing, which would be unfortunate for the village.

APPLICANTS' SUPPORTING INFORMATION:

- Pre-application Planning Statement
- Bat Licence
- Bat Activity Survey
- Drainage Reports
- Reports and Valuations (confidential)
- Construction Method Statement

DEVELOPMENT PLAN POLICIES:

Scottish Borders Council Local Development Plan 2016

PMD1: Sustainability
PMD2: Quality Standards
PMD3: Land Use Allocations
PMD5: Infill development
ED2: Employment Uses Outwith Business and Industrial Land
HD3: Protection of Residential Amenity
EP1: International Nature Conservation Sites and Protected Species
EP2: National Nature Conservation Sites and Protected Species
EP3: Local Biodiversity
EP8: Archaeology
IS2: Developer Contributions
IS3: Developer Contributions Related to the Borders Railway
IS5: Protection of Access Routes
IS7: Parking Provisions and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage
IS13: Contaminated Land

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance

Affordable Housing 2015
Biodiversity 2005
Contaminated Land Inspection Strategy 2001
Development Contributions updated April 2022
Householder Development (incorporating Privacy and Sunlight Guide) 2006
Placemaking and Design 2010
Renewable Energy 2018
Sustainable Urban Drainage Systems August 2020
Newtown St Boswells Development Framework 2012

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: The proposal does not provide the dedicated parking we would normally require for new dwellings, garages do not count as parking spaces due to their potential other uses, but satisfied that the surrounding road network can accommodate the anticipated traffic generated by the dwellings element of the application. Furthermore, as the garages are remote from the dwellings they are less likely to be used for the purpose of housing white goods. They are also of sufficient size that they can accommodate vehicles and other storage.

There does not appear to be any details of the proposed surfacing of the communal courtyard. This must be provided and approved prior to commencement of development to ensure the surfacing is appropriate for the anticipated traffic.

Confirmation of the use of the units must also be provided. This is to ensure the access/service courtyard is of a suitable size and construction and that the location is appropriate for the proposed use. Suggested that an appropriate condition be put in place limiting the units use to light industry/storage/office use.

Minor repair works are required to the lane adjacent to the site which services the courtyard. This is to ensure that it is fit for purpose when considering the mixed use.

Environmental Health: The proposed industrial units have the potential to negatively impact on amenity through the activities carried out. In order to protect amenity 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 residential neighbours from potential harmful noise, operating hours, smell, fumes, vibration etc. 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 residential amenity.

Further conditions are recommended in relation to noise from fixed plant and machinery which may be installed, as it has the potential to impact on amenity due to the close proximity.

Access Officer: There are 2 Core paths in this area. Core path 1 is the Borders Abbays Way and uses the public road (B6398) and pavement. Core path 140 is the path to the River Tweed and uses the lane on and/ or adjacent to the property.

The public path Core path 140 is a route where public rights of access apply by walking cycling and horse riding. Core path 140 is to be kept open and free of obstruction for walkers, cyclists and horse riders, before, during and after any development in this location.

Education and Lifelong Learning: No response

Archaeology Officer: Langland's Mill is identified in the HER as a spinning mill (Canmore ID 146117). This is shown from the Ordnance Survey second edition mapping of the area onwards, with the changes and alterations shown in subsequent editions. No laze, leat or mill race is identifiable running into the site shown by the Ordnance Survey mapping. The main range of buildings on the western street front to Langlands Place is of later 19th century and it includes a central ate stone. The development of the mill can be seen in the subsequent editions of the Ordnance Survey mapping of the area. These include post-Second World War buildings to the south of the main range fronting Langlands Place and also behind towards the railway line. The railway line itself has not formed part of the mill complex, but has provided the eastern boundary to the mill complex which came later.

The proposed scheme includes the retention of much of the façade of the street-fronting buildings, but behind this the removal of much of the mill complex is proposed. The mill buildings have been briefly recorded by the Royal Commission on the Ancient and Historical Monuments of Scotland within an overall project recording sites associated with the woollen industry.

There are some below ground-level aspects to this work. This may encounter features associated with the mill complex, but it is unlikely that anything prior to the mill and the 19th century being found in this area. There are no features recorded in the Ordnance Survey first edition other than the adjacent railway (to which there is no impact in this scheme) and the road fronting the site (as it does still today). It would not be unexpected that some archaeological traces of the current buildings were to be found on site during any groundworks in the progression of this application, though they would be thought likely local significance.

A modest historic building recording condition is recommended. This would allow for more detailed recording to be carried out.

Ecology Officer:

Protected Sites

The application site lies adjacent (and above) the Sprouston Burn. Downstream of the disused railway lies the Borders Woods Special Area of Conservation (SAC), which is designated for its Lime tree woodland on rocky slopes. The site is also located upstream and Newtown St Boswells Woods SSSI which is cited for its Upland mixed Ash woodland. Both woodlands are also classed as Ancient Woodlands.

Approximately 750m downstream of the site, the Sprouston Burn joins the river Tweed SAC and SSSI, which are designated for salmon, lamprey species as well as otters and floating vegetation.

Potential impacts on these SACs and SSSIs may arise during the construction phase through dust, sediment run-off and pollution and also associated impacts on Salmon and lamprey species. Impacts may be addressed through good practice construction methods.

It can be assumed that there will be a likely significant effect on the SAC and a Habitats Regulation Appraisal will be required.

Protected Species

Due to the age and construction of the existing buildings and the adjacent riparian habitat, the site likely has a high suitability for bats and breeding birds. Therefore, surveys for bats and breeding birds are required. The buildings should also be checked for signs of reptiles and amphibians.

Economic Development: No response.

Contaminated Land Officer: The application proposes the redevelopment of land which previously operated as a textile mill (Langlands Mill) with subsequent commercial/industrial uses. 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.

It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority. Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

Statutory Consultees

Community Council: No response.

Scottish Water: No objections. There is currently sufficient capacity in the Howden Water Treatment Works to service the development with a water supply. This proposed development will be serviced by Newtown St Boswells Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently

so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

Other Consultees

None.

KEY PLANNING ISSUES:

- Whether the principle of development would comply with policies PMD3 and PMD5 the Local Development Plan 2016;
- Landscape and visual effects;
- Impacts on neighbouring amenity;
- Road safety and access impacts;
- Whether the development would be adequately serviced;
- Developer Contributions.

ASSESSMENT OF APPLICATION:

Planning Policy

The site is within the Development Boundary for Newtown St Boswells and is allocated in the Local Development Plan 2016 for redevelopment (zR023). Policy PMD3 advises that development will be approved in principle for the land uses allocated on the Land Use Proposals tables and maps. The Newtown St Boswells Development Framework 2012 advises that a wide range of uses would be allowed on this site, including housing, employment, retail, mixed uses and community facilities.

The proposal is for three dwellinghouses in a terrace abutting the public road and two light industrial units to the rear of the site. The principle of the development is acceptable.

The site is within the development boundary for Newtown St Boswells and so must be assessed against policy PMD5. Within development boundaries development on non-allocated, infill or windfall sites will be approved if certain criteria are met.

One criterion is that the development should not conflict with the established land use of the area. There are residential properties to the south and west and a commercial premises to the south and east and so the proposed development would be in keeping with the surrounding land uses.

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.

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; the proposal should not detract from the character and amenity of the surrounding area.

This part of Newtown St Boswells is characterised by traditional, two storey, terraced sandstone houses with modern infill developments, such as the three detached houses opposite the site.

The building on the site was a 19th century textile mill and despite alterations over the years and its neglected state, it did have historic and architectural merit. The proposal to retain the street frontage, therefore, is welcomed.

The scale, design and materials of the proposed houses are considered to be acceptable. Conditions would agree precise details of external materials, windows and doors.

The residential properties would benefit from acceptable levels of accommodation and decent sized rear gardens. The houses would be set back slightly from the road allowing for front gardens. The double garages would have large footprints (51 square metres) but can be accommodated within the site without constituting over-development.

The site has a history of industrial use and the proposal includes two light industrial units behind the proposed garages. These would be small scale and can be accommodated within the site. A condition would agree the specific external materials.

Details of bin storage areas for waste and also of any external storage areas would be secured by conditions.

The wall on the southern boundary with the Arctic Spa outlet and the stone wall on the eastern boundary with adjacent industrial buildings would be retained. The gable ends of the building on the northern boundary would be reduced and repaired. The low wall and railings on the street boundary would be repaired and gates inserted. This is welcomed, as these contribute to the character of the area.

The site had deteriorated to a state where it is unsafe and harmful to the visual amenities of the area. The demolition of the buildings and the redevelopment of the site are highly desirable. The proposal to re-use the front façade would contribute significantly to the character and appearance of the development whilst retaining an element of the site's history. The garages and light industrial units would not be prominent in the streetscape or out of keeping with adjacent buildings. It is considered that the proposal would not harm the visual amenities of the area.

Impact on Residential Amenities

Policy PMD5 states that the development should not result in any significant loss of daylight, sunshine or privacy to adjoining properties as a result of overshadowing or overlooking. Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

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.

There are houses to the west on the opposite side of the B6398. The Supplementary Planning Guidance seeks to prevent any loss of privacy from new developments and

requires a minimum of 18m between windows directly opposite to prevent any overlooking. The 25 degree rule is used to assess the impact on light.

A drawing has been submitted that applies the 25 degree rule. This demonstrates that there would be no impact on the light of the houses opposite and adequate light would be available for the proposed houses. In terms of privacy, the proposed houses would be between 17.8m and 20m from the houses opposite, which is sufficient to ensure no significant overlooking occurs.

The business units to the rear would not result in any overshadowing or loss of light to the proposed houses. However, they do have the potential to cause noise and odour nuisance, depending on the type of uses that occupy the units. Environmental Health 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 residential neighbours from potential harmful noise, operating hours, smell, fumes and vibration. A condition limiting noise is also recommended.

The change of use of the western element of the site to residential would benefit the existing houses opposite in terms of traffic, noise and odour.

Access, Parking and Road Safety

Policy PMD5 requires that adequate access and servicing can be achieved. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

Vehicular access would be from the lane to the north serving a courtyard shared by the houses and light industrial units.

The Roads Planning Service advises that whilst this proposal does not provide the dedicated parking normally required for new dwellings (garages do not count as parking spaces due to their potential other uses) they are satisfied that the surrounding road network can accommodate the anticipated traffic generated by the dwellings element of the application. Furthermore, as the garages are remote from the dwellings they are less likely to be used for the purpose of housing white goods. They are also of sufficient size that they can accommodate vehicles and other storage.

Details of the proposed surfacing of the communal courtyard is required to ensure the surfacing is appropriate for the anticipated traffic. This can be secured by condition.

To ensure the access/service courtyard is of a suitable size and construction and that the location is appropriate for the proposed use the Roads Planning Service suggest that an appropriate condition be put in place limiting the units use to light industry/storage/office use. As discussed above, a condition would limit the use to Class 4: Business.

Minor repair works are required to the lane adjacent to the site which would service the courtyard. This is to ensure that it is fit for purpose when considering the mixed use.

There are two Core Paths in this area. Core Path 1 is the Borders Abbeys Way and uses the public road (B6398) and pavement in front of the site. Core path 140 uses the lane to the north down to the River Tweed. The Access Officer requires Core Path 140 to be kept open and free of obstruction for walkers, cyclists and horse riders,

before, during and after any development in this location. This can be secured by condition.

Contaminated Land

Policy IS13 advises that where development is proposed on land that is contaminated or suspected of contamination, appropriate site investigation and mitigation will be required.

The site was previously a textile mill and has been used for industrial purposes in the past and so the site is potentially contaminated. The Contaminated Land Officer advises that investigation and mitigation are required. This would be secured by condition.

Archaeology

Policy EP8 states that development proposals which will adversely affect local archaeological assets will only be permitted if it can be demonstrated that the benefits of the proposal outweigh the heritage value of the asset. All proposals that adversely affect such an asset must include an acceptable mitigation strategy.

The Council's Archaeology Officer has set out the history of the site and has requested a modest historic building recording condition.

The buildings within the site have been demolished (these works did not require planning permission). However, internal and external photographs, descriptions of the history and use of the building (contained within Planning Statement) and existing floor plan and elevation drawings have been submitted as part of the application, which provide a basic level of recording.

Ecology

Policy EP3 states that development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.

The building was of a type that may have accommodated bats and breeding birds. The Ecology Officer requested a bat and breeding survey and that the buildings should also be checked for signs of reptiles and amphibians.

A bat survey has been submitted, though the buildings have now been demolished. The activity survey identified evidence of bats within the building. The report concludes that a bat low impact licence is required from NatureScot. A copy of the bat licence has been now submitted.

The application site lies adjacent (and above) the Sprouston Burn. Downstream of the disused railway lies the Borders Woods Special Area of Conservation (SAC), which is designated for its lime tree woodland on rocky slopes. The site is also located upstream and Newtown St Boswells Woods SSSI, which is cited for its upland mixed Ash woodland. Both woodlands are also classed as Ancient Woodlands.

Approximately 750m downstream of the site, the Sprouston Burn joins the river Tweed SAC and SSSI, which are designated for salmon, lamprey species as well as otters and floating vegetation.

Potential impacts on these SACs and SSSIs may arise during the construction phase through dust, sediment run-off and pollution and also associated impacts on Salmon and lamprey species. Impacts may be addressed through good practice construction methods. The Ecology Officer requested an appraisal to identify any significant effects on the Special Area of Conservation.

A Construction Method Statement has been submitted and the Ecology Officer was re-consulted. No further comments have been received. A condition would ensure that the construction phase of the development is carried out in accordance with the measures outlined in the Construction Method Statement.

Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

The water supply would be from the Scottish Water mains supply and foul water drainage would be to the foul sewer. Scottish Water advised in their consultation response that they were unable to confirm capacity at this time. They have now carried a capacity review and confirmed capacity in the Newtown St Boswells waste water treatment works.

Conditions would secure mains water supply and foul drainage and surface water drainage via a SUDS.

Development Contributions

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies. This is set out in policies IS2 and IS3 of the Local Development Plan.

Financial contributions are required in respect of education (Newtown St Boswells Primary School: £8,647 per unit and Earlston High School: £4,088 per unit), the Borders railway (£2,246 per unit) and affordable housing (£4,250 for 2 of the units). The total development contribution required by this development would be £53,443.

Where appropriate, the Council will consider the economic viability of a proposed development. The Supplementary Planning Guidance on Developer Contributions updated in 2022 states that the Council takes a proactive approach towards the facilitation of new development. Depending upon the prevailing economic climate, housing markets and the availability of development finance, commercial project viability can be significantly affected. Consequently, and where appropriately demonstrated, the level of contribution can be negotiated to assist with facilitating the building out of proposed projects. If an applicant can satisfactorily demonstrate to the Council on a confidential "open book" basis that the strict application of policy would render an otherwise commercially viable project commercially unviable, then contribution requests may, where appropriate, be negotiated and varied.

In this case, the applicant's agent advised that the requirement for full development contributions, which are particularly high in Newtown St Boswells, would render an otherwise viable project economically unviable. A development appraisal was submitted demonstrating the impact that the development contributions would have on the viability of the development; this concluded that the profit margins for the development would be negative if developer contributions were paid in full. The agent has requested that no developer contributions are paid to realise a modest profit.

As part of this process, it is normal practice for the Planning Authority to seek impartial and independent advice on the acceptability, or otherwise, of the proposed project viability. In this case, the District Valuer was consulted and concluded that development contributions of £5,000 per unit (£15,000 in total) would be reasonable. The agent has confirmed in writing that his clients are agreeable to the suggested level of development contribution. It is therefore recommended that the lower contributions (as suggested by the District Valuer) are accepted to enable the proposed development to progress.

There are however, implications for the Council, both and in terms of cost and policy integrity, should a reduced level of contributions be approved in respect of this application. The reduction in development contributions would contribute to a deficit in the funding necessary to deliver required infrastructure that has been identified as necessary to support the development proposal, such as education facilities.

Consideration must also be given to the precedent that might be set in deviating from established policy requirements. However, Members should be aware that the principle of reducing development contributions, where a fully evidenced case has been presented, has previously been established by the Planning and Building Standards Committee in respect of other residential development proposals, not just in Newtown St Boswells but in the Borders more generally. This risk has already been tested and considered by this Committee, but Members will still need to be satisfied that the circumstances of this case are sufficient to follow that approach here, given the consequences for infrastructure provision in the village and more widely.

CONCLUSION

Subject to a legal agreement and 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.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject a legal agreement addressing contribution towards (education, the Borders railway and affordable housing), and the following 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. 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 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.

4. The two light industrial 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 and to safeguard residential amenities.

5. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials and colour finishes to be used in the construction of the external walls, roofs, window frames, doors, balustrades, roller shutter doors and garage doors of the buildings 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. The finished floor levels of the dwellinghouses and light industrial units hereby approved shall be consistent with those indicated on a scheme of details which shall be 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, including the courtyard and parking spaces, 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 or on visual amenities.
7. Details of boundary treatments (walls, gates, fences) including position, extent, height, materials, design and colour finish (around the site or between plots) to be submitted to and approved in writing by the Planning Authority before the development commences. The approved boundary treatments then to be erected in accordance with the approved details.
Reason: To safeguard the visual amenities of the area.
8. Details of bin storage areas for waste and recycling and any external storage areas for the light industrial units to be submitted to and approved in writing by the Planning Authority before the development commences. The bin storage areas and external storage areas then to be installed in accordance with the approved details before the light industrial units are occupied.
Reason: To safeguard the visual appearance of the area.
9. Any noise emitted by plant and machinery used in the light industrial units will 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.
10. Prior to commencement of development, details confirming the construction of the communal courtyard to be submitted to and approved in writing by the Planning Authority. Thereafter the courtyard to be constructed as per the approved details prior to first occupation of either the dwellinghouses or light industrial units.
Reason: To ensure the development hereby approved is served by an adequate form of access.
11. Prior to commencement of development, a scheme of details of the proposed improvements to the lane adjacent to the northern boundary of the site to be submitted to and approved in writing by the Planning Authority. Thereafter the improvements to be implemented in accordance with the approved scheme and

completed prior to first occupation of either the dwellinghouses or light industrial units.

Reason: To ensure the development hereby approved is served by an appropriate form of access.

12. Core path 140, to be kept open and free of obstruction for walkers, cyclists and horse riders, before, during and after any development in this location.

Reason: To ensure rights of access are maintained during the construction period and upon completion of the development.

13. The construction phase of the development to be carried out in accordance with the requirements and mitigation contained within the Construction Method Statement.

Reason: To protect the Special Area of Conservation and SSSI.

14. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that a mains water connection shall be made available to serve the development, unless otherwise agreed in writing by the Planning Authority. Thereafter, a public water mains connection shall be functional prior to the occupancy of the dwellinghouses and light industrial units hereby approved, and no water supply arrangements shall be used other than the public water mains 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.

15. No foul drainage system other than the public mains sewer shall be used to service the development hereby approved without the written consent of the Planning Authority. The foul drainage to be functional prior to occupation of the dwellinghouses and light industrial units hereby approved

Reason: To ensure that the development does not have a detrimental effect on public health.

16. Details of surface water drainage to be submitted to and approved in writing by the Planning Authority before the development commences. The surface drainage to be functional prior to occupation of the dwellinghouses and light industrial units hereby approved.

Reason: To ensure that the development does not have a detrimental effect on public health or neighbouring properties.

Informatives

1. In respect of condition 9, 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.
2. In respect of condition 11, improvements to the lane should be such that all potholes are repaired and a level surface capable of supporting a 14 tonne axle loading is provided.

DRAWING NUMBERS

Plan Ref	Plan Type
MR02-375-EX01	Location Plan and Floor Plan and Elevations as Existing
MR02-375-EX02	Site Photos
MR02-375-SK01	Proposed Site Plan
MR02-375-SK02	Proposed Dwellinghouse Floor Plans
MR02-375-SK03	Proposed Elevations
MR02-375-SK04	Proposed Garage Floor Plan
MR02-375-SK05	Proposed Industrial Unit Floor Plan
MR02-375-SK06	Overlooking and Loss of Light Assessment
2012-658-FIG 001	Location Plan
2021-658-sk200	Drainage Schematic

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
Julie Hayward	Team Leader Development Management

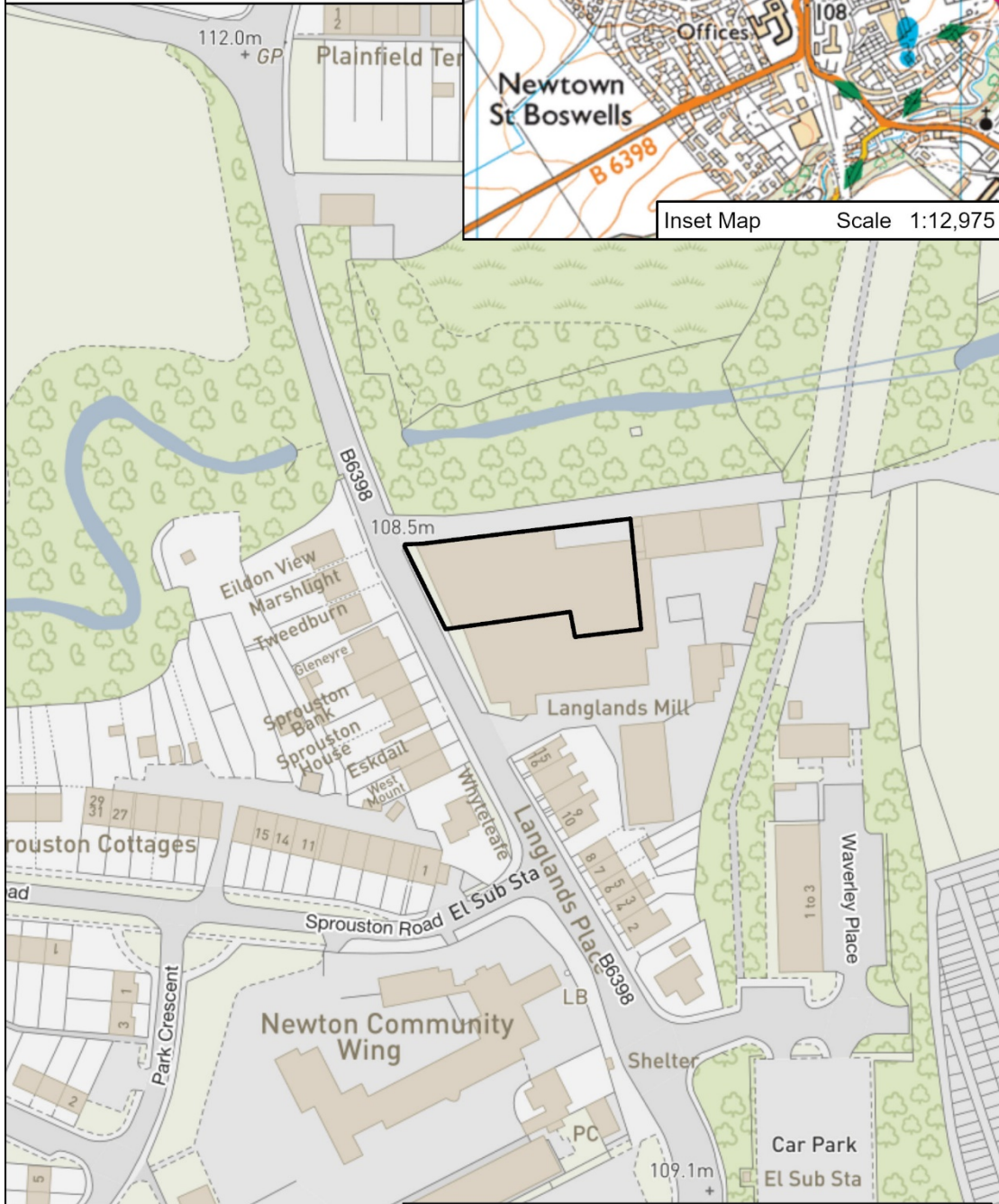


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Langlands Mill
Langlands Place
Newtown St Boswells



Inset Map Scale 1:12,975



Scale 1:1,740