

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**25 MARCH 2024**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** REFERENCE NUMBER: 23/01466/FUL

**OFFICER:** Mr Kyle Wise

**WARD:** Jedburgh And District

**PROPOSAL:** Erection of 70 no. dwellinghouses and associated infrastructure

**SITE:** Land at, and including, Howdenburn Primary School and School House, Howdenburn Drive, Jedburgh

**APPLICANT:** Cruden Homes

**AGENT:** Aitken Turnbull Architects Ltd

**PLANNING PROCESSING AGREEMENT:** There is a PPA in place for the application to be considered at the Planning and Building Standards Committee on the 25 March 2023.

**SITE DESCRIPTION**

The application site is a brownfield site to the south-east of Jedburgh measuring 2.34 Ha in size and is broadly rectangular in shape. The site is the former Howdenburn Primary School, which was demolished in March 2021 and has been vacant since. The site comprises of hardstanding where the school buildings and play areas once were, and open green space, which is used informally by local people. This open space has a number of hardstanding paths and trees. The site is accessed from the east boundary off Howdenburn Drive and whilst the site has fencing around this boundary, there are a number of informal entrances. The site is relatively flat, but steps down from the hardstanding area to the green open space which is generally lower. The site slopes down towards the west boundary and the existing residential properties on Grieve Avenue, particularly in the north-west and south-west corners. This west boundary has a tree/hedge belt boundary and an informal access to Grieve Avenue to the north-west corner.

The site is surrounded by housing developments of mixed styles and ages. To the north and south are modern bungalows and 1.5 storey dwellings, which have a mix of render and brick walls with concrete roof tiles. They are generally bounded by hedging and fencing. Those to the north are a mix semi-detached and detached dwellings with beige/brown render, and the semi-detached units to the south have grey render. A mix of terraced houses are found to the east of the Howdenburn Drive with associated garages and gardens, many are finished in grey render, with concrete roof tiles from single to three storey. A set of single storey garages consented for redevelopment (conversion) into 2 no. dwellings (23/00482/FUL) are located to the south-east corner of the site. Grieve Avenue to the west of the site, has a number of 3 storey flatted accommodation, finished in grey/off-white render with timber detailing and a brick base. A more modern affordable housing development of 32 no. units was recently constructed (2020), with a mix of housing types to the south-east, finished in render and red facing brick (18/00006/FUL).

The site is unallocated in the current Local Development Plan but is allocated as a redevelopment opportunity (RJEDB003) in the emerging Local Development Plan 2 (2024). SEPA Flood Maps shows the site has areas of Medium and Low Surface Water flood risk, concentrated close to the east boundary of the site. There are otherwise no site-specific allocations or designations.

## **PROPOSED DEVELOPMENT**

The application seeks consent for a 70-no. unit affordable housing residential development. A range of semi-detached, terraced and flatted accommodation dwellings are proposed. The buildings are two storeys in scale, with 6 no. building types proposed which include a combination of dwellinghouses, and cottage flats with colony style external stair accesses. Each dwelling type is set under a pitched roof. The external material finishes proposed are dry dash render for the walls, with facing brick, concrete roof tiles and uPVC doors, windows and water goods.

The site will be accessed from Howdenburn Drive on the east boundary, with these roads linking through the site to the west via a spine road, providing access to houses and parking courts. 125 no. car parking spaces are proposed, which are a mixture of curtilage parking, parking courts and visitor spaces, including 5 no. accessible spaces. The roads, paths and parking areas would be delineated by different surface finishes. A green open space and Sustainable Urban Drainage System (SUDS) area are proposed on the east boundary of the site facing onto Howdenburn Drive. The SUDS area will have an access track running along its west boundary for maintenance vehicles and pedestrians, with 2 no. sitting benches. An informal path with steps is proposed to the north-west corner of the site linking to Grieve Avenue, providing access through the site from the west and east. A substation building is found close to this access on the north boundary of the site. The west boundary of the site has a tree/hedgerow belt which will be retained by the proposals. A number of existing trees will be removed to allow for the development, but a number of new trees and hedges will be planted, and a landscaping plan will be prepared at a later date.

The proposed development being considered is a revised scheme which has been amended during the determination period after requests to address concerns over; layout, placemaking, landscape, trees, accessibility, design and appearance.

## **PLANNING HISTORY**

95/00884/BRC – Change of use to educational/non-residential. Approved – 23 May 1995

22/01914/PAN – Erection of a residential development and associated infrastructure including roads footpaths, SUDS system and open space. Pre-application consultation notice agreed – 12 December 2022

## **REPRESENTATION SUMMARY**

4 no. public comments were made to the application, 3 no. in objection and 1 no. neutral comment. The comments raised the following matters:

- Environmental impacts.
- Impact to residential amenity, including concerns over; overlooking of existing properties, noise, including noise from air source heat pumps, privacy and loss of daylight.

- Overshadowing of neighbouring properties and their solar panels.
- Overdevelopment, density of the site is too high.
- Health issues from development.
- Access.
- Increase in traffic and parking on Howdenburn Drive.
- Trees impact.
- Landscape impact.
- Limited education and healthcare capacity.
- Lack of traffic capacity for Oxnam Road to/from town centre, which is deteriorating and needs maintenance.
- Lack of good alternate routes to site via Oxnam Road if this road is closed. Currently alternate route are quiet country roads which will be dangerous with increased traffic.
- Limited employment opportunities for new residents.
- Insufficient supermarkets in Jedburgh to meet demand.
- Loss of views; and
- Impact on value of property.

### **APPLICANTS' SUPPORTING INFORMATION**

The applicants have submitted the following information in support of the application:

- Design and Access Statement
- Planning Statement
- Transport Statement
- Drainage Layout
- Preliminary Ecological Appraisal
- Arboricultural Impact Assessment
- Pre-Application Consultation (PAC) Report

### **DEVELOPMENT PLAN POLICIES:**

#### **National Planning Framework 4**

- Policy 1 Tackling the climate and nature crises
- Policy 2 Climate mitigation and adaptation
- Policy 3 Biodiversity
- Policy 4 Natural Places
- Policy 6 Forestry, woodlands and trees
- Policy 9 Brownfield, vacant and derelict land and empty buildings
- Policy 12 Zero Waste
- Policy 13 Sustainable transport
- Policy 14 Design, quality and place
- Policy 15 Local living and 20-minute neighbourhoods
- Policy 16 Quality homes
- Policy 18 Infrastructure first
- Policy 20 Blue and green infrastructure
- Policy 21 Play, recreation and sport
- Policy 22 Flood risk and water management
- Policy 23 Health and safety
- Policy 25 Community wealth building
- Policy 27 City, town, local and commercial centres
- Policy 31 Culture and creativity

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

PMD1: Sustainability  
PMD2: Quality Standards  
PMD3: Land Use Allocations  
PMD5: Infill Development  
ED5: Regeneration  
HD1: Affordable and Special Needs Housing  
HD3: Protection of Residential Amenity  
EP2: National Nature Conservation and Protected Species  
EP3: Local Biodiversity  
EP8: Archaeology  
EP11: Protection of Greenspace  
EP13: Trees, Woodland and Hedgerows  
EP15: Development affecting the Water Environment  
EP16: Air Quality  
IS1: Public Infrastructure and Local Service Provision  
IS2: Developer Contributions  
IS6: Road Adoption Standards  
IS7: Parking Provision and Standards  
IS8: Flooding  
IS9: Wastewater Treatment and Sustainable Urban Drainage  
IS13: Contaminated Land

### **OTHER PLANNING CONSIDERATIONS:**

Proposed Scottish Borders Council Local Development Plan 2024

### **Regeneration Allocation: RJEDB003 Howdenburn Primary School**

PMD1: Sustainability  
PMD2: Quality Standards  
PMD3: Land Use Allocations  
HD1: Affordable and Special Needs Housing  
HD3: Protection of Residential Amenity  
HD6: Housing for Particular Needs  
EP2: National Nature Conservation and Protected Species  
EP3: Local Biodiversity and Geodiversity  
EP8: Historic Environment Assets and Scheduled Monuments  
EP9: Conservation Area  
EP10: Gardens and Designed Landscapes  
EP11: Protection of Greenspace  
EP13: Trees, Woodland and Hedgerows  
EP15: Development affecting the Water Environment  
EP16: Air Quality  
IS1: Public Infrastructure and Local Service Provision  
IS2: Developer Contributions  
IS6: Road Adoption Standards  
IS7: Parking Provision and Standards  
IS8: Flooding  
IS9: Wastewater Treatment and Sustainable Urban Drainage  
IS13: Contaminated and Unstable Land

## Supplementary Guidance

- Affordable Housing (2015)
- Biodiversity (2005)
- Contaminated land inspection strategy (2001)
- Designing out crime in the Scottish Borders (2007)
- Development contributions (2011) updated January 2023
- Green Space (2009)
- Housing (2017)
- Landscape and Development (2008)
- Placemaking and Design (2010)
- Privacy and Sunlight Guide (2006)
- Sustainable Urban Drainage Systems (2020)
- Trees and Development (2008)
- Waste Management (2015)

## Other documents

Strategic Housing Investment Plan (SHIP) 2024 - 2029

Scottish Government Policy Statements:

- Designing Streets 2010
- Designing Places 2013

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Archaeology Officer:** Do not object, subject to conditions.

The site of a possible moot hill has been identified to the north of this site, from the Ordnance Survey first edition mapping of the area labelling the eminence (now beneath the housing estate) as Doom Hill (Canmore ID 356174). It is suggested by the accompanying Object Name Book of the Ordnance Survey that this was a previous place of execution, but it is unclear at what date this took place and whether the trials and judgements also took place here though these are possible as well. These activities may have left archaeological finds and features behind.

There is the chance there may be some remains associated with Doom Hill be found in the groundworks for the houses and gardens on the northern edges of this site where these are located off the platform and levelled ground, though there is some distance between them and the hill. The northern boundary of this site with the Doom Hill is shown as the same boundary of the Ordnance Survey first edition.

As such smaller scale archaeological works would be recommended. A developer funded watching brief is recommended.

**Ecology Officer:** Do not object, subject to conditions

An arboricultural impact assessment has been provided but not a preliminary ecological appraisal or ecological impact assessment.

The arboricultural impact assessment includes some information on protected species for the site. The trees present are of planted origin and comprise of species such as European lime, sycamore, whitebeam, and Norway maple. The trees are scattered and do not form a closed canopy woodland on any area of the site.

Overall, the site is likely to be of low ecological interest.

Recommended conditions: Measures should be incorporated into the development to promote and enhance biodiversity. Such measures include simple steps such as the provision of bird nesting boxes.

**Environmental Health Officer:** Further Information Required

Note the proposed electrical substation location is to be confirmed. The location of the substation noted in plans is located within 5m of an existing dwelling. Request the applicant provide information as to the expected noise from the substation including any intended mitigation measures.

Recommended Condition for Construction Noise to protect the amenity of nearby residential properties.

**Environmental Health Officer (Contaminated Land):** Do not object, subject to conditions

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.

**Flood Risk and Coastal Management:** Do not object, subject to conditions

Whilst the site is not at risk from fluvial flooding, there is a small pocket of surface water flooding shown in the southern portion of the site. Note there is a drainage drawing submitted but there is a lack of information in terms of the drainage strategy and associated calculations. A SUDs Pond is proposed in the southern portion of the site and this would need to be designed to accommodate a 1 in 200 plus climate change (59%) return period with appropriate freeboard to ensure there is no flood risk to neighbouring properties. Details of the SUDs infrastructure will need to be provided for consideration such as any control measures to control the discharge rate. Confirmation that the receiving infrastructure/watercourse can accommodate the additional volume of water from the development and the necessary approvals are in place.

As such a condition for submission of a detailed drainage design and strategy is recommended.

**Heritage and Design Officer:** Do not object, subject to conditions

A number of informal discussions between the case officer and the Heritage and Design Officer were had, alongside online meetings with the Applicant and their Agent during the design's development throughout the application's determination, raising concerns on the following items;

- Alterations to layouts to improve placemaking, accessibility and appearance.
- Central block of plots behind green space requiring re-siting to create more residential amenity space.
- SUDS pond and need for this to be integrated into the site and accessible, with habitat creation.
- Re-siting of parking courts on prominent corners and softening of edges to reduce dominance in character.
- Better quality external materials.
- Need for strong building line facing open space.
- Articulation of gable ends on prominent corners.
- Need to widen internal access to NW path to Grieff Avenue.
- Breaking up of elevation of G2/G3 plot on central access.
- Alter external staircases of G type plots to align with wall-line.
- Focus on east boundary facing Howdenburn respecting existing site's green/open character and creating a strong entrance, with soft landscaping.
- Request for play space, furniture and SUDS education materials.

#### Final Comments – 22 February 2024

The proposed layout as amended is generally accepted, but raised the following matters which would need addressed by condition and details.

- Importance of the two key green spaces (main and SUDS) providing positive street frontage and integrating the development with the wider area.
- Care should be taken to ensure the green is pleasant, useable and activated.
- Interpretation at the SUDs, to improve residents' understanding of its importance for climate change, flooding and biodiversity, which in turn raises the value they place on the feature and their interest in ensuring it is not damaged / littered.
- The path to the north-west of the site should consider the security of the route to ensure safe use.

The house designs shown are generally acceptable, but raised the following matters which would need addressed by condition and details;

- One small window has been included to side elevations visible in the public realm. It would be appropriate for greater relief and activation to be included in these elevations, through additional windows and/or a change in material.
- Details of windows, doors and other architectural features can be secured by condition.
- Materials can also be secured by condition.
- Whilst alternatives to brick would be preferred, a high quality brick of a colour / texture that responds to the stones characteristic of Jedburgh may be an appropriate response.
- Variation should be achieved in render colour (perhaps two shades of white / cream).

#### **Housing Strategy:** Support

Proposal will deliver much needed affordable housing.

**Landscape and Tree Officer:** Do not object, subject to conditions

A number of informal discussions between the case officer and the Landscape and Trees Officer were had, alongside online meetings with the Applicant and their Agent during the design's development throughout the application's determination, raising concerns on the following items:

- Alterations to layouts to improve placemaking, landscape and habitat creation.
- Retention of existing trees/hedges and planting of new trees/hedges.
- Clarification on whether the trees/hedges on west boundary would be retained and whether there was a need for any groundworks/levelling of site.
- SUDS pond and the need for this to be integrated into the site and accessible, with habitat creation.
- Softening of parking courts edges to reduce dominance in character.
- Better quality external materials.
- Design of NW path to Grieff Avenue.
- Request for play space, furniture and SUDS education materials.

Final Comments – 29 February 2024

Satisfied with the proposals subject to the conditions and comment on the most recent landscape drawings as follows:

Boundary treatments – No timber fencing should be forward of the housing line to ensure. All fencing to be subject to agreement. Walls or hedges at the streetside of parking courts adjacent to plots 70 and 56 should be walls or hedges as discussed and as per other parking courts. Reason: To ensure continuity of approach and visual amenity in the streetscape.

Parking layout – at 'the green' should be reduced to 8 spaces and be positioned equidistant from the junctions. Reason: to improve the layout of 'the green' and aspect for householders.

Landscape Layout – as discussed would it be possible to retain trees T11 and T12 by repositioning the adjacent houses as retention of these trees would contribute to the sense of place by providing a focal point at the end of the street.

Public Art – needs to be meaningful to be of value and contribute to a sense of place. Suggest that it involves play (relating to the school) and is possibly subject to a competition maybe involving families once they have moved into the estate if possible.

Conditions requested to secure:

- Hard and Soft Landscaping Works.
- Landscape and Maintenance Management Plan.
- Public art/play space/street furniture/education boards.
- Details of proposed and existing ground levels and fixed floor heights to be provided for approval and retained, unless otherwise agreed.
- Trees planted and protected as per the Tree Protection Plan within the Arboricultural Impact Assessment.
- Construction Environmental Management Plan.
- Scheme of details for path and landscaping in north-west corner
- Details of the design of the SUDS scheme

**Neighbourhood Services:** Do not object



**Refuse Collection:** Do not object

**Roads Planning Service (RPS):** Do not object, subject to conditions

Initial response – 22 November 2023

Further Information Required - Requesting the following items and conditions:

- Requires the pedestrian footpath to the northwest of the site linking the development to Grieve Avenue to be formal and constructed to an adoptable standard with suitable street lighting and be formed as part of this development.
- Central access road – concerns over standard; width, visibility and geometry.
- Spaces for EV charging should be provided in line with current Building Standards Mandatory Standard 7.2 unless agreed otherwise in writing with the Planning authority.
- Plot 3 requires accessible parking space.
- Confirmation that the minimum length of nose to tail parking indicated is at least 11m.
- Footway between Plot 19 and 20 does not seem aligned with pedestrian desire line.
- Road construction outside Plot 50 should be clarified.
- Any boundary treatment enclosing the SUDs Pond should be clarified. Concerns that this may affect visibility at the southern access.
- Confirmation should be given as to what Scottish Water intend to vest upon completion.
- It should be noted that Road Construction Consent will be required for all roads and footways/paths that are to be considered for adoption.
- 92 no. spaces for visitor parking required but only 87 no. shown.

Follow up comments – 12 December 2023

- Require further clarification on the parking arrangement at Plot 11, need for a swept path analysis.
- Plot 10 - Fences should be 1m maximum height for a distance of 1m from the public footway or stopped short at the same position to ensure suitable visibility at the corner of plot 10.

Final Comments – 26<sup>th</sup> February 2024

Do not object, subject to conditions - Noting the following items and conditions:

- The majority of the issues have been suitably addressed.
- The area of the proposed footpath to the northwest of the site has now had a topographical survey. Due to the extent of the level difference between the site and Grieve Avenue, it has been agreed that a more informal design for the footway will be considered and this will be maintained by SBHA. In order to gain a suitable gradient for the path to be adopted, a vast number of trees would need removed and the route of the path would be meandering. On balance, provision of an adoptable footpath link does not justify the level of engineering work that would be required, in this instance.
- No EV charging spaces have been indicated as was previously advised. This will be a requirement for gaining Building Warrant approval and so should be considered at the earliest opportunity.

- Condition – each dwellinghouse, prior to occupation should be served by a consolidated and surfaced carriageway, parking area and footpath/shared surface.
- Informative – All prospectively adoptable roads, pavements and associated infrastructure will require Road Construction Consent.
- Informative – All works within the public road boundary must be undertaken by a contractor first approved by the Council.

### **Statutory Consultees**

**Jedburgh Community Council:** No comments received

**Scottish Water:** Do not object

Water Capacity Assessment - There is currently sufficient capacity in the Robertson Water Treatment Works to service the development, subject to further investigations.

Wastewater Capacity Assessment - There is currently sufficient capacity for a foul only connection in the Jedburgh Wastewater Treatment works to service the development, subject to further investigations.

Surface Water - Scottish Water will not accept any surface water connections into their combined sewer system, with limited exceptional circumstances.

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water

**SportScotland:** Do not object

Guided by the provisions of NPF4 (2023) Policy 21: Play, Recreation and Sport in conjunction with Policy EP11: Protection of Greenspace of Scottish Borders LDP (2016).

The proposed development would involve the loss of the existing grass pitch. A supporting statement has been provided to justify the loss of the pitch. It states that the new school campus at Priors Road (approx. 1.2 miles away) provides new sports facilities which are a betterment to the current situation. The new school provides a MUGA, 2G Hockey pitch, 3G pitch and 100m synthetic track.

It is considered that the proposal would comply with part iii, of Policy 21a) and that appropriate compensation has already been provided elsewhere to improve overall playing capacity within the area.

### **KEY PLANNING ISSUES:**

The principal planning issues with this application are whether the principle of affordable housing is acceptable on this site, and whether the layout, siting and design of the proposed dwellings are appropriate in terms of placemaking policy and guidance. In addition, the principal planning issues also include impacts on residential amenity, vehicular access and parking and whether the proposals would have an adverse impact on landscape or visual amenities of the surrounding area.

## **ASSESSMENT OF APPLICATION:**

### a) Principle

The site is a non-allocated site under SBC's adopted Local Development Plan (2016), hereon referred to as 'LDP', and is an existing brownfield site within Jedburgh's settlement boundary. SBC's development plan position currently stands as the National Planning Framework 4 (2023), hereon referred to as 'NPF4', taking precedence over the LDP where there is conflict, given it is the most recently adopted policy position. SBC's Proposed Local Development Plan 2 (2024), hereon referred to as 'LDP2', is in the final stages of the Scottish Ministers considering the post-examination modifications to LDP2 before SBC can adopt the plan.

#### *NPF4*

Based on this hierarchy, NPF4 is the primary planning document when considering the principle of this affordable housing application on a brownfield site. Part a) of Policy 9 of NPF4 considers brownfield sites and supports proposals which will result in a sustainable reuse of brownfield land. As noted, the site is brownfield and a former primary school, and is considered a sustainable reuse of the land. The school was demolished relatively recently in 2021, so there has been limited growth for biodiversity in this hardstanding area, and whilst there is an extensive amount of green space surrounding the hardstanding area, it is considered to be of limited biodiversity value.

As noted, whilst the site is generally considered a brownfield site, it was a primary school, so its surrounding green space and former playing fields have been retained. The green space surrounding these formal school areas, has been used as informal green space whilst the school was in operation and this green space is still accessible, and well used by the local community given its existing paths and connections. Although the Proposals will reduce the area of this green space, the quality and new habitat generation proposed by the new green spaces will enhance the biodiversity value of the site. A landscaping plan would be agreed, with initial proposals seeking the planting of a number of trees and hedges, and installation of street furniture, public art and education boards, which will compensate for the loss of this existing green space and trees which are not retained, and it is thus not considered to be a detrimental loss of green space.

The development is also in compliance with Policy 20 which states proposals which result in the loss of green infrastructure will only be supported where (a) it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported, particularly where it is well integrated into the overall proposals (b).

Part c) of NPF4 Policy 9 seeks any unstable or contaminated land to be made safe for the proposed use. SBC's Environmental Health Officer (Contaminated Land) has raised no objection and recommended a condition for a site investigation to take place to consider this and for any resulting remediation strategy to be conditioned.

It is considered the principle of the development complies with NPF4 Policy 9.

NPF4 Policy 16 considers Housing, with part c) supporting proposals for homes which improve affordability and choice, including, affordable homes (iv), a range of size of homes such as those for larger families (v) and accessible, adaptable and wheelchair

accessible homes (ii). The proposal for 70 no. housing units seeks 100% of these to be affordable, with a range of housing types and sizes, providing homes with 1 no. to 4 no. beds, and ground floor accessible units. Part e) of NPF4 Policy 16 further supports proposals for new homes with affordable housing provision where there is an identified need, which is the case here, with SBC's Housing team supporting the Proposal for this type of housing, stating it is much needed.

Part b) of NPF4 Policy 16 requires a Statement of Community Benefit which explains the proposals' contribution towards, meeting local housing requirements, including affordable homes, local infrastructure, facilities and services, and improving the residential amenity of the surrounding area. A statement has been provided by the Applicant which seeks to demonstrate how these points are met. It is agreed that the Proposals demonstrates these contributions, providing affordable homes, and will support existing local infrastructure and services, whilst improving the residential amenity of the wider area and community.

Part f) of NPF4 Policy 16 considers proposals for new homes on land not allocated for housing in the LDP, and notes there will only be limited circumstances where this will be supported. As such, this is a key to the principle of this Application. The circumstances where they are allowed include:

- i) the proposal is supported by an agreed timescale for build-out; and*
- ii) the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods;*
- iii) and either:*
  - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained: or*
  - the proposal is consistent with policy on rural homes; or*
  - the proposal is for smaller scale opportunities within an existing settlement boundary; or*
  - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.*

The proposal is compliant with part ii) in that the Proposal will otherwise comply with the LDP's spatial strategy (see further below) and will promote local living and 20-minute neighbourhoods. Likewise, part iii) can arguably be complied with as the Proposal is a relatively smaller scale opportunity within Jedburgh's settlement boundary. However, part i) is not demonstrated in the Application submission, with no timescale for build out given or agreed, however it is considered one could be, if required. As such it is considered Part f) of NPF4 Policy 16 could be complied with if required to demonstrate the principle of the Application is acceptable. As such, it is considered that the Proposal complies with Policy 16 of NPF4.

## *LDP*

When considering the Adopted LDP, PMD5 (Infill Development) and ED5 (Regeneration) are key considerations for the principle of the development. Both are very similar in terms of policy wording and criteria, stating that development on non-allocated, infill or windfall (PMD5), and brownfield (ED5) sites will be approved where the following criteria are met:

- a) 'Where relevant, it does not conflict with the established land use of the area; and*

- b) *it does not detract from the character and amenity of the surrounding area; and*
- c) *the individual and cumulative effects of the development can be sustained by the social and economic infrastructure, and it does not lead to over-development or 'town and village cramming'; and*
- d) *it respects the scale, form, design, materials and density in context of its surroundings; and*
- e) *adequate access and servicing can be achieved, particularly taking account of water and drainage and schools' capacity; and*
- f) *it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.*

*All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide design statements as appropriate.'*

With regards to part a) the Site is vacant with no existing use other than use by the community as open space. The surrounding uses are predominantly residential, so the proposed affordable housing, would not conflict with this land use or detract from its character and amenity (part b). Whilst the Proposals introduces 70 no. residential units to the currently vacant site, the layout is considered to be of a similar density to surrounding residential development and improves accessibility for the local community to local infrastructure and services. No concerns have been raised by SBC internal consultees with regards to infrastructure or services capacity, similarly, access in terms of vehicles and roads safety, is considered to be adequate by SBC's Roads Planning Officer, thus the Proposal is considered to comply with parts c) and e) of Policies PMD5 and ED5.

Part d) considers that the design and appearance of the Proposals should respect their context. As noted in the Site Description section of this Report, there is a real mixture of housing types, design and materials surrounding the Site. Whilst the proposal does respect this aspect and proposes similar materials, the quality of these is not generally supported by SBC's Supplementary Planning Guidance (SPG) Placemaking and Design (2010), which seeks to avoid the use of facing brick and dry dash render for walls and concrete roof tiles, which have been proposed. It is considered therefore that the materials proposed are of low quality and do not reflect the wider traditional character of Jedburgh and the Scottish Borders. Discussions were held with the Applicant to improve the quality of materials, particularly the brick type to help break up the massing of the buildings and help the proposal have a lasting character of quality and visual amenity, with the suggestion of a lighter buff brick, which they were amenable to. As such it was proposed a condition can be used to agree these materials at a later date. It is considered to be an acceptable solution, should the application be granted.

It is considered the scale, form, density and design is otherwise in character with the surrounding built development, and subject to this condition to be agreed on the materials of the external finish of the dwellings, the Proposals would meet part d) of Policy PMD5 and ED5.

Part f) seeks to protect residential amenity of adjoining properties. The separation distance to most neighbouring properties is generally suffice, with regards to loss of daylight/sunlight and privacy, which has been demonstrated with additional site sections being provided by the Applicant on the southern boundary. Furthermore, the proposed plots are offset from the existing properties in terms of orientation to reduce overshadowing and impacts on daylight.

There are some areas of the proposed layout, particularly towards the north boundary of the site, where mutual overlooking of existing and proposed dwellings may occur, but accounting for SBC's approved Privacy and Sunlight Guide, there will be no direct window to window overlooking of habitable rooms (first floor bathroom windows will have obscure glazing) and ground floor windows will be obscured by existing planting and boundary treatments. The orientation of proposed dwellings will avoid direct window to window overlooking and will assist in protecting the residential amenity of occupants of both existing and proposed dwellings, ensuring compliance with Part e) of Policy PMD5 and ED5.

It is considered that the Proposal complies with Policy PMD5 and ED5 of the LDP.

Policy EP11 seeks to protect existing green spaces such as the Site, with proposals which will result in the loss of other green spaces only being permitted in limited circumstances. There is a need for affordable housing in the local area and wider region, and the green space, whilst it is of social value, is of limited quality and biodiversity. Whilst the Proposals, will reduce the amount of green space, they will improve its quality, providing biodiversity enhancements, as well as improved accessibility, street furniture, public art and education boards, as discussed earlier under Policy 9 and 20 of NPF4. There is ample open space in the vicinity of the site, including a much larger and better-quality sports and play space provision close to the site with a play park and sport pitches to the North-East, and the nearby new Priors Road school campus. Furthermore, the Proposals will provide developer contributions towards off-site play space.

Whilst the Proposals will result in the loss of informal green space, these are justified and the quality of the new open spaces and habitats created by the Proposals will be of high quality, well connected and improve open space provision in the local area, and comply with Policy EP11 of the LDP.

Policy HD1 considers Affordable and Special Needs Housing, the proposed use, requiring 25% provision on-site for windfall sites, which the Proposal complies with 100% on-site provision proposed, which is supported by SBC's Housing Strategy team.

#### *Proposed LDP2 (2024)*

As noted, whilst LDP2 is not yet formally adopted by SBC, it is a significant material consideration. When considering LDP2, the site is allocated for regeneration (including housing uses), the requirements of the allocation (RJEDB003) are considered in part b) of this assessment.

As the site is allocated, Policy PMD3 which considers allocated sites, would be relevant. The policy states development will be approved in principle for the land uses allocated within the settlement profile, and that development should be in accordance with the requirements for the site, under its allocation, as noted this will be considered in part b) of this assessment. The policy notes, sites proposed for redevelopment may be developed for a variety of uses subject to other LDP policies, where there is evidence of demand for specific uses or a specific mix of uses, and the site requirements detailed within the LDP. As noted, NPF4, LDP and LDP2 all support affordable housing development, and with this proposal seeking 100% on-site provision it is considered the proposal is acceptable in principle, with the requirements of the allocation considered later in part b) of this assessment.

Many of the other LDP2 policies are similar in wording to the LDP, including those which consider the principle of the proposal. Policy ED5 and EP11 has the same wording as the equivalent LDP policy, whilst HD1 (Affordable Housing Delivery) is slightly different in that it makes reference to SBC's Supplementary Planning Guidance (SPG) on Affordable Housing and the need for an agreed mechanism for securing the delivery of affordable housing. With regards to the SPG, this seeks provision of at least 25% affordable housing on sites of 17 no. or more residential units, again the site has 100% as noted. As there is provision of 100% affordable housing, a legal agreement is not considered necessary and a condition restricting the use of the residential units to affordable housing tenures only, will cover this, which is considered further below.

### *Mechanism/Tenure*

The inclusion of the development within SBC's Strategic Housing Investment Plan 2024-2029 (SHIP) confirms that it is a priority affordable housing project. Once completed, the development will be managed by Scottish Borders Housing Association (SBHA) who will ultimately own and operate the housing stock. If Members are minded to support the recommendation, it is advised that a planning condition to control the occupancy of the development for affordable housing tenures only (which comply with the Council's definition of affordable housing listed in the SPG) is required. This will ensure that the development is delivered in accordance with its proposed tenure. As the site will be 100% affordable housing, the development will be exempt from developer contributions (with the exception of play space contributions).

It is considered the principle of the Proposal is acceptable against the currently adopted development plan, specifically NPF4 Policy 9 and 16, and LDP Policy PMD5, ED5 and HD1. The Proposal also complies with relevant policies set out in LDP2 (which will be adopted imminently) and is considered further below in part b) of this assessment.

### b) Allocation Requirements of LDP2

- Consideration must be given to surface runoff, early discussions with Flood Officer are recommended (i)
- Protected species may be present within the site and further assessment on nature conservation will be required (ii)
- Archaeological evaluation is required for the site and necessary mitigation measures should be implemented (iii)
- There is an existing outdoor sports facility within this site, and any development must take this into account in line with Scottish Planning Policy (iv)
- Existing trees within the site should be retained where possible (v)
- Due to the prominence of the site, consideration must be given to scale and massing to respect the residential amenity of neighbouring properties (vi)
- Appropriate structure planting/ screening should be provided to assist with site integration, wind protection and landscape mitigation (vii)
- The site design should include a strong street frontage onto Howdenburn Drive, good internal street connectivity will also be required (viii)
- A pedestrian link between the northwestern corner of the site and Grieve Avenue should be explored to help integrate the development site with the existing street network. Existing pedestrian links through the site should be maintained and enhanced where possible (ix)
- A Transport Statement will be required to address accessibility and sustainable travel (x)
- Any potential contamination on site to be investigated and mitigated (xi)

- A Drainage Impact Assessment may be required to establish water impact (xii)
- A Water Impact Assessment may be required depending on the flow demand (xiii)
- Potential flood risk to be investigated (xiv)

*Flooding and drainage (i, xii and xiv)*

Whilst there are areas of the Site with Medium and Low Surface Water flood risk, concentrated close to the east boundary, from consultation with SBC's Flood Risk Officer, they have responded that they have no objections, subject to a condition for submission of a detailed drainage design and strategy. Whilst a Drainage Impact Statement hasn't been provided, a drainage layout has, which the SBC Flood Risk Officer has raised no objection. As such subject to this condition being applied to any granted consent, it is considered that the site poses no flood risk, and as such complies with these requirements, as well as Policy 22 of NPF4, and EP15 and IS8 of the LDP.

*Ecology/Protected Species (ii)*

From consultation with SBC's Ecologist, they have stated the site is likely to be of low ecological interest and as such have raised no objections, subject to condition/s to promote and enhance biodiversity. The Proposals seek to create a number of new habitats via enhanced landscaping (trees/hedges) and a SUDS area, which will be secured by condition and additional biodiversity measures can be included by condition such as bird boxes.

As such, it is considered the Proposals comply with this requirement, as well as Policy 1 and 3 of NPF4, and EP1 to EP3 of the LDP.

*Archaeology (iii)*

SBC's Archaeologist has raised no objection to the Proposals subject to conditions. As it is unlikely there are any significant archaeological assets on-site, they have recommended smaller scale archaeological works and a developer funded watching brief.

As such, it is considered the Proposals comply with this requirement, as well as Policy 7 of NPF4, and EP8 of the LDP.

*Sports Facilities (iv)*

Whilst Scottish Planning Policy (SPP) has been replaced by NPF4, there remain requirements within NPF4 to ensure the retention and provision of outdoor sports facilities.

It is noted that whilst there will be the loss of an existing outdoor sports facility at the site, there is alternative, much larger and better-quality sports and play space provision close to the site to the North-East. This is noted in the Applicant's supporting statement which further notes there is the new school campus at Priors Road (approx. 1.2 miles away to the north) which provides new sports facilities which are a further betterment to the current situation. Modest play space provision is also proposed on the site, which will be secured by condition, including its design and there will be a developer's contribution towards off-site play space. SportsScotland have raised no objection to the Proposals. It is considered the Proposals comply with this requirement, as well as Policy 21 of NPF4, and IS2 of the LDP.



### *Trees / Structure planting and screening (v and vii)*

The tree/hedge group along the west boundary will be retained, as well as trees on the east boundary. Unfortunately, a number of existing trees at the site will be removed to facilitate the development.

Discussions were held with the Applicant, and suggestions made to save some of the better specimen trees, and the row of trees along the east boundary. However, the retention of these trees would result in a number of units having to be removed. Whilst unfortunate, a number of new trees, hedges and habitats have been proposed in communal/shared areas, which will enhance the provision within the site and provide biodiversity enhancements, alongside structure and screening, and as such on balance, given these enhancements and the need for affordable homes, the loss of existing trees is considered acceptable. Subject to conditions to secure a landscaping plan, and landscape and habitat management plan, it is considered the Proposals comply with these allocation requirements, as well as Policy 3 and 6 of NPF4, and EP13 of the LDP.

### *Design (scale and massing, street frontage, internal street connectivity) (vi and viii)*

Much of the site forms a large informal green space within the local area, which is well used by the local community, and as such does have prominence in character. This character has been retained by the retention of green space on the street frontage, with strong building lines, which are articulated, and appropriate in terms of scale and massing. This has been emphasised as a requirement by SBC officers, and revisions to the scheme have provided a street frontage which has strong building lines, but softened through design, materials, and the siting of open spaces and landscaping.

The residential buildings proposed are in character with those surrounding and will respect the residential amenity of existing neighbouring properties, see part a) (LDP) for further assessment of residential amenity. A condition will be used should the application be granted to secure the external treatments of the buildings, to ensure the massing is articulated and provides visual amenity, be it through the use of materials and/or fenestration.

In terms of internal street connectivity, this has been considered in the design, and again after revisions and requests from SBC's officers, a path network has been created for pedestrians, and suitable roads and access layouts. The paths to be created in the north-west corner and SUDS corner of the site, will help improve connectivity to the site, allowing local residents to move through and around the site. Subject to conditions to secure the landscaping, the north-west corner path and SUDS area, it is considered the Proposals comply with these allocation requirements, as well as Policy 14, 15 and 16 of NPF4, and Policy PMD3, PMD5, HD3 and ED3 of the LDP.

### *Pedestrian links, existing and potential for new link in North-West corner to Grieve Avenue (ix)*

A number of pedestrian links have been included in the Proposals, including a new informal link in the north-west corner connecting to Grieve Avenue. Whilst initially SBC's Road Planning Service (RPS) Officer sought a formal/adopted path, after further review discussions with the Applicant, this was considered to be unsuitable, given the steep gradient of this part of the Site, and would result in a winding accessible path, which would result in the loss of existing habitat and trees, harming the existing character of this area of the Site and creating an awkward and undesirable route for many. An accessible route along the south/west boundaries of the Site still exists, so

an informal solution was proposed, which sought to limit intervention, and would be much more in character with its surroundings. The solution utilises timber, and gravel steps and path, and it was agreed this solution would be much more suitable and desirable route for future users.

Plots 14 and 15 were re-sited further north to open the area up and additional landscaping was provided to help provide a sense of entrance to the path. SBC's Heritage and Design Officer advised the security of the route should be considered to ensure safe use. A condition will require the submission of further details of the north-west path for approval. Further paths and links have been proposed through the site, along the green space and SUDS area.

SBC's RPS officer raised no objection to the Proposals, subject to conditions and informatives, which would secure accessible routes at the site, including each dwellinghouse to be served by a consolidated and surfaced footpath/shared surface prior to occupation. It is considered the revised drawings are acceptable and promote accessibility within the site, and it is considered the Proposals comply with this allocation requirement, as well as Policy 1, 2, 13, 14 and 15 of NPF4, and PMD2 and IS6 of the LDP.

#### *Transport Statement (x)*

A Transport Statement was provided with the Application, as no objections have been raised by SBC's RPS officer, subject to conditions, it is considered acceptable and in compliance with the allocation requirement, as well as Policy 13 and 18 of NPF4, and PMD2, IS4, IS6 and IS7 of the LDP.

#### *Contaminated Land (xi)*

As previously noted in part a) of the assessment, SBC's EHO has raised no objection and recommended a condition for a site investigation to take place to consider this and for any resulting remediation strategy to be conditioned.

#### *Water Impact Assessment (xiv)*

A Water Impact Assessment has not been provided, however consultation with Scottish Water has raised no objections, and it is noted there is water and wastewater capacity, subject to a Pre-Development Enquiry (PDE) Form being submitted directly to Scottish Water.

#### c) Layout / Placemaking

NPF4 Policy 14, seeks proposals to be designed to help improve the quality of an area, and promote the six qualities of successful places; healthy, pleasant, connected, distinctive, sustainable and adaptable. Similarly, Policy 15 seeks to promote local living and 20-minute neighbourhoods.

Policy PMD2 of the LDP and the Councils SPG on Placemaking and Design strives to ensure that all new development is of a high quality, and it respects the environment it is contained within.

With these principles in mind, a number of revisions were made to the site layout to help meet placemaking principles and provide a development of high quality and amenity. The surrounding area is of poor quality in some cases and the proposed development was seen as an opportunity to help improve the quality, appearance and

amenity of the area. Providing a strong site frontage onto Howdenburn Drive, was seen as key, alongside enhancing habitats and biodiversity, and improving and retaining active travel connections (paths), as per the LDP2 allocation.

Following negotiation with Council officials, it is considered that the latest proposed layout provides a good layout, which provides a high quality development, of high amenity value, which is accessible, retains and enhances much of the site's character, and enhances biodiversity, whilst providing much needed housing.

Whilst it is acknowledged the area of green space will reduce, it is considered the quality of it will be much improved. The proposed open spaces will be key to the success of the proposals, but further detail is required. Similarly, a Landscape Plan will be conditioned, which will secure play space, street furniture, public art and education features, as well as planting/hedging to help provide a sense of place and improve the quality of the spaces, promoting community ownership.

Car parking spaces have been limited to meet the necessary minimum requirements, to avoid a visually car-dominant development and parking courts have been placed in less prominent locations, with their edges greened with hedging and trees to soften them visually. Internal and external connections for active travel are also proposed.

The layout proposed layout will provide an acceptable amount of private amenity space for residents which meets SBC's Privacy and Sunlight Approved Planning Guidance. Waste storage is also provided, and it is considered acceptable in terms of accessibility by SBC's Refuse officers.

Subject to conditions to secure appropriate levels of landscaping, the north-west corner path and SUDS area, it is considered the proposals provide a layout which respects the character of the existing site, promotes placemaking and will provide a high-quality development, which will improve the quality of the surrounding area. The proposal complies with NPF4 Policy 12, 14, 15, 23 and 31, and LDP Policy PMD2.

d) Design and appearance

As per part a), b) and c) of this assessment, the general design and layout of the proposals, and house types are considered acceptable, subject to conditions which will provide further clarity on design and materials. This includes details of the external finish materials, and the elevations of the housing to ensure the massing's are articulated, with fenestration and provide visual amenity, and surveillance.

Furthermore, for the wider design and layout, particularly in terms of providing a strong frontage to Howdenburn Drive, green spaces, accessible routes and landscaping, as per part c) above, conditions are recommended. This will ensure the character and setting of the proposals are appropriate.

Subject to these aforementioned conditions, the latest revised drawings are acceptable, and will provide a high-quality design and appearance in compliance with Policies 1, 2, 13, 14 and 15 of NPF4, and PMD2 and IS6 of the LDP.

e) Residential amenity

As noted in part a) of the assessment, it was considered that the Proposals retained an acceptable level of residential amenity for existing residents and complied with part e) of LDP Policy PMD5 and ED5.

When considering the future residents' amenity, the layout and design of the proposal is considered acceptable and promotes good placemaking as per part c) and d) of this assessment. Adequate private green space is provided in each residential unit proposed, meeting the requirements of SBC's Privacy and Sunlight Approved Planning Guidance.

A potential concern is noise levels from the Air Source Heat Pumps (ASHPs) raised in public comments and the substation sited close to the north boundary by SBC's EHO. With regards to the ASHPs a pre-installation condition is recommended, which would seek further details of the ASHPs specification, siting and noise levels to ensure acceptable noise levels for residents.

With regards to the substation, this will be reviewed and approved by SBC's Building Standards Service, and thereafter noise levels will be controlled to an acceptable level by SBC's EHO. Subject to a condition being applied to control the ASHPs, the proposals are in compliance with NPF4 Policy 14 and 16, and LDP Policy PMD3, PMD5, HD3 and ED3.

f) Parking, access and roads safety

SBC's Roads Planning Service have raised no objections to the proposals, subject to a condition to ensure each dwellinghouse has a consolidated and surfaced carriageway, parking area and footpath/shared surfaces prior to occupation. There are considered to be no concerns in terms of additional traffic and parking on Howdenburn Drive as raised in public comments, nor the condition of and lack of alternatives to Oxnam Road to access the area.

The level of parking will meet the minimum requirement for the 70 no. of housing units. There will be a need for electric vehicle (EV) charging, but this will be captured by SBC Building Standards. No concerns have been raised in terms of waste and recycling access, by SBC's Refuse team. The proposals are acceptable in terms of parking, access and roads safety, and complies with Policy 13 and 18 of NPF4, and PMD2, IS4, IS6 and IS7 of the LDP

g) Trees

As noted in part b) of this assessment, the proposals will result in the loss of some existing trees. This will be mitigated by planting number of new trees, hedges and further landscaping.

The existing trees and hedges will be protected during the construction phase as suggested by the Arboriculture Impact Assessment (AIA). Ensuring these are secured by condition will be necessary, via compliance with a Construction Environmental Management Plan (CEMP) and/or the AIA.

Concerns were raised by SBC's Landscape and Tree Officer with regards to whether the group of trees/hedges along the west boundary of the Site would be damaged with the potential need for earthworks to create rear private gardens for new residential dwellings. The Applicant noted whilst much of the Site's levels will be retained as they are, although there may be some earthworks required, particularly near the south-west corner of the Site. To prevent these works harming this tree/hedge group on the west boundary, a condition for the levels of the site to be submitted for approval can be sought, should the application be granted. Subject to conditions to secure a landscaping plan, a landscape and habitat management plan, a CEMP and site levels

details, it is considered the Proposals comply with these allocation requirements, as well as Policy 6 of NPF4, and EP13 of the LDP.

h) Landscape

The Site is considered to be of limited landscape value in terms of long-range views or similar, with no landscape-related designations in the LDP (or LDP2) and is surrounded by existing development within the settlement boundary. Whilst there have been considerations in terms of local character, setting and trees (soft landscaping), these have been covered in other sections of this assessment.

SBC's Landscape and Officer raised no objection, subject to conditions and a number of issues being addressed. These issues have been addressed in the assessment of this report and will be secured by condition.

i) Developer Contributions

Policy IS2 of the LDP is relevant and is supported by approved SPG on development Contributions.

As previously noted, the site will be 100% affordable housing, and as such the development will be exempt from most developer contributions, in exception of play space contributions. A financial contribution towards off site place facilities is preferred at a rate of £500 per dwelling unit (£35,000 total). The developer has agreed to meet this requirement which can be secured through a legal agreement. Subject to the conclusion of a legal agreement for space contributions, the proposed development will comply with the requirements of NPF4 Policy 16 and 21, and Policy IS2 of the LDP.

j) Any other material considerations or issues?

The following issues were raised in public comments and are considered below:

*Health issues from development*

It is unclear which specific health issues were being referred to, but as noted in part e) of this assessment, the proposals are considered to provide an acceptable level of residential amenity and promotes a healthy and accessible place. The assessment has considered forms of pollution, such as noise, air, odour and vibration, and the Proposals are considered to be in compliance with NPF4 Policy 14 and 16, and LDP Policy PMD3, PMD5, HD3, EP16 and ED3.

*Limited education and healthcare capacity*

No education or healthcare capacity concerns have been raised or identified from internal SBC consultations, and it is considered the Proposals are in compliance with NPF4 Policy 18 and LDP Policy IS1. Members will be aware that healthcare capacity is for the healthcare provider to address, independently of the planning process. Where sites are identified for housing, or in this case redevelopment opportunity, the Health Board are consulted, along with other stakeholders, through the Local Development Plan process and have at that point, the opportunity to raise any concerns regarding capacity.

Other issues such as employment opportunities, supermarket provision, impacts on solar panels, loss of view and impacts on property prices have been considered but do not raise any material planning considerations. Members will be aware that

potential impacts on property prices and a loss of view are not material planning considerations.

## **CONCLUSIONS**

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the development plan (and the emerging Local Development Plan 2) and there are no material considerations that would justify a departure from these provisions.

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

I recommend that the application be approved, subject to a legal agreement (covering development contributions towards play space) and the following conditions:

1. The residential units hereby approved shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Local Development Plan 2016 (and emerging Local Development Plan 2) and accompanying supplementary planning guidance and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority.  
Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would attract contributions to infrastructure and services, including local schools.
2. No development shall commence until precise details (including samples, where requested by the Planning Authority) of all external wall and roof materials for the approved buildings (which shall include more than one wall render colour), and full details of the surfacing of all shared surfaces and footways have first been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.  
Reason: To ensure the material finishes respect the character and appearance of the surrounding area.
3. Notwithstanding the details shown on the plans hereby approved, no development shall commence until revised elevation drawings of House Type B, C, D, G1/G2/G3 and M have first been submitted to and agreed in writing with the Planning Authority. The amended elevations shall include additional architectural interest through the use of additional and complementary materials as well as adjustments to the fenestration. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.  
Reason: Further details are required to ensure the external appearance of the colony units respects the character of the surrounding area.
4. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority, thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority. Details of the scheme shall include:
  - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
  - ii. soft and hard landscaping works
  - iii. precise design of nodes/feature planters

- iv. a programme for completion and subsequent maintenance
  - v. public art, play space, street furniture and education boards
- Reason: To ensure the satisfactory form, layout and assimilation of the development.

5. No development shall commence until precise details of the design of the SUDS scheme has first been submitted to and approved in writing with the Planning Authority. The sustainable urban drainage system shall comply with CIRA C753 SuDS Manual. Once approved the development shall be carried out in strict accordance with the agreed details. Prior to occupation of the first dwellinghouse hereby approved written evidence shall be supplied to the planning Authority that the development has been connected to the public water drainage network.  
Reason: To ensure that the development does not have a detrimental effect on public health or ecological interests.
6. No development shall commence until a scheme of details relating to the following pedestrian improvements has first been submitted to and agreed in writing with the Planning Authority. Thereafter, the development shall be completed in accordance with the agreed details. The details shall include (i) improvements to the pedestrian route to the north-west of the Site to/from Grieve Avenue (ii) creation of a pedestrian link in the south-east corner of the Site from Howdenburn Drive, through the Proposed SUDS Area and (iii) a programme for completion.  
Reason: To ensure that the development hereby approved is served by appropriate pedestrian facilities upon completion.
7. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Planning Authority.  
Reason: To ensure that the development of the estate proceeds in an orderly manner.
8. No development shall commence until a Construction Traffic Management Plan has first been submitted to and agreed in writing with the Planning Authority and thereafter the development shall be completed in accordance with the agreed details. The details shall include (i) access arrangements for construction traffic (ii) temporary traffic measures required during the construction period (iii) access arrangements for staff traffic during the construction phase.  
Reason: To ensure the traffic associated with the construction of the development does not have a detrimental impact on the existing road network within the vicinity of the site and its users.
9. No development shall commence until a scheme submitted by the Developer to identify and assess potential contamination on site has first been submitted to and approved in writing by the planning authority. Thereafter no construction work shall commence unless in strict 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.

10. No development shall commence until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.  
Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

11. No development shall commence until written evidence is provided to the Planning Authority that mains water and foul drainage connections are available to serve the development. All public mains services shall be provided prior to occupancy of the dwellinghouses hereby approved and shall be maintained thereafter throughout occupancy of the dwellinghouses.

Reason: To ensure the development is adequately serviced and to maintain existing surface water run-off levels from the site.

12. No development shall commence until a Construction Environmental Management Plan has first been submitted to and agreed in writing in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure that trees and residential amenity which will be affected by the development are afforded suitable protection during the construction and operation of the development.

13. Prior to occupation of the first dwellinghouse a scheme of street lighting details shall be submitted to and agreed in writing by the Planning Authority and thereafter the lighting shall be installed as per the approved details.



Reason: In the interests of road and pedestrian safety and to safeguard residential amenities and limit light pollution.

14. No development shall commence until a Landscape and Habitat Management Plan, including measures to protect wildlife and light pollution in accordance with the Preliminary Ecological Appraisal (TD Tree & Land Services Ltd, September 2023), shall be submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved scheme.

Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.

15. Notwithstanding the details shown on the drawings hereby approved, no development shall take place until a revised site plan showing all existing and proposed ground levels, as well as finished floor levels of the dwellings and their private amenity spaces hereby approved, has been submitted to and approved in writing by the planning authority. Thereafter the development shall be completed in accordance with the approved plan. The revised plan should ensure that the finished floor levels of all residential properties are satisfactorily above the adjoining finished ground levels.

Reason: To mitigate surface water flood risk and impacts to existing trees/hedges.

16. Prior to installation, details of the Air Source Heat Pumps (ASHPs) including specification, siting and noise levels shall be submitted to and agreed in writing by the Planning Authority and thereafter the ASHPs shall be installed as per the approved details, and kept in perpetuity, unless otherwise agreed in writing.

Reason: To ensure acceptable noise levels for residential amenity.

17. Prior to commencement of development, biodiversity enhancements in accordance with those proposed in the Preliminary Ecological Appraisal (TD Tree & Land Services Ltd, September 2023), shall be submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved biodiversity enhancements scheme and shall be completed prior to occupation of the 65<sup>th</sup> residential unit.

Reason: To ensure the development provides biodiversity enhancements for species and habitats in accordance with Policy 3 of NPF4.

18. The proposed roads, footpaths and parking spaces/areas indicated on the approved drawings shall be constructed to ensure that each dwellinghouse, before it is occupied, shall be served by a properly consolidated and surfaced carriageway, parking area and footpath/shared surface.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and pedestrians.

19. No development shall take place, except in strict accordance with the recommendations of the Arboricultural Impact Assessment (TD Tree & Land Services Ltd, September 2023), including the protection of retained trees, and works and removals of trees.

Reason: To protect the existing trees which will be retained and ensure works are undertaken by arborists with the appropriate insurance and qualifications and approved contractors of the Arboricultural Association

## Informatives

1. The applicant shall give consideration to the provision of electric vehicle charging points and associated infrastructure.
2. All prospectively adoptable roads, pavements and associated infrastructure will require Road Construction Consent. The applicant should discuss this separately with the Council's Roads Planning Service to establish the scope and requirements of Council adoption.
3. All works within the public road boundary must be undertaken by a contractor first approved by the Council.
4. Please note Scottish Water's consultation comments and that all proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water.

## DRAWING NUMBERS

| <b>Drawing Number</b> | <b>Plan Description</b>                | <b>Date</b> |
|-----------------------|--|-------------|
| LOC01                 | Location Plan                          | 22.09.2023  |
| L(01)01 Revision G    | Site Plan                              | 06.09.2023  |
| L(02)B.10 Revision E  | House Type B Plans and Elevations      | July 2023   |
| L(02)C.10 Revision D  | House Type C Plans and Elevations      | July 2023   |
| L(02)D.10 Revision B  | House Type D Plans and Elevations      | July 2023   |
| L(02)G.12 Revision C  | House Type G1/G2/G3 Elevations         | July 2023   |
| L(02)G.10 Revision C  | House Type G1/G3 Plans                 | July 2023   |
| L(02)G.11 Revision C  | House Type G2/G3 Plans                 | July 2023   |
| L(02)G.13             | House Type G2/G3 Plans varied position | July 2023   |
| L(02)M.10 Revision B  | House Type M Plans and Elevations      | July 2023   |
| L(04)01 Revision B    | Streetscapes 1                         | March 2023  |
| L(04)02 Revision C    | Streetscapes 2                         | March 2023  |
| L(04)03 Revision B    | Streetscapes 3                         | March 2023  |
| L(04)04               | Streetscapes and Site sections 4       | March 2023  |
| 22-154-30 Revision D  | Levels Layout                          | 06.04.2023  |
| L(01)10 Revision E    | Fencing and Boundary Finishes          | 06.09.2023  |
| L(01)11 Revision D    | SUDS area Landscape Strategy           | 06.09.2023  |
| L(01)12 Revision E    | Landscape Strategy                     | 06.09.2023  |
| 22-154-20 Revision E  | Drainage Layout                        | 19.12.2022  |
| 22-154-40 Revision B  | SPA REFUSE VEHICLE                     | 03.03.2023  |

**Approved by**

| Name       | Designation                        | Signature |
|------------|------------------------------------|-----------|
| Ian Aikman | Chief Planning and Housing Officer |           |

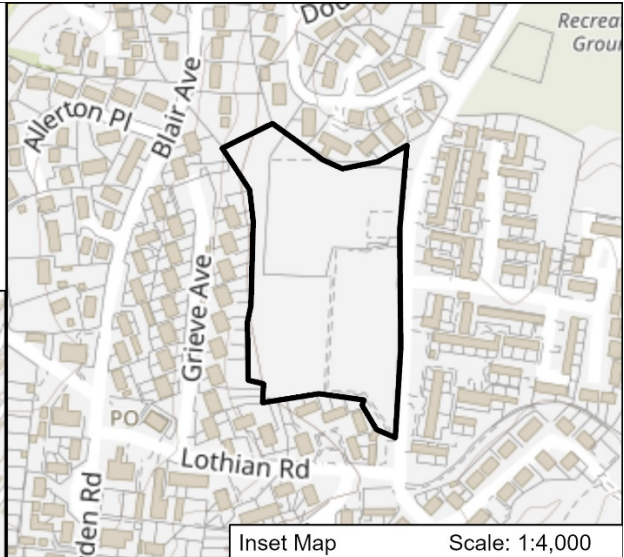
The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

**Author(s)**

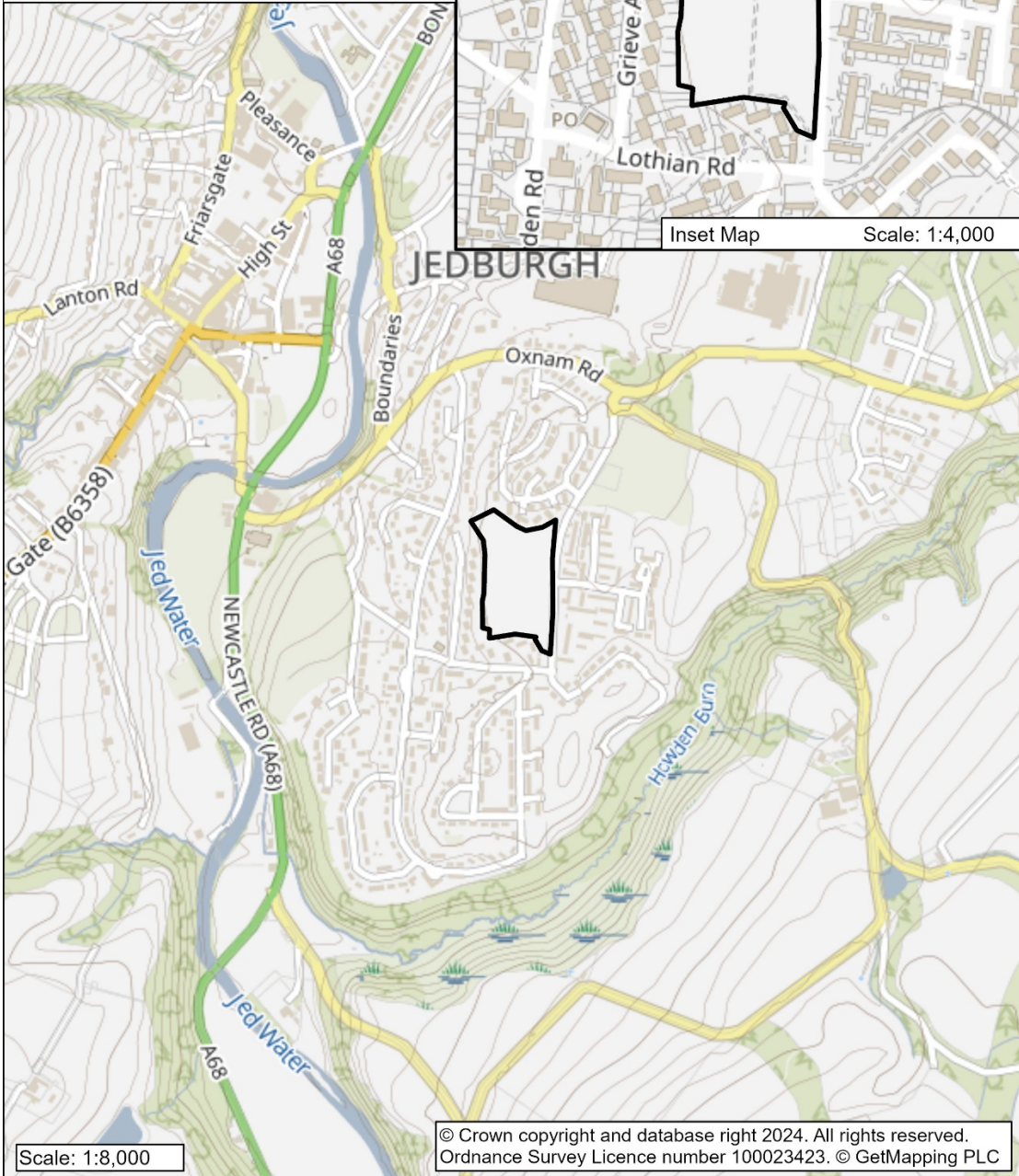
| Name      | Designation                  |
|-----------|------------------------------|
| Kyle Wise | Peripatetic Planning Officer |



23/01466/FUL  
Former Howdenburn Primary School,  
Jedburgh



Inset Map Scale: 1:4,000



Scale: 1:8,000