

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/01173/FUL	Erection of 39 dwellinghouses, 2 flats and associated infrastructure (Phase1)	Land North of 24 Sergeants Park,
15/01156/FUL	Erection of 10 dwellinghouses, 2 flats and associated infrastructure (Phase 2)	Newtown St Boswells

DECISION: Approved applications 15/01155/FUL and 15/01156/FUL, subject to the following conditions and informatives:

1. The proposed residential units shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Consolidated Local Plan Adopted 2011 and any 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 not comply with development plan policies and guidance with respect to contributions to infrastructure and services, including local schools.
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, unless otherwise approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
3. 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. This to include the provision of footpath links to the land to the east and west of the site.
Reason: To ensure that the development proceeds in an orderly manner.
4. Notwithstanding the description of the materials in the application, no development shall be commenced until a sample of all materials to be used on all exterior surfaces of the development hereby permitted (including walls, roofs, window frames, external doors, boundary walls and fences) has been submitted to and approved in writing by the Planning Authority and thereafter no development shall take place except in strict accordance with those samples.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
5. Details of the lighting within the site to be submitted to and approved in writing by the Planning Authority before the development commences. The lighting then to be installed as per the approved details.
Reason: Reason: In the interests of road and pedestrian safety and to safeguard residential amenities and limit light pollution.
6. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Planning Authority. As a minimum this should outline how the site will comply with the British Standard 5228:2009 Code of Practice for noise and vibration control on construction and open sites and should include the hours of construction, vehicle movements, protection and monitoring of private water supplies, noise mitigation, equipment maintenance, dust mitigation and management and a complaints

procedure/communication of noisy works to receptors. The development then to be carried out in accordance with the approved Construction Method Statement.
Reason: To safeguard residential amenities.

7. No development to commence until a scheme detailing proposals for sustainable drainage (SUDS) surface water treatment has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA. The development to be completed in accordance with the approved scheme. The scheme shall be developed in accordance with the technical guidance contained in [The SUDS Manual](#) (C753) and should incorporate source control.

Reason: To ensure adequate protection of the water environment from surface water run-off.

8. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:

- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
- ii. location of new trees, shrubs, hedges and grassed areas;
- iii. schedule of plants to comprise species, plant sizes and proposed numbers/density;
- iv. programme for completion and subsequent maintenance.
- v. hedge enhancement and supplementary tree planting on the site boundaries with particular regard to the western boundary of the application site.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

9. No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.

Reason: The existing trees represent an important visual feature which the Planning Authority considered should be substantially maintained.

10. Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a heras or similar fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
- (b) No fires shall be lit within the spread of the branches of the trees;
- (c) No materials or equipment shall be stored within the spread of the branches of the trees;
- (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
- (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

11. No hedges within or on the boundaries of the application site shall be removed, damaged or disturbed in any way without the prior consent of the Planning Authority.

Reason: The existing hedges represent an important visual feature which the Planning Authority considered should be substantially retained and maintained.

12. Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a heras or similar fence 1.5 metres high placed at a minimum distance of 2.0 metres from the edge of the hedge, and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the hedges so retained shall not be altered.
Reason: In the interests of preserving the hedges which contribute to the visual amenity of the area.
13. A design statement and strategy for the detention basin to be submitted to and approved in writing by the Planning Authority before the development commences. This to include proposed levels and a detailed planting scheme (including a timescale for completion and details of future maintenance). The development then to be completed in accordance with the approved scheme.
Reason: To enhance the basin as a local amenity.
14. Detailed drawings showing how the proposed changes of level within the site will be achieved, including sections, existing and proposed ground levels, any retaining walls and how the ground around trees and hedges will be treated, to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved details.
Reason: To safeguard trees and hedges within the site.
15. The existing hedges on the site boundaries to be outwith the garden ground of the dwellinghouses hereby approved, unless otherwise agreed with the Planning Authority, and to be separated from the garden ground of the dwellinghouses by a post and wire fence or similar, erected prior to the occupation of the dwellinghouses, the details of which are to be submitted to and approved by the Planning Authority before the development commences.
Reason: In the interests of preserving the hedges which contribute to the visual amenity of the area.
16. No development of any sort to take place within the buffer zones at any time. Where proposed fence posts are to be erected beneath tree canopies, the developer shall carry out all excavation by hand digging where necessary, taking such further precautions as may be necessary to prevent any damage to any tree or its root system.
Reason: To safeguard the buffer zones from development to protect the existing mature trees within and adjacent to the site.
17. Prior to the commencement of works on the site a Species Mitigation and Management Plan (including a Badger Protection Plan and measures for bats and breeding birds) to be submitted to and approved in writing by the Planning Authority. All works shall thereafter be carried out in accordance with the approved plan.
Reason: To protect protected species within and adjacent to the site.
18. Prior to the commencement of works on-site a Construction Environmental Management Plan to be submitted to and approved in writing by the Planning Authority. This to include measures to prevent pollution, as identified in the Preliminary Ecological Appraisal 2015 and the consultation responses from Scottish Natural Heritage and SEPA. All works shall thereafter be carried out in accordance with the approved plan.
Reason: To control drainage and pollution to protect the interest of the River Tweed SAC/SSSI.
19. Prior to the commencement of works on-site a Landscape and Habitat Management Plan to be submitted to and approved in writing by the Planning Authority. This to include measures to protect and enhance hedgerow and woodland boundary features, as identified in the Preliminary Ecological Appraisal 2015, and measures associated with the SUDS

feature. All works shall thereafter be carried out in accordance with the approved plan.
Reason: To protect and enhance hedgerow and woodland boundary features.

20. The surfacing for the proposed roads, footpaths and parking spaces shall be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved details.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and in a manner which enhances the character and visual appearance of the development.

21. The proposed roads, footpaths and parking spaces/areas indicated on the approved drawings shall be constructed to ensure that each dwellinghouse/flat, 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.

22. The right of way along the southern boundary of the site to be upgraded, as per Drawing Number PL1-01D, before the first dwellinghouse is occupied. The right of way then to be kept open and free from obstruction or encroachment during the construction of the dwellinghouses and thereafter.

Reason: To ensure the right of way remains open and free from obstruction.

23. No development shall take place until written evidence has been submitted to the Council demonstrating that a connection to the public sewer has been agreed by Scottish Water and that the existing drainage infrastructure is sufficient to accommodate the additional demand generated by the development hereby permitted, including in relation to the sewer capacity between the application site and the treatment works.

Reason: To ensure that a connection can be made to the public system to discharge foul waste generated by the development in a manner that does not adversely affect the existing drainage network.

Informatives

In respect of condition 6, the Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used. The following are the recommended hours for noisy work:

Monday – Friday 0700 – 1900

Saturday 0700 – 1300

Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council).

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites. For more information or to make a request to carry out works outside the above hours please contact an Environmental Health Officer.

The consultation response from SEPA, Scottish Natural Heritage and the Council's Ecology Officer and Landscape Architect are attached for the information of the applicant.

NOTE

Mr Dennis De'Athe spoke against the application.