

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

5 SEPTEMBER 2016

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 16/00747/FUL
OFFICER:	Mr C Miller
WARD:	Tweeddale West
PROPOSAL:	Alterations and extensions to care home
SITE:	Peebles Nursing Home, Tweed Green, Peebles.
APPLICANT:	Mansfield Care Ltd
AGENT:	D & H Farmer

SITE DESCRIPTION:

Peebles Nursing Home is situated in Peebles Conservation Area near the River Tweed. It is a substantial detached building, formerly several dwellings converted into a single use some years ago. It is essentially a two-storey traditional stone and slate building with various extensions added incrementally on the front and rear over time.

The western frontage faces onto Tweed Green. The southern end is demarcated by the end of the building and adjoins a pedestrian lane connecting Tweed Green to Tweed Avenue. On the opposite side of the lane is the dwelling known as Priorsford. The eastern walled boundary aligns with Tweed Avenue. On the opposite side of the public road is a private residence (1 Tweed Avenue) and a large hall known locally as the Drill Hall. The northern boundary wall adjoins a long traditional building occupied by a local business.

A range of photographs submitted as part of the application package show in some detail the external appearance of the building which is not statutorily listed.

PROPOSED DEVELOPMENT:

The development comprises the following elements:

- alterations to western (frontage) boundary wall comprising:
 - reinstatement of northern section to former height
 - rebuild of southern section to match height of northern section (height to match either side of pedestrian opening)
- demolition of 2 no. existing single storey front extensions
- erection of 2 no. new flat-roofed single storey extensions on front elevation to provide day room and extension to existing day room
- partial downtakings at ground floor level on rear (east) and side (north) elevations, followed by erection of 3 no. single storey extensions to provide a laundry room, additional bedrooms and associated rooms/passages

The building and curtilage of the Nursing Home were heavily flooded when existing flood defences provided by gates and walls were overwhelmed at the end of 2015. A number of properties suffered the same fate in the Tweed Green locality and, like

those other properties, the Nursing Home requires extensive repairs to be undertaken before it can be brought back into use.

The property owners have taken the opportunity to re-evaluate the future requirements of the nursing home, and therefore although in part the works are borne out of an ambition to improve flood resilience, the development also seeks to enlarge and rationalise available rooms/accommodation. The Design and Access Statement explains the rationale, including the reinstatement of the front wall to a previous height and the replacement of the front conservatory which was damaged in the last flood event. Although there is increased demand for places, the owners seek to reduce the number of double rooms in the home and provide additional bedrooms on the ground floor.

PLANNING HISTORY:

09/01135/FUL – Alterations to roof, dormer window and installation of three rooflights – APPROVED

00/00359/FUL – Formation of door in boiler room, extension to boundary wall, erection of gates and installation of satellite dish – APPROVED

93/01473/FUL – Alterations to building, removal of garage, portakabin units with link corridor – APPROVED

92/01312/FUL – Erection of extension – APPROVED

90/01392/FUL – Alterations and extension - APPROVED

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning: Objects to application as the proposal will result in a loss of parking and turning abilities within the site, resulting in only three remaining spaces on site and the need to reverse out onto a street with restricted parking and boundary walls.

Social Work: Supportive as a care home is required in this area. Ensure all flood defences are in place.

Flood Protection Officer: The consultee raises an objection to the proposals. A summary of the consultation response is as follows:

- SEPA material indicates that the site is at risk from a flood event with a return period of 1 in 200 years (0.5% annual risk of a flood occurring in any year).
- The property was affected by flooding during December 2015 from the River Tweed, at an estimated 1 in 55 year flood event leading to evacuation.
- The extensions are substantial and will both result in flood plain storage loss and place people and property at further risk of flooding.
- A Flood Risk Assessment could be provided but is advised against as there is no real prospect of compensatory storage close to the site.

- If the reinstatement of the boundary wall is back to an original height, then object as has the potential to increase flood risk to other properties.
- Flood resilient materials are necessary.

Archaeology Officer: No known implications.

Estates Officer: Response awaited.

Statutory Consultees:

SEPA: Objects to the application as it lies within functional floodplain and will place greater numbers of vulnerable residents at risk of flooding, quoting the position of the Nursing Home within the medium flood risk zone of SEPA maps and quoting the recent flood event last December when flood defences were breached and residents had to be relocated/evacuated. Accepts all parts of the application except the extensions which increase the ground floor bedrooms from 9 to 15, exposing to risk increased numbers of vulnerable residents.

Includes a series of photographs to back up objections referring to Storms Frank and Desmond.

If the Council are minded to approve the application, then notification to the Scottish Ministers would be necessary.

Peebles and District Community Council: Response awaited.

Non Statutory Consultees:

Peebles Civic Society: No objections.

REPRESENTATION SUMMARY

None.

CORRESPONDENCE SUBMITTED DURING CONSIDERATION PERIOD OF THE APPLICATION:

Members should note the response of the agent dated 28 July with amended plans. It will be noted that further information is intended to be submitted including a detailed evacuation procedure and a Flood Risk Assessment for increased resilience. At the time of writing this report, there has been no information submitted.

DEVELOPMENT PLAN POLICIES:

Proposed Local Development Plan 2016:

- PMD1 - Sustainability
- PMD2 - Quality Standards
- HD3 – Protection of Residential Amenity
- EP9 – Conservation Areas
- IS7 – Parking Provisions and Standards
- IS8 - Flooding

OTHER PLANNING CONSIDERATIONS

National Policy and Advice:

- Scottish Planning Policy (2014)
- Online planning advice on flood risk (June 2015) – NB this publication supersedes Planning advice Note (PAN) 69
- The Flood Risk Management (Scotland) Act 2009

KEY PLANNING ISSUES:

The key planning issues with this application are whether the proposed development would be compatible with the character of the building in its Conservation Area setting and whether the proposed development would both increase the flood risk to vulnerable residents and materially increase the flood risk to other properties.

ASSESSMENT OF APPLICATION

This application, together with the other applications presented to the Committee in the Tweed Avenue/Green area, would normally have been determined through delegated powers in that the recommendation is one of refusal for a “Local” category of application. However, given the overall flood risk issues in the area and the need to determine the applications on a coherent and consistent basis taking into account cumulative impacts as well as those of potential precedent, it was considered appropriate to present the applications to Committee for determination, enabling full discussion on the matters and allowing applicants the opportunity to state their cases.

Policy and Flood Risk

Scottish Planning Policy (SPP) promotes a precautionary approach to flood risk. The planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. The Local Development Plan expands further within Policy IS8 by stating that new development should not be in areas where there is a significant risk of flooding and should not result in reduction or interference with functional flood plain operation.

These aims principally apply to new development. In the case of existing development and properties that already lie within such flood areas, there has to be sympathy with property owners who wish to secure their properties against further flooding and damage. This proposal partly relates to proposed mitigation against flooding of the property, following the floods in December 2015/Jan 2016. A number of properties suffered the same fate in the Tweed Avenue/Green locality and, like those other properties, Peebles Nursing Home has had to undergo extensive repairs in the first half of 2016.

As Members will note, the Council has discussed the flooding with residents of Tweed Green and Tweed Avenue and is working towards a way of providing increased protection to the “at risk” homes in Peebles. This would be designed on the basis of a Property Level Protection Scheme where the aim has to be to stop or reduce the ingress of water into the actual properties themselves – rather than their curtilages. Government money is being made available through this scheme and meetings continue with residents about the solutions available under this scheme.

In terms of this application, and the other two presented to the same Committee meeting, the issue is not whether the Council can support the protection of properties on a case-by case basis, but whether the protection they now seek to their curtilage boundaries will materially increase the probability of flooding to other properties, contrary to SPP and LDP Policy IS8. The Council has a duty to ensure that this would not be the case, especially when faced with accumulation of such curtilage protection schemes at Tweed Green. In addition, this proposal seeks to add new floorspace to the ground floor in several locations, not all being straightforward replacement. This additional floorspace is seen as a reduction in the capacity of the functional floodplain.

Furthermore, both SEPA and the Flood Protection Officer object to the increase in numbers of vulnerable residents within the property and across the ground floor, stating that this is against Scottish Planning and Local Development Plan Policies in terms of siting high sensitivity uses within functional flood plains.

The Council's Flood Protection Officer advises that a recent Flood Risk Assessment showed that increasing the ground level at the Gytes would increase the flood risk at Tweed Green. The advice is that, without a Flood Risk Assessment (FRA) being undertaken to show that this work would not increase the risk to other Tweed Avenue residents, the Council should not be approving such applications.

Although a Flood Risk Assessment has been suggested by the Flood Protection Officer, he is not expecting to lift his objections given the lack of opportunities to create local compensatory storage. In his opinion, the displacement of flood water within the functional floodplain caused by the new and enlarged extensions would be likely to have material consequences on other properties in the Tweed Green area. This may not only lead to flooding of properties not previously flooded but also raise flood water levels in properties previously flooded. It also seems unlikely that SEPA would withdraw their objection as theirs is to the principle of increasing risk to vulnerable residents within a floodplain.

The issue of the raising of the front wall has been mentioned by the applicant for Priorsford but has not been objected to by SEPA. The Flood Protection Officer opposes the raising of the wall back to former levels, consistent with his response to building or raising of walls elsewhere in the vicinity. The wall appears to have been at a lower height for some considerable time and it is difficult to agree with SEPA's acceptance of it being raised again, especially when the application seeks to place a temporary flood gate in the current frontage gap. This is, again, the sort of displacement of flood water and curtilage protection that has concerned the Flood Protection Officer on the other two applications being presented to the Committee and simply contributes to the concerns over material impacts on other properties, on a cumulative basis.

Unless satisfactory information is submitted through a Flood Risk Assessment and responses to the increased vulnerability concerns, then the application must be considered to be against LDP Policy IS8 and cannot be supported. The Council will continue to work with the property owners and residents of the affected area in order to encourage the protection of the buildings themselves from flood risk.

Conservation Area and Design

The property is located within the Peebles Conservation Area in a prominent position facing Tweed Green. The removal of the front conservatory garden rooms and

replacement with deeper, more substantial flat roofed extensions are an improvement on the current frontage, being well designed to match in with the parapet and cornice design of the retained front porch. They will be clad in natural whinstone and pre-cast surrounds, finished with double glazed sash windows and dark framed cupolas.

The pitched roof extension to the northern gable has now been redesigned with smaller slated pitched roofs, valleys and grey coloured wet render. The other two extensions to the rear will follow a similar design with sandstone coloured quoins.

All extensions will not harm the general character of the building and, whilst increasing floorspace, are done sensitively and are appropriate in design in the locations intended. The front of the building will benefit from the amended designs compared to the existing lean-to extensions.

The wall increase is intended back to the height that currently exists at the northern edge of the perimeter wall at present. It is explained that this was lowered when the conservatory was erected, suggesting it has been at a lower height since the early 90s. Provided it is carried out in matching stone and copings, there are no concerns with regard to impact on the character of the building or Conservation Area.

Overall, there are no amenity or aesthetic reasons why the proposals would not be considered acceptable in the Conservation Area. Subject to conditions on matching materials, there would be no reason to consider the proposals inconsistent with LDP Policy EP9.

Road Safety

The current Nursing Home has access from Tweed Avenue to the rear and provides parking and turning space, continuing along the rear of the building. As a result of the extensions, this parking and turning space will be significantly curtailed, resulting in only three end-in spaces. The Roads Planning Service objects to the application as a result of this reduction in provision, leading to road safety impacts in the vicinity. It is difficult to understand how the facility, in its enlarged state, could operate safely with such limited provision, especially taking into account the narrow and restricted roads in the area and the regular full occupation of public parking space in the immediate vicinity. The application is, therefore, considered to be contrary to Local Development Plan Policy IS7 on adequacy of parking provision.

CONCLUSION

Subject to conditions on matching materials, the proposals would comply with Policy EP9 on works within a Conservation Area. However, in the absence of any Flood Risk Assessment, the application must be considered to be against LDP Policy IS8 and cannot be supported. The appropriate approach to flood protection should be a holistic and consistent one which does not raise the possibility of increased flood risk to other properties in the vicinity.

As a result of the extensions, on-site parking and turning spaces will be significantly reduced, leading to road safety impacts in the vicinity. The ability of the facility, in its enlarged state, to operate safely with such limited provision would be significantly compromised, especially taking into account the narrow and restricted roads in the area and the regular full occupation of public parking space in the immediate vicinity.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is refused for the following reasons:

The application is contrary to Policies IS7 and IS8 of the Scottish Borders Local Development Plan in that the proposal is likely to increase the flood risk to vulnerable residents, materially increase the incidences and levels of flooding to other properties within the Tweed Avenue/Green area of Peebles and proposes insufficient parking and turning space within the site to the detriment of road safety in the vicinity.

DRAWING NUMBERS

Design and Access Statement
Photographs
Existing Ground Floor Plan D004
Proposed Ground Floor Plan D005 Rev B
Location Plan D006
Proposed Elevations D007 Rev A
Existing Elevations D008

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

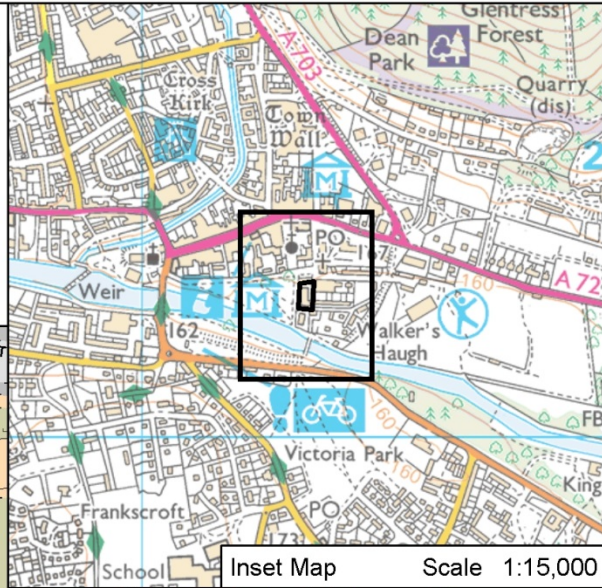
Author(s)

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Inset Map Scale 1:15,000

