

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**9 JANUARY 2017**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 16/00243/PPP
<b>OFFICER:</b>	Barry Fotheringham
<b>WARD:</b>	Mid Berwickshire
<b>PROPOSAL:</b>	Erection of Two Dwellinghouses
<b>SITE:</b>	Land East of Langbank Cottage, Swinton
<b>APPLICANT:</b>	Mr A H Garratt
<b>AGENT:</b>	Smith and Garratt Rural Asset Management

**SITE DESCRIPTION**

The application site is an area of land located to the north of Swinton House near the Berwickshire village of Swinton. The site is situated to the east of Langbank Cottage and to the west of Swinton House North Lodge. To the west of the application site, adjacent to Langbank Cottage, are Langbank Garden Cottage and Langbank Farmhouse.

The site is defined to the north by an existing minor public road and to the south by agricultural land. The east and west boundaries of the site are defined by timber post and rail fences.

The application site was previously wooded and forms part of the Swinton House Designed Landscape (SBC). The trees have been felled, the site is clear, and the land is currently being used as a timber yard for the purposes of logging and producing firewood. The application site sits above the level of the adjacent public road.

**PROPOSED DEVELOPMENT**

This application seeks planning permission in principle for the erection of two dwellings. As the proposals seek permission in principle only, no details have been submitted in support of the application. The site plan does however show two L-shaped dwellings located either side of a shared access point and the application has been supported by design and access statement.

**PLANNING HISTORY**

There is no planning history associated with this site. However the following applications are relevant:

98/00194/FUL – Alterations and extension to dwellinghouse – Langbank Farmhouse.  
Approved 13 March 2003

01/00821/COU – Change of Use to form 2 dwellings – Steading Building, Langbank Farm – Approved 21 August 2001

05/02246/FUL – Alterations and extension – Langbank Cottage – Approved 27 January 2006

07/00812/FUL – Change of use to dwellinghouse and annexe – Steading Building, Langbank Farm – Withdrawn 22 June 2007

07/01702/FUL – Change of use to dwellinghouse and annexe – Steading building, Langbank Farm – Approved 13 February 2008

## **REPRESENTATION SUMMARY**

A total of 4 No objections from separate households were received in connection with this application. The principal grounds of objection can be summarised as follows:

- Contrary to Local Plan
- Inadequate access – the public road is in very poor condition with no passing places. There are several blind bends and it is used by considerable agricultural traffic.
- Inadequate drainage
- Increased traffic – will lead to an increase in the number of accidents
- Privacy of neighbouring properties affected
- Road safety – If planning consent is given, it is essential that the road be brought up to a proper standard before any site clearance and building commences as it is most definitely not fit for purpose. It should be noted that the road faults have been reported several times but no acceptable repair has been undertaken.
- Flood risk – There is a periodic problem with flooding in the area which would likely be increased as a result of the proposed development.
- Listed Building – The proposed development would be in close proximity to the listed entrance gates to Swinton House. Development would cause a permanent loss of amenity by altering the appearance and character of the immediate area, contrary to Policy BE2.
- Overlooking and loss of privacy
- Lack of information with regards to drainage
- The site will not be well related to an existing group of 3 dwellings. It would be on open ground (formerly woodland) and lead to ribbon development, inappropriate for this location.

Additional comments from two separate households (original objectors) were received following submission of the applicant's supporting statement. These comments can also be summarised as follows:

- "North Lodge is not susceptible to flooding." It is not clear what the applicant has relied on in making this statement, but North Lodge has in fact had a number of issues with flooding over the past 20 years. Although there has been no direct water ingress into the property, there has been flooding around three sides of the property on at least three occasions in the last ten years. The damage periodically caused by fast flowing flood water around the property can clearly be seen at the footings to the gates to Swinton House directly adjacent to North Lodge.
- "it has not been necessary for the owner of North Lodge to undertake works to divert flood water from the development site and no such works have been undertaken." – Because of the regular problem of flood water running from

the direction of the proposed development site around the north side of North Lodge, it was necessary to have a channel dug and pipework installed to divert the water away from the house and towards the land drain. The applicant and the Council are both more than welcome to inspect the drainage works, and the damage caused by past flooding.

- The applicant claims that an electricity company felled all of the mature trees on the site. No electricity cables cross over the site.
- Given the illegal nature of the "Brownfield" site and the questionable felling of the mature trees, perhaps the fairest solution would be to replant the area with trees.

The additional comments are also available for Members to view in full on Public Access.

## **APPLICANTS' SUPPORTING INFORMATION**

The applicant has submitted a design and access statement in support of the application. The statement provides an introduction to the application, outlines the site history and provides initial ideas in terms of the design of the proposed dwellings. The statement goes on to cover the nearby listed gates, the design landscape and provide a response to the third party letter of objection. The design and access is available for Members to view in full on Public Access.

## **DEVELOPMENT PLAN POLICIES:**

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

Policy PMD1 – Sustainability  
Policy PMD2 – Quality Standards  
Policy HD1 – Affordable and Special Needs Housing  
Policy HD2 – Housing in the Countryside  
Policy HD3 – Protection of Residential Amenity  
Policy EP10 – Gardens and Designed Landscapes  
Policy EP13 – Trees, Woodlands and Hedgerows  
Policy IS2 – Developer Contributions  
Policy IS7 – Parking Provision and Standards  
Policy IS8 – Flooding  
Policy IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage  
Policy IS13 – Contaminated Land

## **OTHER PLANNING CONSIDERATIONS:**

SBC SPG – Affordable Housing  
SBC SPG – Contaminated Land Inspection Strategy  
SBC SPG – Development Contributions  
SBC SPG – Landscape and Development  
SBC SPG – New Housing in the Borders Countryside  
SBC SPG – Trees and Development

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Roads Planning Service:** No objections in principle, however the following points must be included within any detailed application:

- The access to be formed to my specification DC-6 or alternatively DC-2. Both of which incorporate a service lay-by.
- 1 passing place per unit to my specification DC-1, to be provided at agreed locations on the public road leading to the site.
- Given the condition of the public road leading to the site I think it would be wise to attach a condition to any consent granted requiring pre and post condition surveys to be carried out. This would protect the Council against any unreasonable damage caused to the public road and also protect the applicant against any unwarranted claims.
- Two parking spaces to be provided within the boundary of each plot, and maintained in perpetuity thereafter.

It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

**Education & Lifelong Learning:** A contribution of £4512 per unit is sought for the High School, making a total contribution of £9024. This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

**Flooding:** The site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any year. A Flood Risk Assessment (FRA) should be undertaken to develop a 1 in 200 year plus climate change flood level and assess if the new development is at risk of flooding and if appropriate how much flood plain storage is lost.

Should the FRA show that compensatory storage is required the FRA should include measures to provide this. Ideally a Finished Floor Level (FFL) above the 1 in 200 year plus climate change level should be developed with an appropriate allowance for freeboard.

The FRA should provide details of the flood risk associated with a 1 in 200 year flood event plus climate change at this site and any level and survey information should be provided in metres Above Ordnance Datum.

**Environmental Health:** No comment in terms of air quality, noise, nuisance, private water supply or contaminated land.

**Landscape Architect:** The site is within landscape character area BRD 15: Tweed Lowlands in the Borders Landscape Assessment (1998). It is within an area of land to the west of North Lodge and is part of the Swinton House Designed Landscape (DL), site 86 in the McGowan (2008) survey of Borders Designed Landscapes.

Until recently, the area was woodland within the DL forming part of the policies of Swinton House but the trees have been felled within the last 9 years. (From our GIS aerial imagery, I can see that the site was wooded in 2007 but cleared by the time the most recent survey was flown on 19/04/2014. The Forestry Commission has no record of a felling licence for this area.)

McGowan describes Swinton as an “Isolated designed landscape within an agricultural landscape.” The surrounding area is predominantly arable farmland and the loss of mature woodland cover at this site is unfortunate and erodes the structure of the Designed Landscape and reduces a significant woodland feature in a

predominantly open landscape.

The transition from mature woodland to the current condition of timber yard represents a loss in landscape quality. A further transition to housing would not contribute to landscape quality and would entrench the previous change.

The application appears to be contrary to policy EP10: Gardens and Designed Landscapes. In terms of the previous woodland condition and the 'unauthorised' woodland removal, policy EP13 may also be relevant. I do not support the application.

### **Statutory Consultees**

**Swinton & Ladykirk Community Council:** No response

**SEPA:** SEPA object to this planning application on the grounds of lack of information. The site is shown to be at flood risk on the SEPA Flood Map. SEPA request a Flood Risk Assessment, or other appropriate information including topographic information to Ordnance Datum is submitted for the small watercourse adjacent to the site. This should include consideration of a culvert blockage both upstream and downstream of the site on predicted flood levels. It should be noted that the provision of this information may highlight the site as unsuitable for development.

SEPA will review their objection on flood risk grounds if a Flood Risk Assessment (or other information) demonstrates that the development accords with the principles of Scottish Planning Policy. Other appropriate information might include proposed development site and finished floor levels (to Ordnance Datum) related to nearby watercourses, appropriate photographs and/or any nearby historical flood levels. Topographic level information could include cross sections across the river (including the channel bed levels and bank levels of the opposite bank), upstream, downstream and adjacent to the site. However if this information is insufficient to provide a robust assessment of the risk of flooding to the development then a detailed flood risk assessment may need to be carried out by a suitably qualified professional.

### **Other Consultees**

None

### **KEY PLANNING ISSUES:**

The key planning issues with this application are whether the proposed site is a suitable addition to a building group and whether the site is at risk from a 1 in 200 year flood event. Other key planning issues would include the impact of the loss of trees and proposed development on the Designed Landscape, vehicular access to the site from the minor public road and the potential impacts on the residential amenity of neighbouring dwellings.

### **ASSESSMENT OF APPLICATION:**

#### **Planning policy**

Policy HD2 of the Local Development Plan 2016 (LDP) is the principal policy constraint by which this application must be assessed. This policy aims to encourage a sustainable pattern of development focusing on existing settlements. However, the policy also aims to encourage housing developments in appropriate

locations in the countryside, such as existing building groups. Where a building group exists, housing of up to a total of 2 additional dwellings or a 30% increase in the building group, whichever is the greater, may be approved provided a number of criteria can be met. The site must be well related to an existing group of at least 3 houses or buildings in residential use. The cumulative impact of any new development on the character of the group will be taken into account and any consents for new build should not exceed 2 dwelling units or a 30% increase during the current local plan period.

It is accepted that a building group of 3 dwellings does exist at this location. The core of the group consists of the dwellings known as Langbank Cottage, Langbank Farmhouse and Langbank Garden Cottage. These dwellings are well related to each other and form a clearly identifiable sense of place contributed to by the buildings and man-made boundaries. North lodge, located to the East of the application site was previously divorced from the original building group by mature structure planting forming part of the SBC Swinton House Designed Landscape. In his design and access statement, the applicant states that the trees covering the application site were felled in 2004/05 by Scottish Power in order to carry out work on power lines. However, this is disputed by a local objector. As a result of the tree felling North Lodge is now intervisible with the core of the group despite being approximately 95m from Langbank Farmhouse and Langbank Cottage.

Members should be aware that the removal of trees has had a bearing on the assessment of this application as it not only has an impact on the Designed Landscape, but it also alters the baseline in terms of the extent of the existing building group. This tends to be a judgement that can only be made on site, taking into site specific circumstances and will vary from application to application.

In this case, it was only evident from the Officer's initial site inspection that the site had been cleared of trees. First impressions indicated that the site would require the removal of existing mature trees in the Designed Landscape to facilitate the development, which is unlikely to have been acceptable; in fact the area had been clear felled and the use of the land changed, opening up views between Langbank and North Lodge. In most cases, the edge of the building group will be clear, particularly if there are significant landscape features such as the former woodland but in this case the edge of the group was somewhat blurred.

The edge of the building group was clear from earlier aerial images. The group was well contained by the public road to the north, field boundaries to the west and south and the woodland to the east. This formed a tight knit group of buildings which could be described as being complete. At that point in time, there was no clear inter visibility between the buildings at Langbank and North Lodge and it was considered that North Lodge did not form part of the Langbank building group as the trees physically separated them. However, now that the trees have been removed there is clear inter visibility between Langbank and North Lodge and it could now be argued that North Lodge forms part of the established building group. It is important to note that the removal of the trees would not, in itself, have required any form of planning permission or related consent, although the use as a commercial yard would.

Other factors which need to be taken into consideration in the assessment of the extent of an existing group would also include the distance between buildings, topographical relationship between buildings, the size of plots and their relationship with each other, the type of boundary features including the type of planting within and alongside the plots.

## Designed Landscape

The Council's Landscape Architect has confirmed that the site lies within an area of land to the west of North Lodge which forms part of the Swinton House Designed Landscape (DL), (site 86 in the McGowan (2008) survey of Borders Designed Landscapes).

The McGowan survey describes Swinton as an "Isolated designed landscape within an agricultural landscape." The surrounding area is predominantly arable farmland and the loss of mature woodland cover at this site is unfortunate and erodes the structure of the Designed Landscape and reduces a significant woodland feature in a predominantly open landscape. The Council's Landscape Architect goes on to confirm that the transition from mature woodland to the current condition of timber yard represents a loss in landscape quality and a further transition to housing would not contribute to landscape quality of the area or the DL. It is argued that the development of this site would entrench the previous (unauthorised) change of use of land.

Until recently, the area was woodland within the DL forming part of the policies of Swinton House but as mentioned previously, the trees have been felled and the site is currently being used (without the benefit of planning permission) as timber yard. It is worth noting that whilst planning permission would not be required to fell the trees, the Forestry Commission has no record of a felling licence for this area despite the applicant's claims that they were "lawfully felled".

The Forestry Commission were consulted informally on this application and they have confirmed that while a licence for felling this area would have been granted, it would have been conditional on the area being restocked under felling licence legislation. The Forestry Commission has also advised that had the felling of trees been discovered they would have investigated the incident to make a case for prosecution. Unfortunately, because the felling was undertaken some time ago there is insufficient evidence to now make a case. It is the Commission's view that the land should still be considered woodland for the purposes of this application, and in relation to Scottish Government Policy on The Control of Woodland Removal, the appropriate management of the land would be to restock it with trees. However, it appears very unlikely that they would pursue a case, making an argument against the development on the grounds of tree loss – and, by extension, impact on the Designed Landscape – more difficult.

However, Policy EP10 – Gardens and Designed Landscapes aims to protect the character of gardens and designed landscapes from development that would adversely affect their special character, although it is worth noting that the policy also recognises that development can sometimes be accommodated within or adjacent to these areas provided it is carefully sited and sensitively designed. It is argued that the felling of trees to make way for development, whether this is achieved via licence or not, is not in the spirit of this policy and the removal of trees has had an adverse impact on the character of the designed landscape.

In terms of the previous woodland condition and the alleged 'unauthorised' woodland removal, Policy EP13 is also relevant as part of the woodland resource has been lost and the public benefits of the development have not been demonstrated to clearly outweigh the loss of landscape value.

## **Existing Use**

Members will note from the papers the current use of the land as a timber yard is unauthorised as planning permission has not been sought or granted for a change of use of the land. Whilst this is a material consideration in the determination of this application, Members are advised that the unauthorised change of use of the land from woodland to timber yard should not be given significant weight in the assessment and determination of this application. Should this application be refused and any subsequent appeal be dismissed, the planning authority could still pursue this matter through the normal enforcement channels. Neither, therefore, should the current use of the land be considered justification for supporting redevelopment.

In the design and access statement the applicant advises that when the buildings at Langbank were sold in 2006 most of the felled timber from the woodland was left behind. One of the new property owners requested, and was given permission by the applicant, to cut the timber for firewood. The timber was processed on site and sold as firewood and additional timber was imported to process and sell as firewood. This process has continued and the unauthorised use of the land as a timber yard is still evident today. Members should focus their deliberations on the principle of residential development only and whether the site an appropriate addition to the existing building group, and whether the introduction of dwellings on this site will have a significant adverse effect on the character of the DL.

## **Flooding**

Policy IS8 of the LDP is intended to discourage development from taking place in areas which are, or may at risk from flooding. Both SEPA and the Council's Flood Officer objected to the application and third party objectors also raised the issue of flood risk to the application site and neighbouring dwellings. As such a flood risk assessment to assess whether or not the development would be at risk of flooding from the nearby burn and if appropriate, how much flood plain storage would be lost, was requested from the applicant.

The applicant submitted additional supporting information but this was insufficient to allow SEPA to withdraw their objections. The analysis of flood risk consisted of photos and text indicating the position of the development relative to the nearby water course but was insufficient to determine that the site will not be at risk from flooding.

Topographic information was subsequently submitted and re-consultations carried out. SEPA have confirmed that they are satisfied that the topographic information provided by the applicant indicates that any overtopping of the watercourse to the west and north of the site will be directed down the road and not into the site which sits at a higher elevation. However, they have advised that there remains a residual flood risk from surface water and there are existing issues with neighbouring properties and as such a planning condition is required as part of any grant of consent. Mitigation measures, including SUDS, are required for the application site to prevent any increase in surface water flood risk to North Lodge. This will ensure compliance with policy IS8 of the LDP on flooding. SEPA also suggest that finished floor levels are raised above the existing ground levels and the gardens landscaped to avoid ponding. These matters can also be covered by condition should Members be minded to approve the application.



## **Access and parking**

The Council's Roads Planning Service has no objections in principle to the proposed erection of two dwellings on this site provided a number of points are included in any detailed application that may be submitted. The site is accessed via a narrow minor public road and the provision of a passing place, at an agreed location, will be required. In addition, the entrance to the site must be formed to the Council's specification, incorporating a service lay-by. These matters can be covered by condition.

The public road is in need of repair in places as it is frequently used by large agricultural vehicles. Given the current condition of the road it is recommended that pre and post construction surveys are carried out to ensure that construction vehicles accessing the site have not damaged the road further. This will protect the council against any reasonable damage and will also protect the applicant or developer against any unwarranted claims.

Off street parking and turning will be required within the site in the normal manner and in accordance with technical standards contained within Appendix 3 of the LDP. This can also be controlled by condition to ensure compliance with Policy IS7 of the plan.

## **Developer Contributions**

Policy IS2 of the LDP requires developers to make a full or partial contribution towards the cost of addressing deficiencies in infrastructure and services which will be created or exacerbated by the development. In this case, a development contribution towards Berwickshire High School will be required. Members will be aware that should this application be approved, it will be subject to a legal agreement to ensure the monies are paid and to ensure compliance with development contributions policy and supplementary planning guidance.

## **Affordable Housing**

As with all housing developments of 2 or more dwelling units, there is a requirement for the provision of affordable housing. In this case, the provision of commuted payments in lieu of on-site provision would be required. Should Members be minded to approve this application, a development contribution would be secured through an appropriate legal agreement to ensure compliance with adopted LDP policy.

## **Listed Building**

Policy EP7 of the LDP aims to protect Listed Buildings from works that would spoil their historic and architectural interest. Members should be aware that whilst Swinton House is a listed building, the associated North Lodge is not. However, the North Lodge gates and quadrant walls flanking the north entrance are Category B Listed. The entrance gates and walls form part of a larger B Group with Swinton House, the walled garden, East Lodge and various other buildings and structures within the curtilage of the house.

Notwithstanding the listed status of the gates and quadrant walls it is considered that the proposed development of 2 dwellings on the nearby application site will not have an unacceptable adverse impact on the character or setting of the listed structure or the wider listed group. Provided the proposed dwellings are suitably designed,

acknowledging the location and the listed structures significance, it is considered that this site could be developed with a neutral impact on the listed building.

### **Residential Amenity**

Members will note from the third party letters that the grounds of objection cover the effects of residential amenity on neighbouring dwellings as result of overlooking and loss of privacy. As the application seeks planning permission in principle only and no detailed proposals have been submitted, it is difficult to gauge the impacts of development on neighbouring dwellings. However, the applicant's design and access statement identifies 2 modest, traditionally-designed dwellings not dis-similar to the neighbouring cottages at Langbank. It is envisaged that the proposed dwellings would have a similar architectural language and scale to the existing cottages allowing them to sit comfortably on the site, be well related to the group and have a consistency with the existing pattern of development. It is considered that suitably designed and orientated dwellings, taking advantage of the southerly aspect, could be developed on this site without unacceptable adverse impacts on the residential amenity of neighbouring dwellings.

### **Contaminated Land**

The Council's Contaminated Land Officer requested additional information from the applicant and the operator of the timber yard and advises that there is no treatment of timber or bulk storage of fuel on site. Accordingly, he has no comments to make on the application in terms of land contamination. The site should therefore be suitable for its proposed use without the need for a contaminated land assessment.

### **CONCLUSION**

Given the history associated with the application site in terms of the unauthorised felling of woodland, this is very much an on balance recommendation. It is accepted that a building group of 3 dwellings does exist at this location and that those dwellings are contained within a distinct sense of place contributed to by the buildings, the public road to the north, field boundaries to the west and south and the former mature woodland to the east.

Before the woodland was removed, North Lodge was clearly divorced from the group by the trees and did not form part of the tight knit group of buildings at Langbank. It was, and arguably still is, a standalone dwelling associated with the listed gates and Swinton House. North Lodge was previously not inter-visible with the group and did not have a close relationship with the other buildings that could be described as being part of an established group.

However, the removal of the woodland (whether this is unauthorised or not) has clearly had an adverse effect on the character and appearance of the Designed Landscape and the loss of trees, to a certain extent, has altered the baseline position in terms of the extent of the building group and how far it is possible to go to include the outlier at North Lodge. The key test is the inter-relationship of the buildings in question and whether the loss of the trees now allows for North Lodge to be visually connected to the original group of buildings. This is an important and material consideration Members should take into account when assessing the suitability, or otherwise, of the proposed addition to the building group.

As mentioned earlier, it is regrettable that the trees have been lost and in normal circumstances if a licence was granted for their removal, this would be on condition

that the land is restocked in accordance with national policy on The Control of Woodland Removal. However, the Forestry Commission has confirmed that this is not possible, due to the time period that has elapsed since the trees were felled and it is not possible to compile a case for prosecution against the alleged unauthorised felling. The loss of mature trees clearly has an adverse effect on the character of the locally designated Designed Landscape however it is considered that the setting of Swinton House and the wider DL will not be affected.

Issues regarding access, parking, flood risk, listed buildings and residential amenity have been assessed and any potential outstanding matters have been addressed through the application process. Additional matters regarding siting, design, road improvements and parking can be addressed through any subsequent detailed application.

It is considered that the application site is reasonably well related to the existing building group which, as a result of the loss of trees, now includes Swinton House North Lodge. The extent of the group has increased, and the former outlier at North Lodge is not intervisible from the principal core of dwellings at Langbank. There is a clear relationship between Langbank and North Lodge which did not previously exist which would allow for the erection of two new dwellings as an addition to the building group. The proposed development would not exceed the permitted threshold for additions to building groups and it is considered that the site could be development without having an unacceptable adverse impact on the character of the group, the character of the designed landscape or the setting of the listed building.

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

I recommend the application is approved subject to a legal agreement addressing contributions (education and lifelong learning and affordable housing) and the following conditions and applicant informatives:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
  - (a) the expiration of three years from the date of this permission, or
  - (b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
5. The first application for the approval of matters specified in conditions pursuant to this decision shall be accompanied by a detailed design statement for the dwellings hereby approved.  
Reason: To ensure a satisfactory form of development appropriate to its setting.
6. The finished floor levels of the building(s) hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Local Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site.  
Reason: To ensure that the proposed dwellings are not at risk from surface water flooding issues and to avoid ponding against the proposed buildings.
7. No development shall commence until detailed proposals for flooding mitigation measures from the nearby water course, including SUDS, are submitted to and approved in writing by the local planning authority and thereafter no development shall take place except in strict accordance with the approved scheme.  
Reason: In order to prevent any increase in surface water flood risk to North Lodge.
8. The development hereby approved shall be constructed of natural slate on the roof only. Any alternative roofing materials shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
9. No development shall commence until precise details of both surface water and foul water drainage, as well as details of the water supply, have been submitted to and approved by the local planning authority.  
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water and to ensure the site is adequately serviced with water without a detrimental effect on the water supplies of existing properties.
10. No development shall commence until details of all proposed means of enclosure shall be submitted to and approved in writing by the Local Planning.  
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
11. The vehicular access to the site to be formed to approved specification DC-6 (copy attached to this decision) or alternatively DC-2 (a copy of which is attached to this decision). The access shall incorporate a service lay-by.

Reason: In the interests of road safety and to ensure a satisfactory form of development.

12. No development shall commence on the dwellings hereby approved until one passing place per unit is formed on the minor public road leading to the site. The passing places shall be formed to approved specification DC-1 (attached), at locations which shall first be agreed on site with the local planning authority.

Reason: In the interests of road safety.

13. No development shall commence until a pre-construction condition survey of the minor public road leading to the site has been carried out and the results lodged with the local planning authority. A post-construction condition survey shall also be carried out within 3 calendar months of the occupation of the dwellings hereby approved, the results of which shall be lodged with the local planning authority.

Reason: To ensure the condition of the road is monitored before and after construction.

14. Two parking spaces shall be provided within the boundary of each plot before the dwellings hereby approved are occupied. The parking shall be properly consolidated and maintained in perpetuity thereafter.

Reason: To ensure that parking is provided clear of the public road.

### **Informatives**

1. The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>. Please note that SEPA are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.
2. The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Scottish Borders Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.
3. Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:  
SEPA Galashiels, Burnbrae, Mossilee Road, Galashiels, Borders, TD1 1NF, Tel – 01896 754797

DRAWING NUMBERS

Location Plan

**Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

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

**Author(s)**

Name	Designation
Barry Fotheringham	Lead Planning Officer



16/00243/PPP

Land East Of Langbank Cottage  
Swinton  
Scottish Borders

