

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**29 JUNE 2015**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 15/00432/FUL
<b>OFFICER:</b>	Mr C Miller
<b>WARD:</b>	Tweeddale East
<b>PROPOSAL:</b>	Change of use and alterations to form additional dwellinghouse and erection of detached garage
<b>SITE:</b>	Ballantyne House, Waverley Road, Innerleithen
<b>APPLICANT:</b>	Alan and Karen Somerville
<b>AGENT:</b>	Kanak Bose Ltd

**SITE DESCRIPTION**

Ballantyne House is located on Waverley Road, south of the junction with Miller Street, Innerleithen. The application relates to former workshop premises which form are attached to and form part of an existing dwellinghouse.

**PROPOSED DEVELOPMENT**

The application consists of a change of use of the former workshop to form a dwellinghouse with external alterations, partial demolition to the rear and the erection of a detached garage. The main alterations are to the rear with demolition of an existing part of the building, formation of patio doors and an upper floor dormer/balcony with privacy screen. To the front, two rooflights will be provided and new timber front doors to the existing and proposed houses.

The ground to the front and rear of the property will be subdivided by fencing to form separated parking, turning and garden areas. A single detached garage is also proposed to the rear in matching render and dual pitched slate roof.

**PLANNING HISTORY**

None.

**APPLICANTS' SUPPORTING INFORMATION**

In response to the SEPA objection, the agent has submitted photographs of the locality and the building to demonstrate the existing flood risk position and the recent nature of some of the development. He also accepts flood resilient materials such as concrete floors.

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

#### **Roads Planning:**

No objections. The parking layout should be fully formed and operational prior to the new dwelling becoming occupied.

No details have been submitted for the construction make-up for the parking area to the rear of the property. This information must be submitted for approval prior to works commencing, to ensure the parking area is constructed to an appropriate standard.

#### **Flood Protection Officer:**

The Indicative River, Surface Water & Coastal Hazard Map indicates that 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 one year.

Although this site is at risk during a 1 in 200 year flood event, this application is a Change of Use and there are no substantial alterations that will increase the flood risk to the property or the flood risk downstream. I would have no objections to this proposal on the grounds of flood risk. Advice is given about water resilient materials and flood alerts.

**Archaeology Officer:** No implications.

**Environmental Health:** Provides advice on solid fuel installations and avoidance of pollution measures.

**Education and Lifelong Learning:** Response awaited.

### **Statutory Consultees**

#### **SEPA:**

Object to development on the grounds it may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69. Review of the SEPA Flood Map indicates that the site lies within the 1 in 200-year (0.5% annual probability) flood extent and may potentially be at medium to high risk of flooding. There is a history of flooding in Innerleithen from the Leithen Water. No information on flood risk has been provided in support of this application. Although this is a conversion of an existing building, the change of use from workshop to dwellinghouse is an increase in vulnerability under the Risk Framework in Scottish Planning Policy. As this is an existing building the opportunity for raised floor levels may not be feasible and the adjoining dwelling may limit the opportunity for other flood resilient design to be incorporated. Seeks a Flood Risk Assessment before the objection could be reconsidered and this may simply confirm the flood risk.

**Innerleithen and District Community Council:** Response awaited.

### **Other Consultees**

None.

## **REPRESENTATION SUMMARY**

None.

## **DEVELOPMENT PLAN POLICIES:**

### **Scottish Borders Consolidated Local Plan 2011**

Policy G1 Quality Standards for New Development  
Policy G4 Flooding  
Policy G5 Developer Contributions  
Policy G7 Infill Development  
Policy H2 Protection of Residential Amenity

## **OTHER PLANNING CONSIDERATIONS:**

"Developer Contributions" SPG  
"Privacy and Sunlight" SPG  
Scottish Planning Policy  
PAN 69 "Planning and Building Standards Advice on Flooding"

## **KEY PLANNING ISSUES:**

The main determining issues with this application are whether the development is an appropriate re-use of a building for residential purposes and, if so, whether the perceived flood risk is sufficient to justify refusal of the application given the nature of the proposal and the existing development setting.

## **ASSESSMENT OF APPLICATION:**

### Planning policy

The property lies within the settlement boundary of Innerleithen and any conversion proposals are covered by Local Plan Policy G7 Infill Development. The conversion of existing buildings is encouraged subject to compliance with the criteria listed in the Policy, most of which refer to new-build rather than conversion. Of those criteria that are relevant, this proposal is a proportionate and generous sub-division providing ample space for both the existing and proposed properties. The relevant criteria are discussed below and it will be concluded that the proposal complies with Policy G7.

### Residential Amenity

The conversion of the former workshop premises to a dwellinghouse provides a more sympathetic use in harmony with the residential surroundings. Privacy between the existing and proposed house has been addressed both in the position of doors and windows but also in the use of high fencing where necessary. Privacy from the upper floor balcony has also been addressed to the housing to the south by inclusion of a solid screen to that side. To the west, there is approximately 15m to the common boundary and the proposed garage would sit in the intervening space, limiting any potential for overlooking. Even the new garage to the rear is stepped back from the building line within the housing development adjoining and affects no windows. In terms of the relevant criterion under Policy G7 and the terms of the "Privacy and Sunlight" SPG, the proposals are in compliance.

## Design

The existing buildings, though outwith the Conservation Area, are traditional in age and appearance, contributing to the amenity of this part of Innerleithen. The external alterations are relatively minor and use existing openings where possible with stone infill, timber cladding and render. Even the modern intervention of the dormer and balcony to the rear have surrounding modern context and are an improvement on the demolished rear section of building. Neither would be prominent within the public domain. One aspect that may require further assessment is the replacement of the front door of the principal house with a window, which does not appear a comfortable fit with what would remain the principal elevation of the house. Subject to a condition covering the precise details of this and the external materials more generally, that the part of Policy G7 relating to sympathetic design is complied with.

## Access and parking

Policies G7 and Inf11 seek appropriate and safe access and parking for new proposals. This design separates parking and turning for both the existing house and the proposed house. Roads Planning have no objections, subject to the parking layout being fully formed and operational prior to the new dwelling becoming occupied. This matter can be covered by condition.

No details have been submitted for the construction make-up for the parking area to the rear of the property. This information must be submitted for approval prior to works commencing, to ensure the parking area is constructed to an appropriate standard. A further condition will be imposed in this respect.

## Flooding

Policy G4 seeks to ensure that developments are free from unmanageable flood risk and do not cause problems elsewhere. In this respect, SEPA and the Council's Flood Protection Team differ on the impacts to the property, albeit that both accept that the building is at risk of flooding according to the SEPA flood maps.

SEPA object on the grounds it may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69. They are also aware of a history of flooding in Innerleithen from the Leithen Water. Although they acknowledge the proposal is a conversion of an existing building, they consider the change of use from workshop to dwellinghouse to be an increase in vulnerability under the Risk Framework in Scottish Planning Policy. They feel the opportunity for raised floor levels may not be feasible and the adjoining dwelling may limit the opportunity for other flood resilient design to be incorporated. They seek a Flood Risk Assessment before the objection could be reconsidered albeit this may simply confirm the flood risk.

The agent has submitted photographs to SEPA and has attempted to demonstrate that there are numerous other properties at risk in the immediate area, many developed much more recently and many with floor levels at or below the application site. It is also stated that the applicants would be prepared to use flood resilient materials such as a concrete floor. SEPA have considered the agent's submissions but maintain their position of objection and request for a Flood Risk Assessment. They point to a possible Flood Study that may have been previously undertaken and suggest that be accessed for information.

The view of the Council's Flood Protection Team is one of no objection to the proposals. Although they acknowledge that the site is at risk during a 1 in 200 year flood event, they view a change of use differently from a new-build and also that there are no substantial alterations that will increase the flood risk to the property or the flood risk downstream. Advice is given about water resilient materials and flood alerts which could be included as an Applicant Informative.

On balance, there have been previous instances of conversion proposals in other locations where the Council's view has differed from SEPA in relation to flood risk, the importance of securing the retention and future of the building outweighing the issue of flood risk. In this particular case, there are several additional reasons which might justify the proposal in the face of the SEPA objection, as follows:

- The site is surrounded by other housing development much closer to the watercourses than the property itself. There are, therefore, many properties, including the applicants' existing house adjoining the property, at equal or greater flood risk. To resist this development would be to blight the building and set an unfortunate precedent for a considerable proportion of Innerleithen more generally, which would potentially limit development throughout large parts of the town, if applied consistently.
- SEPA state increased vulnerability of occupants although the property was partly workshop and domestic storage with a level of vulnerability already. The primary concern arises from people sleeping in the property at a time of a flood event, and therefore signing up to Flood Alerts could reduce vulnerability.
- The building exists at the site and is being converted as it stands, predominantly across the ground floor with only one upper room. It is not possible to propose this development elsewhere. There is little prospect of raising floor levels although the agent has stated that other measures can be undertaken including water resilient flooring.
- The applicants are alert to the risk and an Applicant Informative on any consent will be a record of that potential risk.
- The building is a conversion and whilst a new garage is proposed to the rear, there is also demolition and reduction of ground floor footprint. Therefore, there will be no increased occupation of flood plain and potential displacement of water that would occur with a new-build.

Against that background, the pragmatic response would be to consider appropriate mitigation to address the issue of flood risk.

On balance, and whilst it is acknowledged that the property is potentially at risk of flooding, it is considered that the proposal should be supported for the aforementioned reasons. Should Members agree with this recommendation, then due to the SEPA objection, the application will have to be referred to the Scottish Ministers for final approval.

## Other Issues

A flue pipe is proposed from the upper living room which has the potential to cause fume nuisance if not managed and installed correctly. The advice from Environmental Health can be included as an Applicant Informative.

## Developer Contributions

Policy G5 relates to Developer Contributions and requires, for a single house proposal in Innerleithen, contributions to be made to St Ronan's Primary School and Peebles High School. The applicants have agreed to settle these by means of a Section 75 Agreement and this will be concluded should Members and the Scottish Ministers consent the development.

## **CONCLUSION**

The application complies with Development Plan Policies and Supplementary Planning Guidance on infill development within residential areas and, subject to Legal Agreement, will comply with Policy on Development Contributions. The proposal is at risk from flooding but given the nature of the conversion proposal and the surrounding existing development, it would be unreasonable to oppose the development on such grounds or seek a full Flood Risk Assessment.

Should the Committee agree with the recommendation to approve, then notification of the decision to the Scottish Ministers will be necessary due to the SEPA objection.

## **RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):**

I recommend the application is approved subject to the approval of the Scottish Ministers, a legal agreement addressing contribution towards St Ronan's Primary School and Peebles High School, and the following conditions:

1. A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development.  
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
2. No development to be commenced until further construction details have been submitted to, and approved by, the Planning Authority for the parking area to the rear of the property. Once approved, the dwellinghouse not to be occupied until the parking and turning areas for both the proposed and existing dwellings are completed in accordance with the approved details.  
Reason: In the interests of road safety.
3. The dwellinghouse not to be occupied until the curtilage fencing and balcony privacy screen shown on the approved plan are erected.  
Reason: To protect residential amenity.
4. Notwithstanding the details indicated on the approved drawings, the precise details for the replacement of the door in the principal elevation of the main house shall first be submitted to and approved in writing by the Planning Authority. Thereafter, no development shall take place except in strict accordance with the details so approved.

Reason: To ensure that the alterations are appropriate to the appearance of this prominent and locally significant house.

### Informatives

The Flood Protection Officer advises the following:

As access and egress to the development may also be affected by flood waters, should approval be given, I would recommend that, to receive flood warnings from SEPA, the applicant signs up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188.

I would also recommend that the applicant adopts water resilient materials and construction methods as appropriate in the development as advised in PAN 69.

A number of flood protection products such as floodgates and air-vent covers are also commercially available for the existing property and details of these can be found by calling Emergency Planning on 01835 825056 who may be able to offer discounts for the products.

Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

The Environmental Health Officer advises the following:

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify you in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on -

[http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

#### DRAWING NUMBERS

OGS18401                  Elevations

#### **Approved by**

Name	Designation	Signature
Brian Frater	Service Director (Regulatory Services)	

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)**

Name	Designation
Craig Miller	Lead Planning Officer



