

Our Ref: PCS/164932  
Your Ref: 19/00521/AMC

If telephoning ask for:  
Paul Lewis

25 April 2019

Brett Taylor  
Scottish Borders Council  
Planning & Economic Development  
Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA

By email only to: [dcconsultees@scotborders.gov.uk](mailto:dcconsultees@scotborders.gov.uk)

Dear Mr Taylor

**Town and Country Planning (Scotland) Acts**  
**Planning application: 19/00521/AMC**  
**ERECTION OF DWELLING HOUSE AND DETACHED GARAGE**  
**LAND SOUTH OF DUNDAS COTTAGE, SELKIRK, SCOTTISH BORDERS.**

Thank you for your consultation which SEPA received on 11 April 2019.

**Advice for the planning authority**

We have **no objection** to this planning application, but please note the advice provided below.

**1. Flood Risk**

- 1.1 We previously responded to this application at an earlier stage of the planning system. We previously advised that we had no objection to the proposed development, in our letter of 24 October 2018, as it was demonstrated that there was no built development below 226mAOD.
- 1.2 Review of drawing, Site Plan and Section Plan, dated 25 March 2018, shows the proposed development, including SUDS, will be located outwith the 226mAOD contour as shown by the shaded area, and, therefore, we have no objection to the detail proposed for this development.
- 1.3 We strongly recommend that landscaping is designed to shed water away from the building and that surface water mitigation will need to be considered due to the steep topography on site and to the north.
- 1.4 It is recommended that the Flood Risk Management Authority should comment on their requirements for the management of surface water at the application site including any mitigation measures. Drainage calculations should be undertaken using the FEH13 depth duration frequency statistics.

continued.....



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

**SEPA Edinburgh Office**

Silvan House, 3rd Floor, 231 Corstorphine Road,  
Edinburgh EH12 7AT.

[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

## **Caveats & Additional Information for Applicant**

- 1.5 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/>
- 1.6 Please note that we 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.
- 1.7 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 "*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/>

## **Regulatory advice for the applicant**

### **2. Regulatory requirements**

- 2.1 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 services team in the local SEPA office at:

Burnbrae, Mossilee Road, Galashiels TD1 1NF.

Tel: 01896 754797

If you have any queries relating to this letter, please contact me by telephone on 0131 273 7334 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours sincerely

Paul Lewis  
Senior Planning Officer  
Planning Service

*Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*

## PLANNING CONSULTATION

To: Environmental Health

From: Development Management

Date: 11th April 2019

Contact: Brett Taylor ☎ X6628

Ref: 19/00521/AMC

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 2nd May 2019, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 2nd May 2019, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** Mr Darin Strutt and Jennifer Ettienne

**Agent:** Keith Renton, Architect

**Nature of Proposal:** Erection of dwellinghouse and detached garage (approval of all matters specified in conditions 18/01256/PPP)

**Site:** Land South East Of Dundas Cottage Selkirk Scottish Borders

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**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Officer Name and Post:</b>		<b>Contact e-mail/number:</b>	
	Environmental Health		PLACEhealth@scotborders.gov.uk	
<b>Date of reply</b>	26/04/19		<b>Consultee reference:</b> 19/00975/PLANCO	
<b>Planning Application Reference</b>	19/00521/AMC		<b>Case Officer:</b> Brett Taylor	
<b>Applicant</b>	Mr Darin Strutt and Jennifer Ettienne			
<b>Agent</b>	Keith Renton, Architect			
<b>Proposed Development</b>	Erection of dwellinghouse and detached garage (approval of all matters specified in conditions 18/01256/PPP)			
<b>Site Location</b>	Land South East Of Dundas Cottage Selkirk Scottish Borders			
<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>				
<b>Background and Site description</b>				
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>•</li> </ul>			
<b>Assessment</b>	<p><b><u>Wood Burning Stoves</u></b></p> <p>I note from the plans that a wood burning stove is to be installed as part of the development and so long as it is less than 45kW no further information needs to be provided. If it is greater than 45kW then the applicant needs to declare this and provide additional information so that a screening assessment can be carried out.</p>			
<b>Recommendation</b>	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
<b>Recommended Conditions</b>	<p><b><u>Drainage Arrangements</u></b></p> <p><i>No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition</i></p> <p><i>Reason: To ensure that the development does not have a detrimental effect on amenity and public health.</i></p>			

	<p><b><u>Water Supply</u></b></p> <p>No development is to commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality and quantity. The report must also detail all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The provisions of the approved report shall be implemented prior to the occupation of the building(s) hereby approved.</p> <p>Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.</p>
<p><b>Recommended Informatives</b></p>	<p><b><u>Private Drainage System</u></b></p> <p>Private drainage systems often impact on amenity and cause other problems when no clear responsibility or access rights exist for maintaining the system in a working condition.</p> <p>Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.</p> <p>To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.</p> <p><b><u>Private Water Supply</u></b></p> <p>To fulfil this Condition, the following information should be provided:</p> <ol style="list-style-type: none"> <li>1. A description of the source(s) / type of the supply – i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.</li> <li>2. The location of the source(s) of the supply – i.e. the appropriate eight figure Ordnance Survey National Grid Reference(s).</li> <li>3. The estimated maximum average volume of water provided by the supply in cubic metres per day (m<sup>3</sup>/day), including the details of any pump tests / flow rate tests undertaken to determine this estimate. For boreholes / wells, refer to BS ISO 14686:2003 “Hydrometric determinations - Pumping tests for water wells - Considerations and guidelines for design, performance and use”.</li> <li>4. The intended use of the proposed building(s) – e.g. owner-occupied domestic dwelling(s), rented domestic dwelling(s), holiday accommodation, etc.</li> <li>5. Where there are existing users of the supply: <ol style="list-style-type: none"> <li>(a) the addresses of all properties served;</li> <li>(b) the existing occupancy levels of all such properties, as far as is reasonably practicable. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of potential occupancy levels;</li> </ol> </li> </ol>

- (c) the current use of all properties served – i.e. as above;
  - (d) information identifying if and how the development will impact on the existing users; and
  - (e) the details of any mitigating measures to be implemented to ensure the quality, quantity and continuity of the water supply to the existing users will be secured.
6. Where there are other properties' private water supplies in the vicinity of the development that may be affected thereby (e.g. neighbouring boreholes, wells, springs, etc.):
    - (a) information identifying if and how the development will impact on these other supplies; and
    - (b) the details of any mitigating measures to be implemented to ensure the quality, quantity and continuity of the water supply to these other properties will be secured.
  7. Details of all laboratory analysis / tests carried out to demonstrate that the water supplied to the development will be wholesome. For clarification, the quality of the water throughout the building(s) must conform to the requirements of the legislative provisions appropriate to the use of the supply, as described below.
  8. Details of all water treatment systems to be installed to ensure that the water supplied to the development will be wholesome.

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to 200 litres of water per person per day who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. When designing storage facilities, the minimum recommended capacity is three days' reserve, in order to allow for supply interruption / failure.

If the supply only serves owner-occupied domestic dwellings, the quality of the water must comply with the requirements of The Private Water Supplies (Scotland) Regulations 2006 ("the 2006 Regulations"). For all other supplies, the water quality must comply with the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 ("the 2017 Regulations").

If the supply falls under the remit of the 2017 Regulations, it will also require to be sampled / monitored on at least an annual basis, and the local authority will also require to carry out a risk assessment of the supply. As such, if the development is the sole reason for the supply falling into this category, the applicant should contact the Environmental Health Department of Scottish Borders Council prior to the occupation of the building(s) to ensure that compliance with the legislative provisions is able to be secured.

Stoves and Use of Solid Fuel

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant 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.

<p>Accordingly this advice can assist you to avoid future problems.</p> <p>The location of the flue should take into account other properties that may be downwind.</p> <p>The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.</p> <p>The flue should be terminated with a cap that encourages a high gas efflux velocity.</p> <p>The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.</p> <p>The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.</p> <p>If you live in a Smoke Control Area you must only use an Exempt Appliance <a href="http://smokecontrol.defra.gov.uk/appliances.php?country=s">http://smokecontrol.defra.gov.uk/appliances.php?country=s</a> and the fuel that is Approved for use in it <a href="http://smokecontrol.defra.gov.uk/fuels.php?country=s">http://smokecontrol.defra.gov.uk/fuels.php?country=s</a> .</p> <p>In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on - <a href="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</a></p> <p>Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.</p> <p>Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.</p>
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# Consultation Reply



## ENVIRONMENT AND INFRASTRUCTURE

**To:** HEAD OF PLANNING AND REGULATORY SERVICE

**FAO:** Brett Taylor

**Your Ref:** 19/00521/AMC

**From:** HEAD OF ENGINEERING & INFRASTRUCTURE

**Date:** 15<sup>th</sup> April 2019

**Contact:** Ian Chalmers

**Ext:** 5035

**Our Ref:** B48/2716

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**Nature of Proposal:** Land South East Of Dundas Cottage Selkirk  
**Site:** Erection of dwellinghouse and detached garage (approval of all matters specified in conditions 18/01256/PPP)

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With regards to the planning application referenced 18/01256/PPP, I outlined my position within my response dated 8<sup>th</sup> October 2018. This application was then approved on the basis that conditions were met.

Condition 1 related specifically to land raising and floor levels, stating that there should be “no development, including land raising, below 226.0mAOD and the finished floor levels of the house shall not be below 227.0mAOD”.

The applicant submitted the drawing titled “Site Plan and Section Plan” which shows the following;

- No development below 226.0mAOD
- Minimum Finished Floor Level of 227.75mAOD (Lower House Floor Level)
- Minimum Terrace Level of 227.6mAOD

As such, I am satisfied that the flood risk element of Condition 1 has been met and would have no objections to this development on the grounds of flood risk.

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.

Ian Chalmers  
Engineer – Flood and Coastal Management

**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	Roads Planning Service	<b>Contact e-mail/number:</b>	
<b>Officer Name and Post:</b>	Paul Grigor Roads Planning Officer	<a href="mailto:pgrigor@scotborders.gov.uk">pgrigor@scotborders.gov.uk</a> <b>01835 826663</b>	
<b>Date of reply</b>	27 <sup>th</sup> May 2019	<b>Consultee reference:</b>	
<b>Planning Application Reference</b>	19/00521/AMC	<b>Case Officer:</b> Brett Taylor	
<b>Applicant</b>	Mr Darin Strutt and Jennifer Ettienne		
<b>Agent</b>	Keith Renton, Architect		
<b>Proposed Development</b>	Erection of dwellinghouse and detached garage (approval of all matters specified in conditions 18/01256/PPP)		
<b>Site Location</b>	Land South East Of Dundas Cottage Selkirk Scottish Borders		
<b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b>			
<b>Background and Site description</b>	This application relates to the discharging of conditions associated with the recent approval of outline consent on this plot.		
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>• Access</li> <li>• Parking and turning</li> </ul>		
<b>Assessment</b>	<p>I am content that Drawing 824P-02 addresses condition 1 of the outline consent (18/01256/PPP) with regards to the precise means of access and parking and turning within the site.</p> <p>The proposed access must be formed prior to works commencing on site, thus allowing vehicles associated with the construction of the dwelling a safe means of access during this period.</p>		
<b>Recommendation</b>	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> <b>Do not object, subject to conditions</b>
			<input type="checkbox"/> Further information required
<b>Recommended Conditions</b>	<p>Access to the proposed dwelling to be fully formed as per drawing 824P-02, prior to works commencing on the development, unless otherwise agreed in writing. Reason: To ensure satisfactory means of access for all vehicles associated with the construction phase of the development.</p> <p>The parking and turning layout as shown on drawing 824P-02 to be fully formed and available for use prior to occupation of the dwelling: Reason: To ensure satisfactory parking and turning within the site.</p>		
<b>Recommended Informatives</b>	<p>The specification for the first 6 metres of the private access from the carriageway edge to be as follows:</p> <p>“75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.”</p> <p>Remainder of private access road to be constructed with a well compacted, free draining smooth running surface, capable of withstanding a minimum axle of loading of 14 tonne.</p>		

**AJS**