

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 18/01256/PPP  
**APPLICANT :** Miss Kimberley Jackson  
**AGENT :** Stuart Davidson Architecture  
**DEVELOPMENT :** Erection of dwellinghouse  
**LOCATION:** Land South East Of Dundas Cottage  
Ettrick Valley  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
P537-SK-001	Location Plan	Approved
	Site Plan	Approved

**NUMBER OF REPRESENTATIONS: 1**  
**SUMMARY OF REPRESENTATIONS:**

**THIRD PARTY REPRESENTATIONS**

One objection has been received. The principal grounds of objection can be summarised as follows:

- o Flooding - The Ettrick Water regularly bursts its banks flooding surrounding fields, roads, access tracks and the application site.
- o Vehicular access from the B709
- o Road safety - new access would exacerbate the risk of injury to walkers, animals, cyclists, motorcyclists and other road users.
- o Construction Traffic - increased construction traffic would be hazardous on this section of the road. No diversion routes possible leading inconvenience to residents, pedestrians, animals, children and other road users.

**CONSULTATIONS**

Roads Planning: The principle of development on this plot has been established through earlier consents. The current submission, whilst still for planning permission in principle, includes details of the proposed access arrangement and I do not have any objections to what is proposed. The precise detail for the proposed access to be submitted for approval as part of any detailed application. Any detailed submission will also have to allow for the parking and turning for a minimum of two vehicles, excluding any garages. All works within the public road must be undertaken by a contractor first approved by the Council.

Community Council: No response

E&LL: No response

Environmental Health: No response

Flood Risk Officer: As parts of the site are shown to be at flood risk within SEPA mapping and there has been flooding to a more significant scale than this, I would require that the applicant submits a detailed drawing as to where the house is to be located, with relevant finished floor levels. The contours of the site appear to show a significant height difference and SEPA's flood mapping does not come out of bank above the OS 230m line. Therefore, if the property and finished floor level (FFL) was above this line, I would have no objections on the grounds of flood risk. This line is located approximately 20m from the road.

If the property was located within the functional flood plain, a Flood Risk Assessment (FRA) would have to 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. This will be site specific and more detailed than SEPA's national flood mapping.

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. However as this is a commercial development I would not require that a FFL is set above the 1 in 200 year plus climate change flood level but would recommend that the applicant considers this if the opportunity presents itself. The applicant should be made aware that it is at their own commercial risk when deciding to set the FFL for developments of these types below a stated flood level.

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.

The FRA should include:-

- o Flow velocities.
- o Flood depths.
- o Flow paths.
- o Details of mitigation measures to reduce flood risk including details of compensatory storage.

SEPA: We have reviewed the information provided in this consultation and it is noted that, the application site lies adjacent to the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding. Review of drawing, Proposed Block Plan and Site sections, dated July 2018, shows the proposed development, including SUDs, will be located outwith the 226mAOD contour as shown by the shaded cyan area. Therefore, we have no objection to the proposed development.

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. We also strongly recommend that ground water levels are investigated and that FFL's are set with a higher freeboard than surrounding ground levels.

In terms of water quantity and flooding issues, any drainage or SUDs proposed are for the Council to satisfy themselves that the arrangements will be appropriate and in accordance with any internal guidance. Drainage calculations should be undertaken using the FEH13 depth duration frequency statistics.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016

PMD2 - Quality standards

PMD3 - Land use allocations

HD3 - Protection of residential amenity  
EP15 - Development affecting the water environment  
IS2 - Developer contributions  
IS7 - Parking provision and standards  
IS8 - Flooding  
IS9 - Waste water treatment and sustainable urban drainage

The site is not strategic, therefore the policies contained within SESplan are not considered.

The following approved council guidance is material:

Ettrick (Hopehouse) Mini Planning Brief  
Placemaking and design SPG  
Privacy and sunlight guide SPG

**Recommendation by** - Barry Fotheringham (Lead Planning Officer) on 21st January 2019

This planning application seeks planning permission in principle for the erection of a dwellinghouse on land to the south east of Dundas Cottage within the Hopehouse group of buildings south west of Selkirk. The site is defined in the approved Mini Planning Brief as Hopehouse West and has an indicative capacity of 5 units. The site is located within the development boundary as defined by the LDP.

Planning permission in principle was approved in 2018 under planning application 17/01186/PPP subject to conditions. This consent remains extant and can be implemented subject to approval of matters reserved by condition. Two previous applications for a house on this site were also granted permission (08/00764/OUT and 12/00561/PPP) however these have subsequently lapsed. The current submission is effectively an identical application to that submitted in 2018 however the drawings under consideration now show indicative proposals for the means of access, parking and turning as well as areas of cut and fill required to accommodate the driveway. The indicative drawings also show a no build zone (the predicted flood extent), structure planting, house footprint (with FFL) and drainage arrangements.

The site lies within an area of land allocated for housing in the LDP, reference AETTR003. Of the indicative capacity identified in the plan, only one house has been built to date (Willowbank Cottage ref 07/00038/OUT and 08/00357/REM). This would allow for up to 4 additional dwellings, including the current proposals, within the housing allocation. The erection of a dwellinghouse on this site would therefore not exceed the indicative housing capacity for this allocation.

The principle of development on the application site has already been established with the earlier granting of planning permission. As with the earlier consents, the current application accords broadly with the terms of the mini planning brief and with the principal determining policy constraints within PMD3 - land allocations.

Given the relative short period of time between the earlier approval and the current submission and the fact that the 2018 consent remains extant, I queried why a further application had been submitted. The agent has confirmed verbally that his client (should she decide to market the plot for sale) wanted to demonstrate to any potential purchasers that suitable access and egress could be achieved at this location. The proposed access arrangements, albeit indicative, show the existing access point upgraded to SBC approval with a private driveway (to a 1 in 8 gradient) and parking and turning for 2 cars.

In terms of flood risk, it is accepted that part of the site is at risk from a 1 in 200 year flood event. This is acknowledged by the applicant and reflected in the indicative site layout and predicted FFL. Both SEPA and the Council's Flood Officer initially objected to the earlier application but these objections were removed following the submission of additional supporting information. A no build zone was identified towards the SE of the site and the FFL was agreed at a minimum height of 226.6m AOD.

Whilst SEPA have maintained their acceptance of the proposed development and have confirmed no objections, the Council's Flood Officer has requested a FRA in this case. I am aware of third party concerns regarding flooding on this site but under the circumstances and as this is an identical application to that approved last year (albeit with an indicative layout) I feel that it would be unreasonable to ask for a FRA in this case. As stated above the indicative layout shows the proposed dwelling located outwith the predicted 1

in 200 year flood event and with a FFL of 227m AOD (400mm above the level previously agreed by SEPA and SBC Flood Officers).

I have sent a re-consultation to our Flood Team asking that they withdraw their request for a FRA but at the time of writing this report a response was not available.

The proposed vehicular access arrangements are acceptable to the Council's RPS. I note the third party representations in relation to access and road safety but am satisfied that the proposed access (subject to precise details being agreed) are acceptable and in accordance with Policy IS6 of the LDP.

Development contributions have been secured by way of a S69 agreement in relation to the original application in 2008. No further contributions are required in relation to this application.

As stated above, the site lies within the settlement envelope of Ettrick (Hopehouse) and is allocated for housing. Although part of the site is subject to flooding, the indicative layout shows the proposed dwelling located outwith the flood extent with a FFL of 227m AOD. Subject to compliance with the schedule of conditions (as set out in the earlier consent), the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

#### **REASON FOR DECISION :**

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

#### **Recommendation:** Approved - conditions & 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 including two parking spaces within the site, refuse and recycling bin storage, surface water mitigation and the landscaping of the site have been submitted to and approved in writing by the planning authority. No development, including land raising, shall take place below 226.0mAOD and the finished floor levels of the house shall not be below 227.0mAOD. Further, the landscaping shall: include structure planting on the south east and south west boundaries of the site (indicated green and noted on the on the approved plans) and; shall be designed to shed water away from the building  
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.
- 2 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.
- 3 No development shall commence until precise details of water supply and of both surface water and foul water drainage have been submitted to and approved in writing by the planning authority and thereafter, no development shall take place except in strict accordance with the approved scheme. The surface water drainage arrangements shall be based on sustainable drainage techniques.  
Reason: To ensure an adequate water supply is available and that satisfactory arrangements are made for the disposal of surface and foul water.

#### **Informatives**

It should be noted that:

1 Works within the public road boundary must be undertaken by a contractor that has been approved by the council.

## 2 PRIVATE WATER SUPPLY

If the development is to be serviced by a private water supply the developer should provide information to demonstrate that the supply will be adequate for the size of the development and not affect supplies in the vicinity. In order to do this the following information is required:

1. The type of supply i.e. borehole, spring, well etc;
2. The location of the source by way of an 8 digit reference number;
3. Details of other properties on the supply (if the supply is an existing one);
4. Estimated volume of water that the supply will provide (details of flow test);
5. Evidence that this supply will not have a detrimental effect on supplies in the area;
6. Details of any emergency tanks;
7. Details of treatment to be installed on the system;
8. Details of any laboratory tests carried out to ensure the water is wholesome.

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to one cubic metre (or 1000 litres) of water per day for every five persons 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. In addition, when designing storage facilities, the minimum recommended capacity is three days' reserve, in order to allow for supply interruption/failure.

## 3 PRIVATE DRAINAGE SYSTEM

Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To ensure that problems do not arise, the developer should ensure 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.

## 4 MINI PLANNING BRIEF

Further applications should be made in accordance with the terms of the Ettrick (Hopehouse) Mini Planning Brief. Particular note should be paid to the submission requirements set out in that document. Notwithstanding the indicative siting of the house shown on the approved plan, its siting and layout will be subject to further consideration at the detailed stage.

**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**