

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 20/00132/PPP

**APPLICANT :** Sandystones Ltd

**AGENT :** Murray Land & Buildings

**DEVELOPMENT :** Erection of treehouse and walkway for use as holiday let accommodation  
and associated works

**LOCATION:** Land South West Of Sandystones Farmhouse  
Ancrum  
Jedburgh  
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>
	Location Plan	Refused
	Proposed Site Plan	Refused

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

No representations have been received.

**Consultations**

**Economic Development:** Supports the erection of treehouse for holiday let with walkway, parking area and associated works at Sandystones farmhouse Ancrum as it fits with the Scottish Borders Tourism Strategy 2013-2020.

**Environmental Health:** Have not responded at the time of writing this report, however, in the previous application they have requested standard conditions should apply relating to drainage and water supply.

**Roads Planning Officer:** I have no objections in principle to the proposed development which is for tourism purposes. The existing private farm track is of a suitable standard for the proposed development but will need to be extended for a short section to accommodate access to the site and the parking area. The extended farm track should be constructed with a well compacted free draining smooth running surface capable of withstanding a minimum axle loading of 14 tonne. This information should be provided at detailed planning stage should this application be approved.

**Flood Risk Officer:** Objects to the application. In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the "third generation flood mapping" prepared by SEPA indicates that the site

may be 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. The Indicative River & Coastal Flood Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given. Due to copyright restrictions I cannot copy the map to you however, if the applicant wishes to inspect the maps they can contact me to arrange a suitable time to come in and view them. A Flood Risk Assessment, undertaken by Kaya Consulting to support the application. Hydraulic modelling of the Ale Water and mill lade has been undertaken and peak water levels for the 1:200 year and 1:1000 year flood events determined. As is stated in the FRA, SPP states that the development should be located out with the 1:1000 year floodplain. This is due to the classification of holiday let accommodation as a 'most vulnerable use' within SEPA's Land Use Vulnerability Guidance. While I appreciate that the application is for a treehouse and does not require to be located within the tree line given the risk of flooding and lack of flood free access and egress directly from the treehouse structure we are unable to support the development in this location.

I would recommend, that as per the FRA, the development is re-located out with the 1:1000 year floodplain.

SEPA: Objects in principle to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. Given the location of the proposed development within the functional floodplain we do not consider that it meets with the requirements of Scottish Planning Policy and our position is unlikely to change. We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. We recommend that alternative locations be considered.

Landscape Officer: No objections subject to the submission of a tree survey, arboricultural impact assessment and arboricultural method statement.

Ancrum Community Council: Have not responded at the time of writing this report.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

PMD1: Sustainability

PMD2: Quality Standards

HD3: Protection of Residential Amenity

ED7: Business, Tourism and Leisure

EP13: Trees, Woodland and Hedgerows

EP15: Development Affecting The Water Environment

IS7: Parking Provisions and Standards

IS8: Flooding

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Placemaking and Design 2010

Trees and Development 2008

Landscape and Development 2008

Development Contributions updated January 2018

New Housing in the Borders Countryside 2008

Scottish Planning Policy

**Recommendation by** - Brett Taylor (Planning Officer) on 6th April 2020

Site and Proposal

This application proposes the erection of a new-build holiday let accommodation unit in association with a group of existing farm buildings at Sandystones Farmhouse to the northwest of Ancrum. The site is situated to the south west of Sandystones. The proposed site is currently agricultural land which has sloping ground levels running from the entrance gate down the banking to the flood plain which abuts the Ale Water running to the south. Access would be taken from an existing entrance and track located to the east of the proposal. The surrounding area is rural in nature.

The proposal is to construct a timber framed walkway encompassing trees, leading to a single-storey treehouse on stilts. There would be two trees incorporated within the walkway although neither would be attached to the walkway. The proposed floor area would be 45 sqm, housing a studio apartment layout. It is proposed that the treehouse would be used as a holiday let to cater for the tourism market. As this is an application for Planning Permission in Principle no details of the design of the treehouse have been submitted, though a site plan has been provided showing the siting of the treehouse in relation to the river.

Planning History

01 November 2019 - Planning permission refused for erection of treehouse for holiday let with walkway, parking area and associated works (19/00812/PPP).

Planning Policy

The application requires to be considered principally in terms of policies ED7 and IS8 of the Local Development Plan on Business, Tourism and Leisure development in the countryside and flooding. Policy PMD2 of the Scottish Borders Local Development Plan 2016 is also relevant to this proposal. The development will not conflict with policy HD2 if controlled as holiday accommodation only.

Business Case

As noted above, the application requires consideration against policy ED7 of the LDP on Business, Tourism and Leisure Development in the Countryside. The Economic Development Service of the Council was consulted and is supportive of the application. Given the planning statement submitted by the applicant, the letter of support from 'Canopy & Stars' letting agency, the type of structure (which is highly unlikely to be capable of permanent residential occupation) and Economic Development's support it is considered that the proposal complies with policy ED7.

Design and Impact on Visual Amenities

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings.

Having visited the site and given its relatively remote location and that the proposal would be screened by existing trees, I consider the principle of the proposal to be acceptable in this location.

No details of the design or materials of the proposed treehouse, or parking area and associated works have been submitted as this is an application for Planning Permission in Principle and would be dealt with at the Approval of Matters Specified in Conditions or detailed application stage.

Impact on Residential Amenities

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. The nearest residential properties are approximately 350m to the east. The proposal would not affect the light or privacy of any existing properties.

Access and Parking

The roads planning service have no concerns regarding the proposal. The existing private farm track is of a suitable standard for the proposed development but will need to be extended for a short section to accommodate access to the site and the parking area. The extended farm track should be constructed with a well compacted free draining smooth running surface capable of withstanding a minimum axle loading of 14 tonne. This information should be provided at detailed planning stage should this application be approved.

### Ecology

Policy EP3 states that development that would have an unacceptable adverse effect biodiversity will be refused unless it can be demonstrated that the public benefits of the development outweigh the value of the habitat for biodiversity conservation.

Given the site is not subject to any natural heritage or landscape designations and no trees are to be removed, it is considered that the proposal will have a minor impact on ecology and biodiversity of the surrounding area. However, an ecology survey may be necessary to address any potential tree removals that are identified at the AMC stage.

### Flooding

Policy IS8 seeks to minimise the risk from flooding and that new development should be located in areas free from significant flood risk. Given the location of the proposed development within the functional floodplain both SEPA and the Council's Flood Risk Officer were consulted during the determination of this application.

Both the Council's Flood Risk Officer and SEPA have objected in principle to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

It was recommended that given the refusal of the previous application (19/00812/PPP) that an alternative location should be found and this should be outwith the functional floodplain (1 in 200-year flood extent) and be free from flood risk up to the 1 in 1000-year flood events. They also require that a safe access and egress should be outwith the floodplain. Given there has been no change of to the proposed design, however the applicant has updated ground levels relative to Ordnance Datum to 100.50m AOD and a Flood Risk Assessment (FRA) has been undertaken. Nevertheless, the FRA has confirmed that the development would still be situated within the functional flood plain and as such both SEPA and the Council's Flood Risk Officer would still object to the application.

The planning statement indicates that the treehouse would not be at flood risk due to being located on stilts some 3 metres above the predicted floodplain level and that stilts are unlikely to have an impact on floodplain capacity. It should be noted that holiday accommodation is classed as the most vulnerable and raising the development above the floodplain using stilts is not acceptable under Scottish Planning Policy and SEPA were unable to support these proposals and object in principle to this development. The occupants of this treehouse accommodation may be required to be evacuated/rescued during a flood event, thus placing others in danger, and the structure may be damaged where debris is carried by the watercourse. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance and it is recommended that alternative locations be considered. Furthermore, given SEPA are a statutory consultee a recommendation of approval would be contrary to this advice on flood risk, and the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 would require referral of this application to the Scottish Ministers. Given that the provision of the development on stilts would be contrary to Scottish Planning Policy and would not overcome the flood risk to access and egress, it is considered that the proposal cannot be supported as being compliant with Policy IS8.

### Landscape, Trees, Woodlands

Policy EP13 seeks to protect trees from development. Given the nature of the proposals a number of trees could potentially be affected by the proposals.

Should the application be approved and more information would be required as to the trees to be retained and how the services would be accommodated. A condition would be recommended that requires a tree survey, arboricultural impact assessment and an arboricultural method statement to be submitted.

## Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

The water supply would be from an existing mains water connection and a private treatment plant would be located on-site to the foul drainage. A SUDS system would also be installed. Limited details have been submitted and further information should be secured by a condition.

### **REASON FOR DECISION :**

The development is contrary to Policy IS8 of the Local Development Plan 2016 in that the proposal would be within an area of flood risk and potentially place the occupants at an unacceptable risk of flooding.

### **Recommendation:** Refused

- 1 The development is contrary to Policy IS8 of the Local Development Plan 2016 in that the proposal would be within an area of flood risk and potentially place the occupants at an unacceptable risk of flooding.

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