

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF: 21/01422/FUL

APPLICANT: Mr William, Brenda and Sarah Glennie

AGENT: Ferguson Planning

DEVELOPMENT: Demolition of steading and farmhouse and erection of two dwellinghouses

LOCATION: Land At Haughhead Farm And Steading Building
Innerleithen
Scottish Borders

TYPE: FUL Application

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
20035-LOC	Location Plan	Refused
20035-E-101	Existing Plans & Elevations	Refused
20035-001-A	Proposed Site Plan	Refused
20035-ST-101-A	Proposed Plans	Refused
20035-FH-101-A	Proposed Plans	Refused
20035-FH-201-A	Proposed Elevations	Refused
20035-ST-101-A	Proposed Elevations	Refused

NUMBER OF REPRESENTATIONS: 2

SUMMARY OF REPRESENTATIONS:

Two representations have been received. Albeit neither object, both refer to rights of way that need accounted for, one through the steading and another leading to the Tweed.

Consultations

Contaminated Land Officer: Given a previous agricultural use, recommends a condition to address potential contamination.

Environmental Health Service: Recommend a condition regarding waste water treatment maintenance

Roads Planning Service: The principle of redeveloping the steading has previously been considered and raised no objections subject to some improvements to the access. The demolition of the farmhouse and erection of replacement dwelling raises no objections in principle subject to access improvements. The proposed site plan shows appropriate parking for each dwelling but the turning requires the use of a communal area between the two parking areas. This communal area should be clearly defined as communal to ensure turning within the site is always maintained and ensures vehicles re-join the public road in a forward gear. Recommends a condition regarding details of the access, parking and turning area, including visibility splays of 2m by 90m in either direction.

Community Council: No reply

Scottish Water: No objection. Capacity at the Innerleithen Water Treatment Works cannot be confirmed, so a pre-development enquiry is recommended. There is no public waste water infrastructure in the vicinity so private means of drainage will be required.

Education and Lifelong Learning: No reply

Ecology Officer: Satisfied with the bat survey. Seven non-breeding soprano pipistrelle bat roosts were recorded. It is unlikely that, with mitigation, the disturbance to or loss of the roosts will be detrimental to the maintenance of the population of soprano pipistrelle bat at a favourable conservation status in their natural range. Notes evidence of breeding bird use. Recommends a condition restricting works to outwith the breeding bird season, and evidence of a bat license or that none is required.

Archaeology Officer: Recommends that a historic building recording condition is imposed and that this is carried out following the ALGAO Scotland Historic Building Recording Guidance

Flood Protection Officer: Hydraulic modelling was produced as part of the Innerleithen Flood Study (JBA, 2017) which demonstrates that the site lies outside the 1:200 year + climate change floodplain of the River Tweed. The Armour Burn which runs through the site was not captured in the study as it is partially culverted. In 2015 the previous application was subject to a flood risk assessment, and the FPO asked for this to be updated to account for this development, with particular attention to the burn and culverts. Following submission of the update on behalf of the applicant, and revised proposals showing increased floor levels for both buildings, the FPO advises that:

- o The floor levels are above the 1m height threshold over ground levels as required, except a corner of the steading building, so changes are requested to its south-west corner to achieve this
- o Flow paths are directed away from the buildings
- o No vents or similar are shown. The FPO asks for groundwater flooding to be considered and the underfloor built appropriately to prevent water raising through the floors as a result of flood water seepage/ground saturation

Access Officer: There are no recorded rights of way, however, the community have evidence that a public right of way exists in common law (SBC path code INGT/River/2). This route has existed since at least the creation of the railway line from Peebles to Galashiels in 1864. This right of way has been acquired through the process of prescription due to it being used for longer than twenty years without judicial interruption. The development site also neighbours core path 181 and promoted path INGT/River/1. A sensitive development of the site is welcomed in order to improve the aesthetics of the derelict buildings, however, loss of path INGT/River/2 is not acceptable. The path not only enjoys prescriptive rights, acquiring right of way status, but is of historical interest and part of the cultural heritage of Innerleithen. Unless a scheme can be proposed that allows the path to remain open and free from obstruction then the access officer objects.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2, HD2, HD3, EP1, EP2, EP3, EP5, EP8, EP13, EP15, EP16, IS2, IS5, IS7, IS8, IS9, IS13

SPGs Affordable Housing 2021; Development Contributions 2011 (updated 2021); Local Landscape Designations 2012; New Housing in the Borders Countryside 2008; Placemaking and Design 2010; Sustainable Urban Drainage Systems 2020; Trees and Development 2008; Waste Management 2015; Landscape and Development 2008

Recommendation by - Carlos Clarke (Lead Planning Officer) on 1st February 2022

This application seeks consent for a replacement house on the site of a derelict farmhouse, and a house on the site of a former steading building, previously subject to a now lapsed consent for conversion to a house granted in April 2016 under 15/00742/FUL. The site is located on the south side of the River Tweed, east of Innerleithen, accessed from an unclassified road to the south, the other side of which is an equestrian business.

Principle - farmhouse replacement

Policy HD2 (E) of the Local Development Plan 2016 supports replacement houses and does not require that they remain habitable or capable of habitation. A structural assessment does not suggest the building is entirely incapable of restoration, albeit the benefits in replacing the building with a new-build house are reasonably obvious. Given the walls are substantially intact, the replacement of this existing former residential building with a new residential building is acceptable in principle against the provisions of Policy HD2. Detailed criteria in HD2 are considered further in this assessment.

Principle - steading replacement

Policy HD2 of the LDP 2016 does not support the erection of houses on the site of derelict non-residential buildings, unless the development otherwise meets other criteria within the policy, and this proposal does not, in either its location (i.e. no building group), or business justification. The fact the building has had a previous consent to convert it is acknowledged as a material consideration, particularly where the net effect of this proposal would, fundamentally, be the same. However, there were no evident efforts to implement the consent and it has now lapsed, thus its value as a consideration is significantly reduced.

It is acknowledged that the building is in a derelict state, and its visual appearance (combined with the farmhouse) is harmful to the amenity of the area. I also note the contention (in a supporting preliminary costs assessment), that conversion will be significantly more expensive than demolition and replacement. However, the new-build costs do not factor in demolition costs, nor is there an assessment of the value to be derived from two new houses being provided on the site, against the costs involved in achieving them. Costs alone do not demonstrate a lack of economic viability. The fact it is too costly to convert a building cannot be sufficient reason in itself to justify its replacement with a new-build dwellinghouse, particularly when such a case could be advanced on numerous sites, resulting in sporadic residential development in the countryside, a key environmental impact which Policy HD2 attempts to balance. Policy HD2 is designed to permit housing in the countryside in a manner which contributes to rural communities, without undermining their character. To accept a residential building on the site of a building that has never been used as such simply because it is too costly to convert it, will undermine the efforts of the LDP to achieve a balance between the impact and benefit of residential development in the countryside.

As regards the NHIBC SPG, it is acknowledged that paragraph 2.a.1 implies that, if conversion efforts have failed, a replacement house can be agreed, in which case arguing the case for a new house as an exception could be realised, based on evidence it is incapable of conversion. However, the value of paragraph 2.a.1 as a material consideration must be balanced with the fact it guided a previous local plan, not the current LDP which post-dates it by eight years. There is a conflict between the SPG and Policy HD2 in this regard. In any case, the principal development must still be a conversion for it to comply firstly with HD2, and then be guided by the SPG. This is not a conversion in any form, and no efforts are evidently being applied to achieve a conversion, not even partial retention of the building.

The supporting structural assessment is not conclusive that the building is physically incapable of conversion in any case, suggesting instead that, whether repair of the walls as a result of damage caused by removal of render would "be wholesale rebuilding, or more modest local stone repairs and repointing with lime mortar would only be determined once the work has started. However, the proposals to convert the building to a dwelling include the formation of several large new window openings in the North elevation. This, coupled with the damp issues, and the general rubble core nature of the walls will lead to extensive rebuilding of this elevation." This is not conclusive that replacement of the entire building is the only viable option. Even if it were, it remains the case that the erection of a new house on this site which has no existing consent in place, and where no evident efforts have been applied to realise the previous consent, is contrary to Policy HD2 of the LDP and has inadequate support from the SPG.

The LDP is, however, more than five years old, and, therefore, the provisions of Scottish Planning Policy are a significant material consideration. As regards meeting any perceived shortfall in housing (as advanced by the applicant), there is insufficient evidence that a shortfall exists and, in any case, an additional house would make a negligible contribution to any perceived shortfall. If this point were accepted as overriding, then it could be advanced on every single site where residential development is contrary to the LDP.

SPP also contains a presumption in favour of sustainable development. In this case, the investment in a derelict brownfield site, and the obvious visual benefits of tidying it up and restoring to a viable use are undoubtedly significant considerations. That is fully accepted and the merits of doing so are not dismissed as insignificant. However, Policy HD2 already applies criteria which is designed to achieve sustainable development of the countryside, by applying a balanced approach, allowing for residential development in a manner which achieves investment in rural communities, but does not result in sporadic development in the countryside. This proposal would contribute to such sporadic development since it is the type of scenario that could be repeated on many other non-residential sites in the countryside. Though close to Innerleithen overall, it is not within an ideal walking distance of the town centre, and would result in another largely car-served residential development in the countryside. Though the previous conversion would have had

precisely the same effect, that would have been achieved by the reuse of an existing building, not its demolition. Accepting the principle of a new-build house would ultimately have the effect of discouraging conversion of rural buildings, since there is likely to be a considerable cost benefit in removing a building and replacing it, rather than converting it, in the majority, if not all, of such cases. This would result in new-build houses on ill-maintained rural sites without any net gain to be derived from the reuse of existing buildings. The incentive would be to discourage conversion and reuse, and that is not sustainable rural development.

It is not considered, therefore, that the sustainability attributes of this particular development outweigh the greater incremental harm that would be caused to the countryside by erecting a further new-build house that would contribute to sporadic residential development in the countryside. It is, also, not accepted that the SPP or previous consent provide sufficient justification to overcome the adverse implications of encouraging sporadic housing development, and it is considered that the LDP should remain determinative. Because the steading replacement is a fundamental aspect of the application, and the applicants have chosen not to delete it, the application as a whole must be refused.

Flood risk

The site is outwith the flood risk area for the River Tweed. However, there is a culverted watercourse through the site, the risk from which the Flood Protection Officer took account of. In response, a supporting flood risk assessment update has been submitted, and the proposals now incorporate raised floor levels within both houses as flood mitigation. In response, as noted above, the FPO notes the levels exceed the requirements for the most part, except the south-west corner of the steading. She also recommends measures to prevent water seepage rising through the floors. It is understood the latter point would be a requirement of the Building Standards and, that being the case, the circa 0.5m the steading's corner is above the recommended level may be sufficient with such mitigation in place. Given the visual effect of raising the floor level to the current proposal even further (which is already visually unfortunate), and that the risk affects only one corner of the building, I would suggest the resulting proposal is as far as can reasonably be accommodated. There is an element of risk the applicants must accept in this regard and, if the BS solution measures materially affect the external appearance of the buildings, there is also the risk of the requirement for a fresh planning application. Ultimately, however, the proposal is acceptable as regards flood risk.

Ecology

A bat/bird survey identifies seven bat roost sites and a requirement for a license. The survey includes a mitigation plan for the loss of the roost sites. Bird nests were also found, and the survey includes a species protection plan. Our Ecology Officer has advised as noted above. If approved, planning conditions can address these matters. It will be for the applicant to ensure the tree identified for removal off-site for visibility improvements (see below) is checked for bats/birds.

It is recommended too that measures to protect the culverted watercourse from damage or pollution during construction are addressed by condition, to ensure no risk to the River Tweed Special Area of Conservation/SSSI to the north.

Parking/access

Sufficient parking is proposed, with access via the existing entrance which would be improved. The Roads Planning Service are content subject to conditional approval of detailed matters, including visibility splays. As regards visibility splays, the applicant has submitted a scheme that shows that vegetation removal, works to lift the crown of the tree at the entrance, regrading the verge, and removal of a tree off-site to the east, will facilitate the splays which are shown larger than need be, as they need only be taken to the centre of the road. If granted, a condition can require the splays before commencement as per the RPS. The splay plan also shows junction lining that would require downgrading too, but the planning condition can address this.

The proposal also includes a service lay-by that appears unrelated to the proposal (and reflects that approved for the adjacent site which was consented for a holiday development under 15/00741/FUL, since lapsed). It appears somewhat nonsensical, but the applicants have advised they wish to avail of it. Given the RPS raises no concerns, there is insufficient reason to oppose it.

Services

Water supply is proposed to the mains, and a condition can require evidence of this being provided. Foul drainage will need to be by private means. Information provided in the application submission is insufficient and a condition will require clarity that a scheme can be provided (albeit the technical details are for the Building Standards).

A condition should also ensure that surface water drainage is treated sustainably and maintains existing run-off levels

Archaeology

As noted above, the Archaeology Officer recommends a condition requiring recording of the buildings. Given demolition of the buildings does not require Planning Permission, it is arguable whether such a condition is reasonable. However, the existence of the buildings is integral to the merits of the application so, on balance, a condition would be recommended.

Contamination

A condition can be imposed to require the assessment required by the Contaminated Land Officer.

Bin storage

The service layby includes bin storage for the lapsed holiday development adjacent the site, so consenting here would have no justification. A condition should secure deletion of this bin store. As regards the two dwellinghouses, a bin stance is proposed though it is presumed to be a collection area. No storage is proposed within the site itself alongside the houses, though there is scope to do so without affecting visual amenity or the parking area.

Air quality

There are no likely issues in this regard. A standard informative can apply.

Placemaking and design - farmhouse

The replacement farmhouse, as originally proposed, was considered acceptable, on balance, in comparison to the existing building, but for the contemporary designed 'extension' which previously ran parallel with the main house. The applicant was asked to address its scale, orientation and window proportions. In response, the proposal now incorporates a revised 'extension' design which is generally acceptable, though square openings remain unsympathetic. Of most significance is that the proposal now incorporates a higher floor level and remodelled ground to address flood risk. These will add to the visual impact of the proposal and mean it is not entirely visually complementary to the house being replaced. However, in this setting it is, on balance, acceptable. Conditional control of windows to address proportions could be applied if consent were to be granted, and conditions controlling details of external materials and finishes (which are fundamentally acceptable) could also be applied.

Placemaking and design - steading

The existing building would be replaced with a principal building that would be fairly consistent with it. However, the proposal also incorporates a contemporary 'extension' part which reflects a large extension granted under the previous lapsed conversion consent. The current proposal incorporates an increased width and height to this 'extension', both of which exceed the dimensions of the principal building. Though it is also of the same contemporary design approach to the previously approved extension, this proposal includes square windows that are not as successful as the approved extension, and incorporates heavy fascia detailing. These concerns were raised with the applicant, but the revised plans do not address them. Indeed, the revised proposals incorporate floor level changes to respond to flood risk that add to the visual impact of the proposal, rather than reduce it. Ultimately, conditional control of details of window openings and fascia treatments could be applied if consent were to be granted and, though the proposal is not entirely sympathetic with the existing building, the wider visual implications for its contribution to the landscape and public realm are, on balance, not so negative as to justify refusal on design grounds alone. Materials are acceptable subject to conditions.

If the application were to be approved, conditions should also secure details of boundary treatments and hardstandings.

Trees

Risk to trees within the site is a concern only as regards the large tree at the entrance. As noted above, this will require its crown lifted but, provided those works comply with BS guidance, and any ground works to the entrance do too, the tree should be capable of being retained. An off-site tree will require removal (as noted above), though this is not within the site itself and could be removed now without Council approval.

Neighbouring amenity

The proposal will not undermine the amenity of neighbouring properties. The revisions referred to above did not justify renotification of neighbours. There is intervisibility between the proposed houses, though the relationship should be fairly comfortable.

Rights of way

As noted above, representations refer to existing public rights of way that could potentially be affected. The applicant was asked to address this. In response, the applicant simply contends that there is no right of way through the site. However, there is a permissive path through it, leading onto public paths to the river (those routes not being directly affected). The Council's Access Officer makes it clear - this is a path route with lawful status as a publicly claimed right of way. This proposal pays no regard to it and instead proposes a parking area that could prejudice its use, contrary to IS5. Though ideally it should have been accounted for as part of the layout (particularly as the arrangement of parking proposed could lead to conflict between pedestrians and vehicles, as well as householders generally), a planning condition could ultimately seek to address this, if this application were to be approved

Development contributions

A legal agreement would be necessary to secure contributions towards Peebles High School, St Ronan's Primary School and affordable housing.

REASON FOR DECISION:

The proposed steading replacement would be contrary to Policy HD2 of the Local Development Plan 2016 in that it would comprise residential development in the countryside that does not meet criteria within Policy HD2. The steading replacement would not be related to a building group; would not comprise the conversion of an existing building; would not replace or restore an existing or former house; and, no business justification has been provided to support the requirement for a dwellinghouse to replace the existing former steading. The development would, therefore, contribute to sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development

Recommendation: Refused

- 1 The proposed steading replacement would be contrary to Policy HD2 of the Local Development Plan 2016 in that it would comprise residential development in the countryside that does not meet criteria within Policy HD2. The steading replacement would not be related to a building group; would not comprise the conversion of an existing building; would not replace or restore an existing or former house; and, no business justification has been provided to support the requirement for a dwellinghouse to replace the existing former steading. The development would, therefore, contribute to sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development

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