

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 15/00742/FUL

**APPLICANT :** Mr Tim Ferguson & Simon Lawson

**AGENT :** David Jane Architects

**DEVELOPMENT :** Change of use, alterations and extension to form dwellinghouse from outbuilding

**LOCATION:** Steading Buildings  
Haughhead Farm  
Innerleithen  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
STRUCTURAL SURVEY		Report Submitted
FLOOD RISK ASSESSMENT		Report Submitted
15021-LOC-B	Location Plan	Submitted
15021-002-A	Site Plan	Submitted
15021-201	Elevations	Submitted
15021-101	Floor Plans	Submitted
15021-E-101	Existing Elevations	Submitted

**NUMBER OF REPRESENTATIONS: 1**

**SUMMARY OF REPRESENTATIONS:**

Roads Planning:

I have no objections to the principle of the above proposal. However, In order to gain my full support for this proposal the following points will have to be satisfactorily addressed;

- o Access to be formed to the following specification over the initial 6m from the public road "40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1"
- o Visibility splays of 2 x 90 metres to be provided in both directions from the private access onto the public road. This will involve the removal of some roadside vegetation to gain the required visibility to the right on egress. This work must be completed prior to the dwelling being occupied and retained in perpetuity thereafter.
- o The gradient of the access to be no steeper than 1 in 15.
- o 2 parking spaces, excluding any garages, to be provided within the curtilage of the plot prior to occupation of the dwelling and retained in perpetuity thereafter.

o Adequate turning to be provided within the curtilage of the plot to allow vehicles to enter and exit the site in a forward gear.

It should be noted that all work within the public road boundary must be undertaken by a contractor first approved by the Council.

Environmental Health:

Amenity and Pollution

Assessment of Application

Nuisance

Private Water Supply

This is an Application to convert a farm building into a dwelling house.  
The Application papers indicate that private water supply and drainage arrangements will be made.  
These can impact on public health and on the amenity of other occupiers.

Recommendation

Delete as appropriate - Agree with application in principle, subject to conditions and Informatives.

Conditions

No development should commence until that the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.

Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.

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

Reason: To ensure that the development does not have a detrimental effect on public health.

Informative

Water Supply

Any house that does not have an adequate piped supply of wholesome water within the property will fail the tolerable standard as defined by Section 86 of the Housing (Scotland) Act 1987.

As the dwelling is to be serviced by a private water supply the applicant will need to provide details to demonstrate that the supply will be adequate for the size of the dwelling and not affect supplies in the vicinity.

The will involve the provision of the following information (delete the as appropriate).

1. The type of supply ie 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 (has the supply been tested did it pass).

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' worth of supply, in order to allow for supply interruption/failure.

#### Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exists 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 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.

There is an indication within this Planning Application that the site has had a previous use as agricultural land. Such use may have resulted in land contamination. I therefore recommend that you complete and return the attached questionnaire providing information relating to the previous use of the site.

Once the questionnaire has been returned for my attention, I will be able to advise Planning colleagues on whether any further action is needed to investigate or assess potential contamination issues at the site. Please note the completed questionnaire will be publicly accessible on the Council's website.

If the questionnaire is not returned, it is important that the potential for contamination is considered in any Planning Permission given. In such circumstances it will be our recommendation that the following condition is attached to the Planning Permission in order to ensure that the development is suitable for its proposed use:

Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

and thereafter

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b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.

c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).

d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.

e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

Contaminated land

Assessment of Application

Further to my consultation response dated 09 July 2015 the completed questionnaire has now been returned to me. The document is attached below.

The historical information indicates the site has been used for a number of potentially contaminative operations and activities.

It is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. It is therefore recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.

Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

The attached standard condition may be helpful in this respect

Standard Planning Condition

Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

and thereafter

b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.

- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

Director of Education and Lifelong Learning:

I refer to your request for Education's view on the impact of this proposed development, which is located within the catchment area for St Ronans Primary School and Peebles High School.

A contribution of £3209 is sought for the primary school and £1393 is sought for the High School. This makes a total contribution of £4592

Rolls over 90% place strain on the school's teaching provision, infrastructure and facilities and reduce flexibility in timetabling, potentially negatively effecting quality standards within the school environment. Contributions are sought to raise capital to extend or improve schools, or where deemed necessary to provide new schools, in order to ensure that over-capacity issues are managed and no reduction in standards is attributed to this within the Borders Area.

This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

Please note that the level of contributions for all developments will be reviewed at the end of March each year and may be changed to reflect changes in the BCIS index - therefore we reserve the right to vary the level of the contribution if the contribution detailed above is not paid before 1 April 2016.

Ecology Officer:

Adopting the Council's Supplementary Planning Guidance for biodiversity

<http://www.scotborders.gov.uk/life/planningandbuilding/plansandresearch/6003.html>

from the information provided the proposed development and type of structure proposed for change of use, alterations and extensions conforms to the type of development requiring a bat survey and breeding bird survey (see section 4.3.1). I have not visited the site to inform this consultation response.

The existing stone built structure with slate roof has potential to support bats and their roosts. Works to walls, wall heads, and roof and loft space has potential to disturb bats and their roosts.

The existing buildings have potential to support breeding birds e.g. barn swallow

The habitat in the surrounding landscape is of high quality for bats. There is a robust network of woodland, riparian habitat and hedgerows, including Ancient Woodland (Plora woods - Ancient of semi-natural origin). The site is adjacent to the River Tweed SAC/SSSI.

The Borders Landscape Character Area (BDR25 Upland Valley with woodland) classifies the surrounding landscape as meandering river valley enclosed by uplands with strong influence of woodland with extensive coniferous plantations, mature hedgerow treelines and broadleaf and mixed policy woodlands.

Recommendation:

o Prior to determination a survey for bats by a suitably qualified person[i] will be required for all buildings to be converted or demolished and an assessment of any mature trees to be felled. Following guidance from the Scottish Government, bat surveys and any subsequent licensing requirements will need to be resolved before the planning application is determined. Impacts on bats will be assessed against the three key tests. Surveys likely to involve disturbance to bats or their roosts can only be carried out by a licensed bat worker. Activity surveys for maternity roosts and occasional roosts in buildings and trees should be conducted between May and September (optimally May - July). Preliminary roost assessments can be undertaken at any time of year. If evidence of bats or their roosts is found in the surveys, the developer will be required to submit as part of their submission to the Planning Authority a mitigation plan for bats.

o Prior to commencement of works, a survey of breeding birds is required for all buildings to be converted. Before development on the site begins, a scheme for the protection of birds shall be submitted to and approved in writing by the planning authority. Any works shall, thereafter, be carried out in accordance with the approved scheme. Where it is established that there is a breeding bird interest, no works shall be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority. Supplementary surveys and a mitigation plan will be required.

o Opportunities exist to enhance the local habitat network for bats and breeding birds through planting of native thorn species-rich extended hedgerows (FCS Native seed zone 204)

I am satisfied with the Bat survey carried out by Tweed Ecology (October 2015).

Bats

Soprano pipistrelle bat (*Pipistrellus pygmaeus*) were identified at emerging/re-entering a total of 5 locations within the steading. The roosts are considered to be non-breeding. A maximum of eleven soprano pipistrelle bats in total were recorded at the roosts.

A detailed mitigation plan for bats is included in p16 and 17 of the report. Based on the information submitted, in my opinion the development will not be detrimental to the maintenance of populations of the bats species identified at favourable conservation status in their natural range.

Breeding birds

Twelve barn swallow nests (*Hirundo rustica*) were recorded in all the steading buildings, a probable blue tit nest and possible jackdaw nest were recorded. A large number of feral pigeon were recorded in roosting and breeding in the steading. Mitigation measures for breeding birds will be required. Mitigation proposals are included on p18 of the report.

The development is likely to damage, disturb or destroy bat roosts. A European Protected Species licence will be required from SNH. Adopting good practice (BS:42020 , 9.3.3) the competent authority should impose a planning condition preventing development from proceeding without first receiving a copy of the EPS licence or a copy of correspondence from the relevant statutory body stating that such a licence is not necessary.

Recommendation:

o Prior to the commencement of the development hereby permitted the developer shall submit in writing to the Planning Authority a full species protection plan for bats. Any mitigation should at least provide a 'like for like' replacement of what will be lost. This should include provision of bat boxes additional to any licensing requirements, as enhancements. Further guidance on mitigation can be

found via the following link: <http://www.snh.gov.uk/about-scotlands-nature/wildlife-and-you/bats/mitigation/>

Thereafter, no development shall take place except in strict accordance with the protection plan so approved.

- o No development shall take place until the developer has provided to the Planning Authority
  - a) a copy of the relevant European Protected Species licence or
  - b) a copy of a statement in writing from SNH (licensing authority) stating that such a licence is not necessary for the specified development.
- o Prior to the commencement of works a Bird Mitigation Plan, including measures identified in the Bat Survey Report shall be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme. To ensure that no works will commence during the breeding bird season (March-September) without the express written permission of the Planning Authority.

#### Informative

- o The developers will require a European Protected Species (EPS-bats) licence from SNH prior to the commencement of works and will need to meet the terms of any such licence. <http://www.snh.gov.uk/protecting-scotlands-nature/species-licensing/mammal-licensing/bats-and-licensing/development/>

#### Access Officer:

#### Rights of Way

According to the records held in the Planning & Economic Development Section there are no claimed rights of way on this area of land, as shown on the attached plan.

Rights of Way are protected by law under the Countryside (Scotland) Act 1967 sec. 46 'It shall be the duty of a...planning authority to assert, protect, and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area.'

Please note that Scottish Borders Council does not have a definitive record of every claimed right of way within its area. The Scottish Rights of Way and Access Society, the community council and local residents may have evidence of existence of claimed rights of way that have not yet been recorded by SBC.

#### Promoted routes

The site lies adjacent to route 7 in the community and Council produced Paths around Innerleithen and Walkerburn booklet [http://www.scotborders.gov.uk/directory\\_record/30902/paths\\_around\\_innerleithen\\_and\\_walkerburn](http://www.scotborders.gov.uk/directory_record/30902/paths_around_innerleithen_and_walkerburn) The route through the middle of Haughhead (shown with a green dashed line on the attached plan) has long been in use as a recreational link to the river. The loss of this route may create an access issue; this would be best resolved prior to planning permission being granted.

#### Land Reform (Scotland) Act 2003

There are other tracks in the area that the public would have a 'right of responsible access' to under the Land Reform (Scotland) Act 2003. This right also extends to most land and inland water in Scotland.

Please note: There are a number of statutory provisions contained in both public and private Acts under which public paths may be formally diverted. (s.37 Countryside Act 1967, s.199 Town & Country Planning Act 1972, s.9 & 12 Roads Act 1984) The diversion of a path may only be undertaken if the planning authority can be satisfied that the diversion will result in the efficient use of land or that a

shorter or more convenient path will be created. It should be noted that formal diversions of paths involve a lengthy legal process.

Condition request

With due consideration to the existence of a permissive route the logistics for an alternative link should be discussed and decided upon with the applicant, the relevant access ranger and the manager of the stables.

Archaeology Officer:

Thank you for requesting an archaeology consultation. While I can support the principle of this application, the steading building at Haughhead is of local historic importance as a traditional steading building. Such buildings are a diminishing, irreplaceable, resource, and conversion will alter their character and damage or obscure historic features. It is important to mitigate this loss through recording prior to building works.

The steading building at Haughhead likely dates to the late 19th century as it appears on maps from the time of the Ordnance Survey Second Edition 25" map of 1898 but not on the OS 1st edition map of 1858. It appears to replace an earlier building that had the same alignment as the other ruins buildings on the site. The farm itself dates from at least the middle of the 18th century where it appears on General Roy's map. It is unknown if the farmhouse or ruined structure south and west of this proposal contain fabric of this date.

The proposal has two potential implications. First, is the impact to the late 19th century building. Alterations to this building can best be mitigated through an historic building recording to a BASIC standard per ALGAO:Scotland guidance. This should be conducted for both the building being altered and the other buildings at Haughhead where possible to provide context. The second is the potential for encountering buried archaeology associated with the 18th and early 19th century occupation of Haughhead. While I do not suspect any significant archaeology being encountered during development, there is a low potential that this will be the case. I recommend the below informative which is in line with PAN2(2011). The discovery of unknown archaeological features and deposits during development, whether a plan of mitigation is in place or not, remains subject to planning enforcement and may require additional mitigation.

If the Council is minded to approve this application, I recommend the condition and informative below:

Archaeology: Developer Funded Historic Building Survey

No development shall take place until the applicant has secured and implemented an approved programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Historic Building Survey. This will be formulated by a developer contracted archaeologist(s) and approved in writing by the Planning Authority. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- o The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- o Historic Building Survey will be in accordance with the ALGAO:Scotland guidance as requested by the Planning Authority.
- o In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times.
- o Initial results shall be submitted to the Planning Authority for approval in the form of a Historic Building Survey Report (HBSR) within one month following completion of all on-site archaeological works.
- o Once approved the site archive and HBSR shall also be reported to the National Monuments Record of Scotland (NMRS) via the OASIS system within three months of on-site completion.
- o Results will be summarised in Discovery and Excavation in Scotland (DES) within one year of on-site completion.



o The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological investigations, reporting and dissemination of results as required. The developer will be expected to fund and implement all further archaeological work.

Reason: To preserve by record a building of historical interest.

#### Archaeology Informative

There is a low potential for encountering buried archaeological features, finds or deposits during excavations. If buried features (e.g. walls, pits) or artefacts (e.g. pottery, ironwork) of potential antiquity are discovered, please contact the planner or Archaeology Officer immediately for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered.

#### Flood Protection Officer:

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 was undertaken in October 2014 by JBA Consulting. Within this assessment, it is shown that the outbuilding and extension are out with the area affected by flood risk during a 1 in 200 year plus climate change flood event.

Therefore, I would have no objections to this proposal on the grounds of flood risk. However, if the design drawings alter the location of any of the dwellings, I would request that I am consulted.

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.

Landscape Architect: No objections.

#### SEPA:

We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Scottish Borders Council to undertake their responsibilities as the Flood Prevention Authority.

This advice is given without prejudice to any decision made on elements of the proposal regulated by us which may take account of factors not considered at the planning application stage.

Advice for the planning authority

##### 1. Flood Risk

##### Technical Report

1.1 We have been asked to comment on the current application for the conversion and extension of an existing farm outbuilding create a new dwelling at Houghhead Farmhouse, Innerleithen.

1.2 Review of the SEPA flood map shows that there is a risk of fluvial flooding to parts of the development site. There are two sources of fluvial flood risk, the River Tweed and also the Armour Burn. A reasonably significant event occurred in this area in January 2005 and the photograph below shows part of the proposed site being subjected to flooding. JBA were commissioned to undertake a post flood survey and the peak flood level in this area was 137.83m AOD.

Photograph 1 - Development site and railway bridge in January 2005 flood event. Unfortunately we hold no information regarding the timing of this photograph

Photograph 2 - Upstream of Railway Bridge in January 2005 flood event. Unfortunately we hold no information regarding the timing of this photograph

Photograph 3 - Looking towards proposed farm conversions during the January 2005 flood event. Unfortunately we hold no information regarding the timing of this photograph.

1.3 To assess the risk of flooding both hydrological and hydraulic modelling has been undertaken. The FEH Statistical Method has been used to estimate likely flows at the development site for the River Tweed. Using SEPA gauge at Peebles, an enhanced single site analysis has been undertaken which produces a 200 year flow of 697m<sup>3</sup>/s. As recommended by SEPA, the consultants have also undertaken a single site analysis at Peebles gauging station and scaling the results by catchment area to Innerleithen and this produces a higher flow of 879m<sup>3</sup>/s. Due to the significant differences in flow estimates, the consultants have modelled both to determine whether there is significant difference in flood level estimates. To estimate flows within the Armour Burn, the FEH Rainfall Runoff Method and ReFEH Rainfall Runoff Method have been used producing a 200 year flow of 2.3m<sup>3</sup>/s and 1.8m<sup>3</sup>/s respectively. Erring on the side of caution, the consultants have used 2.3m<sup>3</sup>/s as the 200 year flow within their hydraulic model.

1.4 Two separate steady state hydraulic models have been created within HEC RAS for each watercourse. Downstream boundaries have been set as a normal depth with roughness values of 0.035 for the main channel and 0.03 for the flood plains. A sensitivity analysis has been undertaken as outlined in section 2.7.4 of the FRA. The models are reasonable stable to changes in mannings and downstream boundary changes. Blockage has also been included within the model and as expected flood levels increase as a result of blockage.

1.5 Normally we would have expected the downstream boundary of the Armour Burn to be set as the flood level in the River Tweed (for example 1 in 10 year event in Tweed with 200 year flow in Armour Burn) to reflect backing up affect that could during significant events. However as explained within the FRA and shown on figure 2-10, the Armour Burn is a very steep and flood levels at the site are primarily determined by the presence of the culverts running through the site.

1.6 For the Tweed model, the model has been calibrated to the January 2005 recorded flood level (flows derived by scaling the recorded flow at Peebles downstream to the development site) and the model produces a slightly higher flood level than surveyed.

1.7 Predicted flood extents are shown on figure 2-8 (200 year) and 2-9 (200 year plus climate change). As highlighted above, predicting the 200 year flow at this site varied depending on the methodology used. The difference in flood levels between the two flow estimates is 0.35m. As explained within section 2.7.3 of the FRA, the hydraulic model is shown to overestimate flood levels during the 2005 event and also significant 'glass walling' (this should be avoided) which can result in overestimating of flood levels and the model uses a smaller cross sectional area compared to reality. Figure 2-8 shows the 200 year functional floodplain and parts of the site are at risk of flooding.

1.8 Section 3 of the FRA investigates possible mitigation measure to overcome the risk of flooding. Review of figure 2-6, the existing outbuilding is located outwith the predicted 1 in 200 year flood level and as a result we offer no objection to the proposed development. The FRA highlights that the ground levels on the opposite bank area 0.3 to 0.4m lower than the proposed development site. The proposed finished floor levels are 140.9mAOD which would appear to be 600mm above the predicted 200 year flood level. It is strongly recommended that ground levels slope away from the developments to prevent any surface water ponding against the developments.

1.9 We note that there are two other farm outbuildings adjacent to the development site. If a planning application was lodged to convert these into residential developments, more detailed flood risk information would have to be provided as these are shown to be at risk of flooding. We would recommend that the consultants investigate the feasibility of reducing the risk of flooding via the removal of culverts and creation of flow paths within the development site. This would be our preferred option because if feasible, the farm buildings will be removed from the risk of flooding.

Detailed advice for the applicant

## 2. Flood Risk Information and Additional Information for the Applicant

2.1 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.

2.2 We refer the applicant to the document Technical Flood Risk Guidance for Stakeholders. This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction SEPA Planning Authority protocol (Policy 41).

2.3 Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process.

2.4 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.

2.5 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 as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities outlines the transitional changes to the basis of our advice inline with the phases of this legislation.

Regulatory advice for the applicant

## 3. Regulatory requirements

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 operations team in your local SEPA office.

Innerleithen and District Community Council:

A companion application to 15/00741/FUL, I would echo my previous comments. It would be good to see this run down area rejuvenated and occupied.

One objection from the owner of the stables opposite was received on the following grounds:

- o Increased amenity and nuisance impacts relating to noise, loss of view, sewage smell, litter, dog fouling, use of path through site etc.
- o Public road inadequate to safely cope with additional traffic generation and associated impacts on horse trekking use adjoining.
- o Alleged lack of neighbour notification.
- o Criticism over flood risk assessment accuracy.
- o Concerns over impacts on protected wildlife such as swallows, barn owls, red squirrel, badgers, foxes, salmon etc.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development  
Policy G4 Flooding  
Policy G5 Developer Contributions  
Policy NE3 Local Biodiversity  
Policy NE5 Development Affecting the Water Environment  
Policy EP2 Areas of Great Landscape Value  
Policy Inf4 Parking Provisions and Standards

Policy D2 Housing in the Countryside

"New Housing in the Countryside" SPG

"Developer Contributions" SPG

**Recommendation by** - Craig Miller (Lead Planning Officer) on 27th January 2016

Haughhead is a redundant farmhouse and steading range located on the edge of Innerleithen, on the back road to Walkerburn and accessed via a footpath network using the old railway bridge. The old house is marked as Unit 1 on the submitted drawing and is not part of this application, it having established use rights as a house and which will be renovated at some point together with the attached outbuilding known as Unit 3 on the structural engineer's report. The latter is in very poor condition and has no real potential for conversion.

The application site concerns Unit 2 which is an existing stable building in rendered stone and clay brick additions. The building has been assessed by the engineer and, whilst some lean was noticed on the elevations, the conclusion is that it is suitable for conversion without substantial works to the walls. A new roof may be required. The proposals are for a fairly light touch to the existing building, keeping door and window openings and generally retaining the simple hipped rectilinear form. This will provide 96 square metres of accommodation to which, a further 84 square metres will be added in the form of a new extension at the eastern end, creating an L-shaped form.

The extension will be clad in timber with pitched slated roof, not exceeding the ridge of the existing building. The glazing will be more modern with a glazed gable screen facing the river. The scale, form, 90 degree alignment and timber cladding will all assist in reducing the impact of the extension on the main building and helps create a more enclosed steading feel with the existing storage building nearer the public road. In terms of design and compliance with the Housing in the Countryside Policies and SPG, I am content that it is an elegant way of converting and extending an existing surplus building. The external and window materials will require to be conditioned.

The creation of a new dwellinghouse attracts developer contributions for education and these will be handled by Legal Agreement, which has been built into the agreed PPA. The potential issue of flooding has been addressed by a submitted Flood Risk Assessment which also dealt with the adjoining holiday chalet development (15/00741/FUL) which recently received planning approval at Committee.

There are a number of other issues that can be handled by Conditions or Informatives. These include improvements to the access point, continued right of way passage, bats, contamination, historic building recording and landscape boundary treatment. Many of these conditions will address some of the objections from the livery/trekking business owner opposite, albeit her objections were primarily aimed at the holiday chalet application. The issue of neighbour notification was handled in the Committee Report on that application but there was no omission, the notification being handled by press advertisement. The application determination has been delayed due to the need to carry out and consider the findings of bat surveys.

**REASON FOR DECISION :**

The application complies with Development Plan Policies and Supplementary Planning Guidance on conversion of surplus buildings in the countryside and, subject to conditions and a Legal Agreement, will result in a sympathetic development in keeping with the character of the building and the amenity of the area.

**Recommendation:** Approved - conditions, inform & LA

- 1 The development hereby approved shall only be carried out in strict accordance with details of the materials to be used on the external walls and roof of the proposed building(s) which shall first have been submitted to and approved in writing by the Planning Authority.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting

- 2 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
  - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
  - iii. location and design, including materials, of walls, fences and gates
  - iv. soft and hard landscaping works
  - v. existing and proposed services such as cables, pipelines, sub-stations
  - vi. other artefacts and structures such as street furniture, play equipment
  - vii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

- 3 No development should commence until that the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.

Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.

- 4 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

Reason: To ensure that the development does not have a detrimental effect on public health.

- 5 Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

and thereafter

b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.

c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).

d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.

e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as

part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

- 6 Prior to the commencement of works a Bird Mitigation Plan, including measures identified in the Bat Survey Report shall be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme. To ensure that no works will commence during the breeding bird season (March-September) without the express written permission of the Planning Authority.

Reason: To safeguard ecological interest at the site.

- 7 No development shall take place until the applicant has secured and implemented an approved programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Historic Building Survey. This will be formulated by a developer contracted archaeologist(s) and approved in writing by the Planning Authority. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- o The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- o Historic Building Survey will be in accordance with the ALGAO:Scotland guidance as requested by the Planning Authority.
- o In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times.
- o Initial results shall be submitted to the Planning Authority for approval in the form of a Historic Building Survey Report (HBSR) within one month following completion of all on-site archaeological works.
- o Once approved the site archive and HBSR shall also be reported to the National Monuments Record of Scotland (NMRS) via the OASIS system within three months of on-site completion.
- o Results will be summarised in Discovery and Excavation in Scotland (DES) within one year of on-site completion.
- o The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological investigations, reporting and dissemination of results as required. The developer will be expected to fund and implement all further archaeological work.

Reason: To preserve by record a building of historical interest.

- 8 No development shall take place until the developer has provided to the Planning Authority

a) a copy of the relevant European Protected Species licence or

b) a copy of a statement in writing from SNH (licensing authority) stating that such a licence is not necessary for the specified development.

Reason: To safeguard ecological interests at the site.

- 9 Prior to the commencement of the development hereby permitted the developer shall submit in writing to the Planning Authority a full species protection plan for bats. Any mitigation should at least provide a 'like for like' replacement of what will be lost. This should include provision of bat boxes additional to any licensing requirements, as enhancements. Further guidance on mitigation can be found via the following link: <http://www.snh.gov.uk/about-scotlands-nature/wildlife-and-you/bats/mitigation/>

Thereafter, no development shall take place except in strict accordance with the protection plan so approved.

Reason: To safeguard ecological interests at the site.

- 10 No development to commence until further details are submitted of a foot/cycle path link between the public road and the multi-use path running along the north-western side of the adjoining proposed chalet site. The dwellinghouse not to be occupied until the approved path link has been completed. It should then be retained in perpetuity.  
Reason: To maintain connection with the public path network.
- 11 The dwellinghouse not to be occupied until the access, parking and turning are completed as per the approved plan and the following specification:  
  
Access to be formed over the initial 6m from the public road "40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1"  
Visibility splays of 2 x 90 metres to be provided in both directions from the private access onto the public road. This will involve the removal of some roadside vegetation to gain the required visibility to the right on egress. This work must be retained in perpetuity thereafter.  
The gradient of the access to be no steeper than 1 in 15.  
Two vehicular parking apaces and a turning area within the site, to then be retained in perpetuity.  
  
Reason: In the interests of road safety.
- 12 This permission shall only permit the conversion and adaptation of the existing structure as a single dwelling unit. It shall not purport to grant permission for the erection of a new dwelling nor for any extensive rebuilding which would be tantamount to the erection of a new dwelling.  
Reason: Permission has been granted for the conversion of an existing building to habitable accommodation in a location where a new dwelling would not otherwise be appropriate.

### Informatives

It should be noted that:

- 1 The SBC Ecology Officer advises that opportunities exist to enhance the local habitat network for bats and breeding birds through planting of native thorn species-rich extended hedgerows (FCS Native seed zone 204)
- 2 There is a low potential for encountering buried archaeological features, finds or deposits during excavations. If buried features (e.g. walls, pits) or artefacts (e.g. pottery, ironwork) of potential antiquity are discovered, please contact the planner or Archaeology Officer immediately for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered.
- 3 SEPA strongly recommend that ground levels slope away from the developments to prevent any surface water ponding against the developments.
- 4 The developers will require a European Protected Species (EPS-bats) licence from SNH prior to the commencement of works and will need to meet the terms of any such licence. <http://www.snh.gov.uk/protecting-scotlands-nature/species-licensing/mammal-licensing/bats-and-licensing/development/>

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