

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

7 DECEMBER 2015

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 15/00741/FUL
OFFICER:	Mr C Miller
WARD:	Tweeddale East
PROPOSAL:	Change of use of land for siting of six mobile holiday cabins with bike shelters, associated parking and landscaping
SITE:	Land west of Haughhead Farmhouse, Innerleithen
APPLICANT:	Mr Tim Ferguson and Simon Lawson
AGENT:	David Jane Architects

SITE DESCRIPTION

The site is located south of Innerleithen on the public road to Walkerburn, immediately south of the River Tweed and a former railway bridge. It consists of a sloping paddock west of Haughhead Farmhouse and steading which is subject to an associated application for conversion of an outbuilding to a second dwellinghouse on the site (15/00742/FUL).

The paddock is 0.4 hectares in size and immediately borders the public road, separated from it by a post and wire fence, some hedging and trees towards the western end with a slight drop in levels. A field access exists at the eastern end and the site slopes down to the north and borders a public footpath which connects with the former railway bridge and leads into Innerleithen. A dry stone dyke runs along the eastern boundary.

The site lies within Special Landscape Area 2 "Tweed Valley" within the Consolidated Local Plan 2011.

PROPOSED DEVELOPMENT

The proposal is for change of use of the site to position six mobile holiday chalets in a linear fashion immediately to the north of the public road. The chalets will be 5.2m wide by 6.7m long and will be assembled on site in one or two pieces, capable of then being removed at some future date in a similar way. As a result of their size and mobility, combined with their low height, they are classified as "caravans" and the application is effectively for change of use to a caravan site.

The mobile chalets will have slightly monopitched roofs sloping down to the north and covered with grass sedum. They will be horizontally boarded with non-combustible fibre cement cladding and will be excavated into the site, increasingly so towards the western end. High level windows above a stone gabion retaining wall will face south and corner picture windows will face north. In between each chalet will be access decks and metal roof canopies for bike storage. Each chalet will provide three bedspaces.

The finished floor levels of the chalets have been informed by a Flood Risk Assessment which has been submitted in support of the application. This reveals that the lower part of the site lies within the Tweed functional flood plain and any development should only occur outwith the AOD level of 139.55m. Taking into account climate change and freeboard allowance, the levels of the cabins should be set no lower than 140.42m AOD, three of these being set at these levels and three towards the eastern end set at higher levels reflecting the rising ground.

The site will be accessed from a new tarmac entrance which forms part of a proposed service lay-by with a new access to the adjoining farmhouse. The tarmac bellmouth then leads to a gravel turning area and entrance drive with access to a proposed sewage treatment plant and bin store. Access to the chalets and parking spaces will be surfaced using a heavy duty grass protection grid. Whilst some of this lies within the functional flood plain, there are no alterations to existing ground levels and the grid is merely being set into the existing ground.

Tree planting is shown immediately to the south of the chalets and parking areas with mixed indigenous hedging proposed in the space between the public road and the chalets, augmenting the existing hedgerow.

PLANNING HISTORY

No direct history on the paddock although a 2007 application for conversion of outbuildings to form two dwellinghouses on the adjoining site at Haughhead was submitted but ultimately withdrawn.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning: No objections, noting that although the road is single track in nature, there are passing places and it is still close to Innerleithen with a linking pedestrian route into the town. Sought adjustments to the access design involving improved radii, width, 6m of tarmac and 2.4m by 90m visibility splays. Accepts revised access plan and notes the shared service lay-by. Suggests parking area enlarged to improve manoeuvrability.

Flood Protection Officer: Notes the FRA advice that the cabins be set at least 140.42m AOD and raises no objections as that is what the plans propose, being above the 1 in 200 year flood level including climate change and freeboard.

Environmental Health: No objections subject to conditions relating to private water supply, private drainage and means of heating the cabins. Advice then provided through Fire Officer over distances cabins may be apart together with fire safety precautions to allow the spacing as planned.

Landscape Architect: Initially concerned about the impacts on the Special Landscape Area, caused by the linear nature, size, spacing and linking canopies and also partly by the car parking. Suggested a reduction in density, increase in spacing and a more robust landscaping scheme. Following assessment of agent's response, now satisfied that the development could be acceptable subject to a detailed landscaping scheme for the roadside edge, each end of the cabins and north of the parking. Also suggests re-siting of the bin store.

Access Officer: The site is next to a right of way designed for multi-use and should be connected directly to this path, through the proposed landscaping. This should be a condition of planning permission.

Economic Development: Supports the development which is in line with the Scottish Borders Tourism Strategy, increasing attraction, volume of overnight visitors and expenditure.

Statutory Consultees

SEPA: No objections noting that the cabins will be above the defined and agreed 1 in 200 year flood risk level and not within the functional flood plain. Notes that the FRA depicts flood levels higher than the 2005 event surveys.

Innerleithen and District Community Council: Supports the development as it will enhance tourism accommodation in area and complement the Aim Up project, together with improvement of a run-down site. Notes the flood risk and sewage issues are addressed.

REPRESENTATION SUMMARY

A total of seven separate objections have been received to the application from occupants or business owners in the vicinity of the site. These can be viewed in full on the Public Access website and the main grounds of objection can be summarised as follows:

- Increased amenity and nuisance impacts on nearby caravan site relating to noise, loss of view, sewage smell, litter, dog fouling, use of path through site etc.
- Negative impacts on caravan site and other existing holiday accommodation businesses.
- Public road inadequate to safely cope with additional traffic generation and associated impacts on horse trekking use adjoining.
- Chalets are too close to the public road and too close together posing fire safety risk.
- Queries over whether the chalets would constitute caravans under legislation.
- Alleged lack of neighbour notification.
- Criticism over flood risk assessment accuracy.
- Concerns over impacts on protected wildlife such as swallows, barn owls, red squirrel, badgers, foxes, salmon etc.

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

Policy G1 Quality Standards for New Development
Policy G4 Flooding
Policy BE8 Caravan and Camping Sites
Policy NE3 Local Biodiversity
Policy NE4 Trees, Woodlands and Hedgerows
Policy NE5 Development Affecting the Water Environment
Policy EP2 Areas of Great Landscape Value
Policy Inf4 Parking Provisions and Standards
Policy Inf5 Waste Water Treatment Standards

Proposed Local Development Plan 2013

Policy PMD2 Quality Standards
Policy ED8 Caravan and Camping Sites
Policy EP3 Local Biodiversity
Policy EP5 Special Landscape Areas
Policy EP13 Trees, Woodlands and Hedgerows
Policy EP15 Development Affecting the Water Environment
Policy IS7 Parking Provisions and Standards
Policy IS8 Flooding
Policy IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

“Local Landscape Designations” SPG
“Trees and Development” SPG
“Landscape and Development” SPG

KEY PLANNING ISSUES:

The main determining issues with this application are compliance with Development Plan Policies and Supplementary Planning Guidance on caravan sites in the countryside, impact on a Special Landscape Area, flood risk and local infrastructure.

ASSESSMENT OF APPLICATION:

Planning policy

Holiday chalet developments would normally be assessed against Local Plan Policies on business, tourism and leisure developments in the countryside, such as Policies D1 and ED7. However, the Consolidated and Proposed Local Plans draw a distinction with caravan and camping sites, Policies BE8 and ED8 supporting the principle of such developments and favouring settlement or immediately outwith settlement sites over deeper countryside locations.

Whilst some doubt is raised by an objector over whether this proposal is a “caravan” development, it has been submitted and considered as such. The change of use of land to allow six mobile chalets has been assessed against the rules governing what is a “caravan”, the chalets complying in terms of length, width and internal height. The agent is aware they have to be delivered and fitted in one or two sections. Whilst there is also some question over the canopy sections erected between the chalets, there is limited evidence to outweigh the fact they will be able to comply with the regulations.

The cross sections imply they will be placed upon battens almost like timber sheds would. There is no detailed information though and none in relation to the way in which the canopies will be fixed. For these reasons, and those mentioned below, a condition would be justified to ensure that sufficient details are submitted to address the question of the chalets’ mobility and compliance with the definition of caravans.

In planning terms, the submitted information clearly sets out what is proposed and the implications of the development are clear enough to be assessed regardless of their regulated definition.

Various issues were raised by some of the objectors in relation to spacing of the chalets and fire safety and this was explored with Environmental Health and Licensing over the question of compliance with Model Standards for Caravan Sites. The chalets were spaced closer together than would be the norm for caravan sites. However, the Firemaster stated that this would be acceptable subject to various fire precautions in the provision of the chalets, including one wall to be fire resistant. Having also checked with Building Standards, it would appear that such fire resistant measures could be incorporated and the chalets still retain their mobile “caravan” status. These measures can be included on any consent as an Applicant Informative in pursuance of the relevant condition relating to demonstration of the mobility of the units.

Having established that this development is for “caravans”, the relevant Local Plan Policy is different from the normal Policy applied to other forms of tourism development in the countryside. Policy BE8 in the Consolidated Local Plan and ED8 in the Proposed Local Plan make clear that the Council will support new caravan sites where they are in accordance with the Scottish Borders Tourism Strategy and where they can support local economies and nearby towns.

This modest development of six chalets with 18 bedspaces will provide important support accommodation for the growth in visitor figures expected in the Tweed Valley as a result of the success of mountain biking, the improvements at Glentress being carried out by the Forestry Commission and the proposed Aim Up project in the vicinity. The location is appropriate for various landscape and context reasons as described below and the Economic Development section have confirmed that the proposals would be consistent with the Scottish Borders Tourism Strategy.

It is considered that the development would improve occupancy levels, quality of accommodation and links with mountain biking. It also fits with the South of Scotland Competitiveness Strategy by building on success of adventure sports. There is no reason to believe that a small amount of competition with existing accommodation in Innerleithen is justification for rejection of, what is, a modest scheme providing small niche accommodation. The scheme is supported by the Community Council for these reasons also.

Policies BE8 and ED8 specifically favour caravan sites within settlements or just outside them but close enough to be of benefit to the shops and services in such settlements. The site at Haughhead clearly complies in that it is within easy walking, cycling or driving distance of Innerleithen and can be directly linked to the Multi- use path alongside the site which then gives public access into Innerleithen. A condition can be imposed to ensure this is provided before the first chalet is occupied. A branch route is also sought for the associated application for the conversion adjoining, which would result in the loss of a very well used pedestrian and equestrian route through that site.

Although there are concerns from the existing caravan park in Innerleithen regarding increased usage of the path system through their park as a result of the development, natural desire lines and the quality of the multi-use path would suggest that the more direct route to the town shops, facilities and remainder of the strategic path network is not through the existing caravan park but to continue along the multi-use path to the end of Princes Street.

As with other approvals for caravan sites and holiday chalet developments, it is important to ensure that they are not lived in on a permanent residential basis as this

would conflict with other Council Policies on housing in the countryside. An appropriate condition is therefore proposed.

For the aforementioned reasons, it is considered that the relevant qualifying criterion of Policies BE8 and ED8 are met by the proposal. Full compliance would still require compliance with other criteria which are discussed below, involving environmental and infrastructural impacts as well as being free from flood risk.

Access and parking

The issues of public access for pedestrians and cyclists have been dealt with above and a condition can secure satisfactory connection of the site with the local footpath network. Policies BE8 and ED8 also require caravan sites to be acceptable in terms of their impact on infrastructure, including the local road network. Although there have been concerns expressed from objectors about the capacity of the road to accommodate this development, there is no objection from Roads Planning. They acknowledge that the road is single track but, given the passing places and the modest nature of the development, there is no opposition from them on road capacity grounds.

Roads Planning have secured an improvement in the plans at the site junction where a service lay-by will now serve both the chalet site and the adjoining farmhouse, whilst still providing another passing opportunity. Other junction improvements include a tarmac bellmouth and visibility splays, all of which can be sought for completion before the use of the chalets commences. The parking area is also a little narrow and the advice of Roads Planning on enlarging the width between the chalets and the parking spaces will be included as a condition. This will be extended in a northerly direction to avoid any further reduction in the space for roadside hedge planting.

There is therefore no reason to oppose the application on the grounds of detrimental impacts on road safety or roads infrastructure and the application complies with the relevant Local Plan Policies

Landscape and Design

Policies BE8 and ED8 seek to ensure new caravan sites have no detrimental impacts on the environment and this includes impacts on rural landscape. In this location, the site lies within the recent Special Landscape Designation 2 "Tweed Valley" which seeks to safeguard landscape quality by minimising visual impact. This had been expressed as a concern with the applicant during pre-application discussions before the scheme was reduced in scale and coverage following the outcome of the Flood Risk Assessment.

In particular, the impacts of the site should be considered from the A72 either side of Innerleithen, from the southern edge of Innerleithen and multi-use path and especially from the minor public road linking Innerleithen with Walkerburn. The Council's Landscape Architect initially had some concerns over the rigid layout and density and suggested a reduction and respacing of cabins together with a robust landscaping scheme. The agent responded to this by raising a concern over the viability of the scheme which had already been reduced following the definition of the flood risk line. He also felt that any reduction would have little overall effect on the visual impact.

The Landscape Architect therefore sought more details of the landscaping, indicating that if a strong scheme was submitted, then the modest development of six chalets could still be considered to have an acceptable impact on the environment. The agent has agreed to provide this scheme at this stage which is only currently shown in schematic form on the submitted site plan. This would involve tree planting to the north of the car parking area, detailed hedge planting along the road edge and additional planting at each end, together with screening of the proposed bin store. Members will be updated on the receipt of the landscaping scheme at the Committee meeting.

Overall, a suitable scheme should mitigate any significant impact on the landscape of the Special Landscape Area which is also aided by the small scale nature, height and design of the chalets with sedum low monopitched roofs. A condition should be imposed to ensure that, as this is effectively a caravan site with mobile units, only the units approved are erected on site and that, if there were any proposals for other types of units, this would need to be agreed with the Council. Precise external materials will also need to be agreed. The impacts are also lessened by the use of grid matting for the majority of the parking and turning spaces which, again, should be subject to a detail approved by condition.

Subject to these conditions and the submission of a satisfactory planting scheme, it is considered that the impacts on the landscape will be minimised and prove acceptable. The grouping when viewed from across the valley from the A72 is seen as part of the Haughhead steading and equestrian centre opposite. There is also an existing landscape structure which provides some intervening screening but especially a substantial backdrop. The new tree planting south of the car parking area will aid this integration and reduce impacts from Innerleithen and the footpath network.

The impacts from the minor public road are more difficult to mitigate, given how close the cabins are to the road as a result of the flood risk line. However, the cabins are being excavated into the site, lower than road level and there is sufficient space for native hedging between the road boundary and the retaining wall which will be detailed on the forthcoming landscaping plans.

In summary, with conditions and subject to a suitable landscaping plan, the application can be considered to comply with landscape protection Policies EP2 and EP5 and relevant criteria within Policies BE8 and ED8.

Flooding

Policies G4 and IS8 specifically refer to sites at risk of flooding although it is also a named criterion within Policies BE8 and ED8. The site partially floods at the northern end and objectors as well as SEPA have referred to this fact. It is also identified in the submitted Flood Risk Assessment (FRA) whereby a flood line for the 1 in 200 year flood has been defined across the site. A previous version of the development at pre-application stage also had chalets within this area until the FRA defined the extent of the flood.

It recommended no chalets within that defined flood extent and, including climate change and freeboard, suggested no floor levels below 140.42m AOD. All six chalets are at or above that level and the development has been accepted without objection by both SEPA and the Council's Flood Prevention Officer. Some of the parking area extends into the flood zone and will need to extend a little further to meet the Roads Planning concerns over manoeuvring space. However, this is in the form of matting

placed upon existing ground levels and does not involve any actual alteration to the functional flood plain.

It is considered that the development, supported by the FRA, complies with the relevant Local Plan Policies on flood risk.

Other issues

Various other issues have been raised by consultees and objectors but none which are material to determination of the application. Environmental Health raise issues over drainage, water and heating which can be addressed in conditions although the agent has confirmed the scheme will be linked to mains water. Local concerns raised over impacts on wildlife have not been backed by any concerns from the Council's Ecologist who had raised issues over the adjoining conversion proposal but not in relation to this development. The amenity concerns from some occupants and the owner of the existing caravan site are noted but many will simply be as a consequence of increased use of the path network as tourism grows within the valley, with or without this development. Indeed, the impacts of the approved Aim Up project in the vicinity will be likely to be far greater than those created by this development.

There were concerns raised over lack of neighbour notification but these have been responded to. The concern was that a local business next to the site had not directly been notified but, under the regulations, no direct notification can be undertaken where there are no premises with a postal address such as in this case. Notification was then properly carried out by the placement of a press advertisement.

CONCLUSION

Subject to the receipt of a satisfactory detailed landscaping plan and to the listed conditions and informatives, the development is considered to comply with the Scottish Borders Tourism Strategy and thus Development Plan Policies on caravan site development, impacts on landscape, flood risk and other local infrastructure.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to the following conditions and informatives:

1. The occupation of all chalets shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.
Reason: A permanent residential site in this location would conflict with the established planning policy for this rural area.
2. No development to be commenced until further details of the chalet construction, connection into services, linking shelter roofs and retained mobility are submitted to, and approved by, the Planning Authority.
Reason: To ensure that the development complies with the legislation and regulations governing definition as "caravans".

3. This development is approved only for the chalets as shown on the approved plans and not for any alternative style or design of units which, if proposed, should be submitted for the prior approval of the Planning Authority.
Reason: To safeguard the landscape and visual amenity of the area.
4. No development to be commenced until further details of the external materials of the walls, roofs, windows, decks and shelter roofs of the chalets are submitted to, and approved by, the Planning Authority.
Reason: To safeguard the landscape and visual amenity of the area.
5. The finished floor levels of the chalets should be as shown on the approved site plan 13029-001-C and there should be no development or alteration of ground levels below 139.55m AOD.
Reason: To safeguard the development from flood risk and maintain the functional flood plain.
6. All access and parking as shown on the approved site plan 13029-001-C to be completed in accordance with the plan before occupation of the first chalet, the visibility splays then to be maintained in perpetuity. However, before the works commence, further details of the parking surface material to be submitted for the approval of the Planning Authority, the space between the northern elevations of the chalets and the parking spaces to be increased to 6m.
Reason: In the interests of road safety.
7. No development to commence until further details are submitted of a foot/cycle path link between the development and the multi-use path running along the north-western side of the site. No chalet to be occupied until the approved path link has been completed. It should then be retained in perpetuity.
Reason: To provide connection between the development and the public path network.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the chalets or the completion of the development, whichever is the sooner, and shall be maintained thereafter in perpetuity (and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.)
Reason: To ensure that the proposed landscaping is carried out as approved.
9. Should a public water supply not be used, then no development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the chalets hereby approved.
Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.
10. None of the chalets shall be occupied until works for the disposal of surface water and sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved

in writing by the Planning Authority, including the maintenance arrangements for the system.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

Informatives

1. You are advised by the Fire Safety Enforcement Officer of the Scottish Fire and Rescue Service of the following:

The spacing between the cabins can be reduced to a distance of 3.5 metres if the following conditions are met:

1. As detailed on the drawing the adjacent cabin should have a solid wall with no openings and which will provide a minimum of 60 minute fire resistance,
2. Adequate automatic fire detection should be installed & maintained within each cabin (conforming with BS 5839 Part 6 LD2 i.e. bedrooms and open plan living area),
3. A fire blanket and 2kg dry powder extinguisher to be provided within each cabin (conforming with current British Standard)
4. An adequate means of raising the alarm of fire on the site.
5. Evacuation plan available and which is displayed at a prominent location within each cabin.

2. The Council Environmental Health Officer advises:

The applicant should confirm the means of heating of the cabins. If biomass is to be used the Applicants should provide evidence that this will not adversely impact on local air quality.

DRAWING NUMBERS

13029-001-C Site Plan

13029-002-A Site Elevations and Sections

13029-1-1 Cabin Plans and Elevation

13029-205 Cabins Section

13029-LOC-A Location Plan

Flood Risk Assessment

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

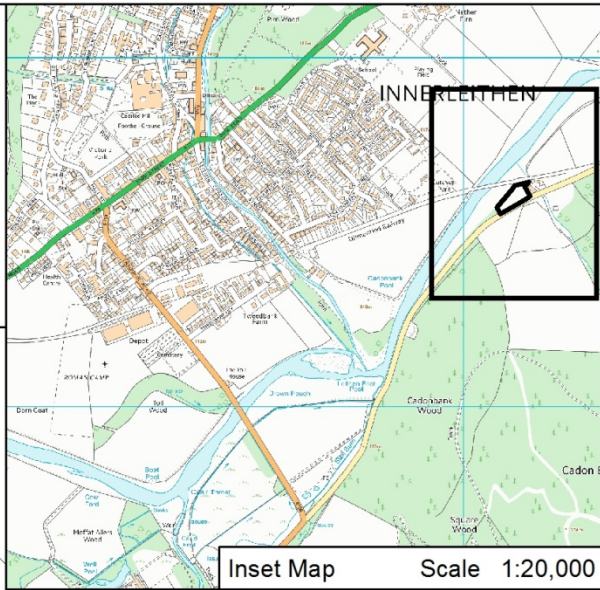
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

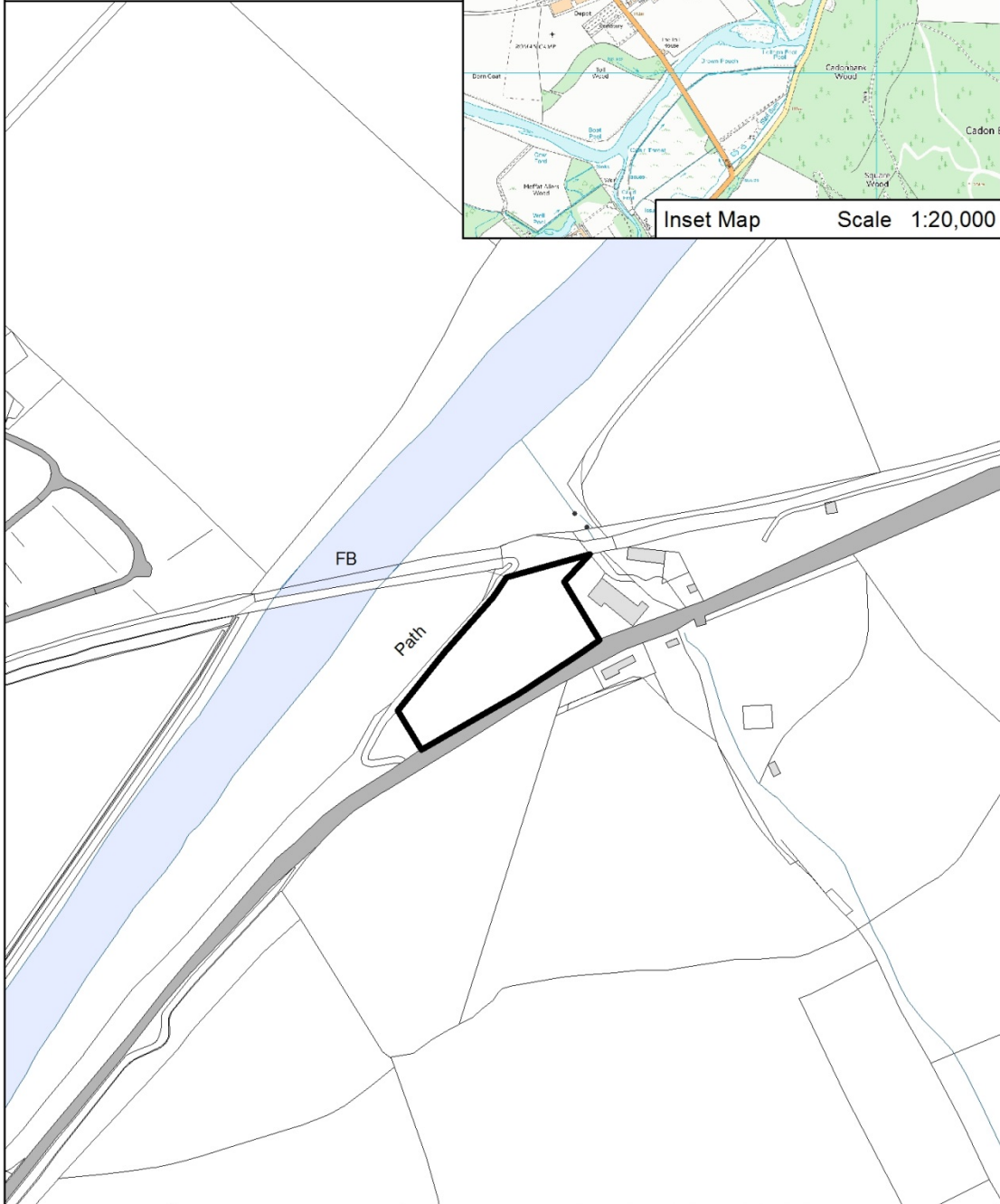
Name	Designation
Craig Miller	Lead Planning Officer



15/00741/FUL
Land West Of
Haughhead Farmhouse
Innerleithen



Inset Map Scale 1:20,000



Scale 1:3,000

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