

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

25 APRIL 2016

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 15/01525/FUL
OFFICER:	Mr C Miller
WARD:	Tweeddale West
PROPOSAL:	Change of Use and alterations to form two dwellinghouses
SITE:	2 Soonhope Farm Holdings, Peebles
APPLICANT:	Mrs Josephine Jeffrey
AGENT:	AD Architectural Design

SITE DESCRIPTION

The site consists of an existing stone and slate building at Soonhope, Peebles, on the road leading to the holiday chalets and the alternative entrance to Peebles Hydro Hotel. The building is two storey and hipped roofed, formerly used for storage and light industry. It contains timber windows and doors, including garage doors to the south elevation. There are detached dwellinghouses to the north and south, the building also bordering on an elevated open field to the west and the access road and Soonhope Burn to the east. The building contains a lean to sheeted, stone and brick extension to the north. A gravelled parking area lies within the site to the south and the rear is fenced close to the building, bordering on to another private garden. The building does not lie within Peebles Conservation Area but does lie within Special Landscape Area 2: Tweed Valley.

PROPOSED DEVELOPMENT

The application is submitted as a full application for conversion of the building to form two dwellinghouses, the building being subdivided down the centre. Two pedestrian entrances will be formed to the south elevation, enclosed by timber lined porches. The building will be converted without any further additions to the footprint, using the existing walls and roof. Several rooflights will be installed, especially to the north elevation. Windows and doors will be installed in existing and new openings in timber, the windows being tilt and turn and all glazing being split with astragals. The lean-to outbuildings to the north will be retained and the stone element re-used within the floorspace.

1800mm high fencing is proposed to the rear northern boundary and retaining walls to the western boundary will be retained with a patio formed between them, timber balustrading lining each edge of the patio. Although not entirely clear from the site plan, the current parking area seems to be proposed for continued parking at the front of the building although further parking spaces serving three adjoining houses lie to the south along the burn edge.

PLANNING HISTORY

The building was part of an initial approval for residential use in 1990 before being superseded by consents relating to workshops, a foundry, gallery and shop.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning:

Initially sought a condition for a localised road widening given the narrowness of the lane and the additional traffic to be generated. Also commented on the lack of clarity of whether the frontage will be utilised for parking but accepted there was sufficient in the vicinity in any case. Following further information on the industrial uses of the building in the past, accepts the localised widening request can now be an Applicant Informative rather than insisted upon via condition, being a desirable improvement but not essential for the development to be approved.

Flood Protection Officer:

Flood risk mapping indicates the site may be at risk from a 1 in 200 year flood event. Following site inspection, it was felt that the site was at minimal risk from the Soonhope Burn, the burn being likely to break out of its bank downstream of the site and run away down the road or into the housing downstream. There is also a concrete step of 0.5m which protects the site further and there was also no evidence of the burn overtopping its bank in the more recent flood events in Peebles. Recommends water resilient materials and construction methods as per PAN 69.

Education Officer: Response awaited.

Archaeology Officer:

This former corn and flour mill dates from the early 19th century and, although added to at upper floor level at some point in its history, still remains of local historical significance. A condition covering an Historic Building Survey will be required once any soft stripping or ground excavations are carried out. Report was subsequently provided and meets the suggested condition.

Ecology Officer:

The building has the potential to support bats and breeding birds, especially given the conducive high quality woodland and riparian landscape. Prior to determination, a bat survey would be required identifying any roosts and, depending on the findings, further surveys and licensing may then be required. A survey for breeding birds would also be necessary before any works commence, works being limited to being outwith the breeding birds season unless prior agreement is given. If there are interests, further surveys and a mitigation plan would be necessary.

Following a survey for bat roosts, satisfied that there was no evidence of bats and very low suitability given the good condition of the building. No further surveys are required although procedures must be followed with SNH if any bats are encountered. Similarly, surveys showed that there was no evidence of breeding birds although if any works are intended during the breeding bird season, then further surveys and a mitigation plan will be required.

Environmental Health:

Plans indicate the properties will have solid fuel appliances which can cause smoke and odour issues, thus an Applicant Informative will be required. As the building was a former mill, there is also potential contamination requiring a condition covering site investigation and risk assessment.

Statutory Consultees

SEPA:

Object to the application on the grounds of flood risk. Whilst the adjoining house approved in 2009 lay just outwith the 1 in 200 year envelope, the new flood map from January 2014 indicates more extensive flooding showing the application site now to be within the envelope. Insufficient information was provided to overcome the objection in the form of a Flood Risk Assessment or other topographical information and floor levels should be above the 1 in 200 year level plus freeboard.

Following additional topographic information to show the floor levels of the development in relation to the base of the burn and adjoining residential properties, the information was still felt to be insufficient to demonstrate the site was outwith the flood risk envelope. Acknowledged information that lower residential development had not been impacted by flooding but this is over only a limited period and there is also potential for the narrow burn to become blocked due to the wooded steep banking and livestock gate. In the absence of a Flood Risk Assessment, still maintain the objection.

Peebles and District Community Council: Response awaited.

REPRESENTATION SUMMARY

None.

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

Policy G1 Quality Standards for New Development
Policy G4 Flooding
Policy G5 Developer Contributions
Policy G7 Infill Development
Policy EP2 Areas of Great Landscape Value
Policy H2 Protection of Residential Amenity
Policy Inf4 Parking Provisions and Standards
Policy Inf11 Developments That Generate Travel Demand

Local Development Plan 2016

Policy PMD2 Quality Standards
Policy PMD5 Infill Development
Policy EP5 Special Landscape Areas
Policy HD3 Protection of Residential Amenity
Policy IS2 Developer Contributions
Policy IS7 Parking Provisions and Standards
Policy IS8 Flooding

OTHER PLANNING CONSIDERATIONS

“Privacy and Sunlight” SPG
“Placemaking and Design” SPG
“Local Landscape Designations” SPG

KEY PLANNING ISSUES

The main determining issues with this application are compliance with Development Plan Policies and Supplementary Planning Guidance on conversion development within residential areas, design and flood risk.

ASSESSMENT OF APPLICATION

Planning policy

The building at Soonhope lies just inside the settlement boundary and any proposal to convert it to residential use is covered, and encouraged, by Policies G7 and PMD5. A series of criteria are set down for compliance, the most relevant being those relating to compliance with the established land use of the area, no detrimental impacts on amenity, appropriate access, sympathetic design and no detrimental impacts on residential amenity. Compliance with these criteria are discussed below.

The established land use on the road leading from the A72 to Soonhope has certainly changed in recent years to that of a more residential nature, modern houses having been built immediately south of the application site which have left the commercial/industrial use of the building somewhat incongruous in its setting as it now stands. The conversion of the building to two houses would be wholly in compliance with the nature of the residential land use which has now emerged in the immediate vicinity and, especially, with the uses immediately adjoining the northern and southern boundaries of the site. The criteria of Policies G7 and PMD5 are met in this respect as are the relevant parts of Policies G1 and PMD2.

Design

Policies G1, G7, PMD2 and PMD5 look for sympathetic and appropriate design, not just to integrate with the amenity of the surrounding area but also in relation to the character of the building itself. As mentioned by the Archaeology Officer, the building was a former mill and still exhibits these features and qualities, despite the demolitions and new-builds that have occurred to the south of the building. Retention of the building would benefit the area and retain a sense of the building's past and history. It is in very good condition and eminently suited in both scale and condition to conversion, a simple subdivision down the centre leaving ample room for two dwellinghouses without the need to enlarge or extend the footprint. The two timber porches to the front merely provide some focus to the building frontage and are aesthetically pleasing and appropriate to the architecture of the building. The slate roof and whinstone walls will be retained as they are which add to the suitability of the proposals.

Other elements of the design are equally as appropriate, existing openings being re-used where possible and larger openings being partially infilled with timber lining. New openings are minimised and the doors and windows will be timber replacements with astragals shown throughout. There is perhaps a lack of detail on colours of timberwork and astragal profile but these can be controlled by planning condition. New openings will be simply punched through the whinstone and will respect other

existing openings in scale and position. In terms of the roof, this is in similarly good condition and rooflights are proposed, four to the rear northern slope and only two to the front. Overall, all the amendments and additions to the exterior of the premises are sympathetic and represent a light touch in keeping with the traditional quality and appearance of the building. The proposals will comply with the relevant criteria within Policies G1, G7, PMD2 and PMD5 on sympathetic design and with the Policies and SPG relating to protection of the landscape qualities of Special Landscape Area 2: Tweed Valley, recognising the appropriate treatment of a traditional former mill on the rural edge of the settlement.

Residential Impact

Policies G1 and H2 of the Consolidated Local Plan and PMD2 and HD3 of the Local Development Plan require there to be no significant adverse effects on residential amenity. Given the change in use from the former industrial/gallery uses of the building, residential amenity will be greatly improved through reduction in intensity and nature of activities. There will, obviously, be an increase in the nature of overlooking to the houses immediately either side of the property but for reasons of distance, position of existing houses, lack of gable windows and elevation to the rear, any increase in the nature of overlooking will be minor and acceptable in terms of the relevant Local Plan Policies. There have also been no third party representations from adjoining proprietors.

I am content that the relevant Local Plan and LDP Policies on residential impact are complied with.

Access and parking

Policies G7 and Inf11 of the Local Plan and PMD5 of the Local Development Plan require developments that generate traffic to be capable of being accessed safely. Roads Planning have accepted that the road and track leading to the site, whilst narrow and capable of being improved, also serves a number of existing houses and the holiday chalet development through the gate to the north. Crucially, it also served this building when it was in industrial/storage/gallery use, generating a different character and nature of traffic. As the application is simply swapping one type of traffic generation for another, Roads Planning are only looking for their advice on creating a localised widening opportunity on the track to be included as an Applicant Informative.

There is also some doubt about exactly what is proposed to the gravelled frontage of the building, it being marked on the proposed plans as "Mutual Area". The capacity of this area for parking will be reduced by the proposed front porches and waste/biomass storage areas but it could still provide some curtilage parking, any overspill being accommodated within the existing parking area along the burn edge. Given the lack of clarity, it would be reasonable to impose a planning condition requesting a curtilage and parking plan for the front of the premises.

Subject to the Informative and the condition, the relevant parts of Policies G7, Inf11 and PMD5 would be complied with.

Flooding

Policy G4 of the Consolidated Local Plan and IS8 of the Local Development Plan require all new development to be free of significant flood risk, not create an unmanageable problem elsewhere and protect floodplains. As the proposal is a

conversion with little floorspace increase except for two front porches, the latter two elements of the Local Plan Policies can be considered to be complied with. This leaves the issue of the flood risk which the new use of the building would be more sensitive to.

Although not a determining issue with the adjoining dwellinghouse in 2009 (as the Flood Risk map excluded the area at that time), SEPA have now noted that their revised Flood Risk map includes the footprint of the property within the 1 in 200 year flood risk zone. Their sustained position is that, without a Flood Risk Assessment, they cannot be sure that the property would be free of flood risk and, as such, they maintain their objection.

The Council's Flood Protection Officer has visited the site and provided information to SEPA in the form of photographs. Levels have also been given to SEPA as well as anecdotal evidence about recent flood history not affecting new houses at lower levels than the proposed conversion. The Flood Protection Officer recognises that the floor level of the proposed conversion is higher than the nearest house (which has not flooded) and that any out of bank event from the Soonhope Burn would occur downstream away from the application site. SEPA feel this information, in itself, is insufficient and are concerned about blockages. Their position to oppose the application is countered by the acceptance of the Council's Flood Protection Officer.

In considering other such cases, the Council have accepted the advice of their own Officers, recognising that securing of a future for existing buildings of architectural merit can, in some cases, outweigh the potential impacts of flood risk. Although the floor level is already at least 0.5m above ground level, further ground level raising within the building would also not be practicable. The application would be consented with an Applicant Informative relating to using flood resilient materials and design in accordance with PAN69.

In this particular case, it is also noted that the flood risk zone changed to include a site previously not included, which indicates some marginality to the risk. As policies would only oppose developments that were at *significant* risk, it is considered that the conversion proposals represented by this application should be considered acceptable – also noting that there is no creation of unmanageable flood risk elsewhere and no additional substantial displacement of functional flood plain. Given that SEPA continue to object on this matter, however, any decision by the Committee to approve the application would be subject to notification to Scottish Ministers.

Developer Contributions

Local Plan Policy G5 and Local Development Plan Policy IS2 require new residential developments to contribute towards certain infrastructure and affordable housing stock, as currently identified. This development will require contributions towards affordable housing, Peebles High School, Kingsland Primary School and Peebles Bridge/Traffic Management in the town. The contributions have been discussed with the agent and it has been confirmed that they will be met via Section 75 Agreement. Thus, if Members are minded to accept approval of the planning application, consent can only be issued upon conclusion and registration of the Agreement.

Other issues

Whilst the curtilage of the development is well established and there is no necessity to seek a landscaping scheme, additional clarification of the fencing design and extent is required. This can be controlled by an appropriate condition.

The matters raised by Environmental Health can also be controlled by condition and an Applicant Informative as can the requirements of the Ecology Officer, following the submission of a bat roost survey. The request for an Historic Building Survey by the Archaeology Officer has already been met and there would be no need for a planning condition in this respect.

CONCLUSION

Subject to the conditions and Informatives listed below, notification to the Scottish Ministers and the conclusion of a Legal Agreement covering development contributions, the development is considered to comply with the Local Plan and Local Development Plan Policies and Supplementary Planning Guidance on infill development within residential areas, design and flood risk.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to the following conditions and informatives, notification to the Scottish Ministers and to a Legal Agreement:

1. Further details of the colour of all external timber doors, windows and cladding and the profile/pattern of astragals to be submitted for the approval of the Planning Authority before the development is commenced and, once approved, to be implemented in accordance with the approved details.
Reason: To safeguard the character of the building and the amenity of the area.
2. A curtilage plan of the southern forecourt of the premises indicating parking spaces and fuel/waste storage areas to be submitted for the approval of the Planning Authority before the development is commenced and, once approved, to be implemented in accordance with the approved details.
Reason: In the interests of road safety.
3. Further details of the style and extent of boundary fencing to be submitted for the approval of the Planning Authority before the development is commenced and, once approved, to be implemented in accordance with the approved details.
Reason: To safeguard the character of the building and the amenity of the area.
4. 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 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

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.

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).

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.

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.

5. If works are to commence during the breeding bird season (March-August), supplementary surveys for breeding birds and a mitigation plan will be required to be submitted for the approval of the Planning Authority. 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.
Reason: To safeguard potential ecological interests at the site.

Informatives

1. It is recommended that you consider the formation of a passing place/localised widening on the access road leading to the site, in a position and of a specification firstly agreed with the Planning Authority. Please contact the Roads Planning Service who would be happy to meet and discuss the details.
2. The Council's Flood Protection Officer advises the following:

I would recommend that the applicant adopts water resilient materials and construction methods as appropriate in the development as advised in PAN 69.

As access and egress to the development may also be affected by flood waters, should approval be given, I would recommend that, to receive flood warnings from SEPA, the applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188.

3. The Council's Environmental Health Officer advises that these installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission. Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s>

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on -

[http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

4. The Council's Ecology Officer advises the following:

If bats are discovered following the commencement of works, works should stop immediately and the developer must contact SNH (tel: 01896-756652) for further guidance. Works can only recommence by following any guidance given by SNH and /or a suitably qualified ecologist. The developer and all contractors should be made aware of accepted standard procedures of working with bats at www.bats.org.uk. Further information and articles available at: http://www.bats.org.uk/pages/bats_and_buildings.html , http://www.bats.org.uk/pages/existing_buildings.html

DRAWING NUMBERS

Location Plan

Proposed Elevations – 507/04/104

Typical Sections – 507/04/103

Ground Floor – 507/04/101

First Floor – 507/04/102

Existing – 507/04/99
Block Plan – 507/04/100

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



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