

Case reference	NA-SBD-054
Application details Site address	Residential development comprising 34 flats with associated parking and retaining wall works Huddersfield Street, Galashiels
Applicant Determining Authority Local Authority Area	Eildon Housing Association Ltd
Reason(s) for notification	Category 2 (objection by Government Agency) (SEPA)
Representations	3
Date notified to Ministers Date of recommendation	27 March 2018 15 May 2018
Decision / recommendation	Call In

Description of Proposal and Site:

- Permission is sought for the erection of a single residential block, comprising 34 affordable housing flats, associated parking and a retaining wall.
- The site in Huddersfield Street, Galashiels, is bound on the north by the Gala Water.
- The site is currently un-developed. The Council advise its most recent use was as a caravan storage yard.

EIA Development:

- N/A.

Consultations and Representations:

- SEPA object to the proposal and strongly recommend that an alternative commercial use of this site is sought which is resilient to occasional flooding. They consider that the site is at significant risk of flooding and this proposal is contrary to SPP. They note that the building will be raised to mitigate flood risk but consider that to be contrary to the SPP and SEPA guidance.
- SNH object to the proposal unless conditions are attached on method statements and drainage (conditions 4, 5 and 6 cover these issues).
- Following notification, the Scottish Government Flood Risk Management Team were consulted. They note that this proposal is contrary to the SPP and is in an

area of significant flood risk. They recommend call in of this application to allow more detailed consideration of flood risk issues.

Assessment:

1. The key issue for consideration at national level with this case is flood risk. 85% of the site lies within the 0.5% (1:200) floodplain. Scottish Planning Policy (SPP) states that medium to high risk is an annual probability of flooding greater than 0.5% (1:200 years). This is considered a significant flood risk.
2. SPP states that the planning system should prevent development which would have a significant probability of being affected by flooding.
3. In areas of medium to high flood risk, the SPP states that residential development **may** be suitable provided that flood protection measures already exist, are under construction, or are a planned measure in a flood risk management plan. This proposal does not meet any of those potentially suitable circumstances.
4. The planning authority recognise the flood risk, but consider that it can be mitigated. They consider that the merits outweigh the risk as this affordable housing proposal will offer a significant community benefit, particularly considering its location close to the town centre.
5. Amendments to the application have been made to create an undercroft to provide flood conveyance. The planning authority consider this makes the proposal acceptable, but SEPA and SG Flood Risk Management Team raise concerns in relation to the policy principle, and the potential implications to vehicles and people if the undercroft were to flood.
6. This site is allocated for Business and Industry. When producing supplementary guidance on housing, the planning authority considered the site's potential for housing development, but concluded that it was not suitable due to flood risk.
7. The Council state that *"SEPA's concerns regarding the principle of the development are acknowledged, though it is considered that the practicality of developing this site override these concerns in principle"*. Whilst it is advantageous to develop a vacant site in the town centre, the flood risk is significant and as the proposal is for residential development, which is a 'vulnerable' use, careful consideration of those risks is required.
8. In conclusion, given the potential significant risk of flooding and the nature of the proposal for housing, this case raises issues of national importance that would benefit from further consideration.

Decision/Recommendation:

- Call in the application for further consideration of the suitability of this site for housing in relation to potential flood risk.