

# Public Document Pack



## LOCAL REVIEW BODY MONDAY, 17 AUGUST, 2015

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, MELROSE, TD6 0SA on MONDAY, 17 AUGUST, 2015 at 10.00 AM

J. J. WILKINSON,  
Clerk to the Council,

10 August 2015

<b>BUSINESS</b>		
1.	<b>Apologies for Absence</b>	
2.	<b>Order of Business</b>	
3.	<b>Declarations of Interest</b>	
4.	<p><b>Continuation: Consider request for review of refusal of planning consent in respect of siting of static caravan (retrospective) at Tibbie Shiels Inn, St Mary's Loch, Selkirk 14/00835/FUL 15/00007/RREF</b></p> <p>(Refer to review papers previously circulated for meeting on 15 June 2015) Additional papers following further procedure attached as follows:-</p>	
	(a) <b>Submission from applicant</b>	(Pages 1 - 2)
	(b) <b>Response from planning officer to submission</b>	(Pages 3 - 4)
5.	<p><b>Consider request for review of refusal of planning consent in respect of the erection of 12 holiday cabins, office/laundry block and associated works on land south west of Milldown Farmhouse, Coldingham 13/00401/FUL 15/00013/RREF</b></p> <p>Copies of the following papers attached:-</p>	
	(a) <b>Decision Notice</b>	(Pages 5 - 8)
	(b) <b>Notice of Review</b>	(Pages 9 - 18)
	(c) <b>Officer's Report</b>	(Pages 19 - 26)
	(d) <b>Drawings</b>	(Pages 27 - 36)
	(e) <b>Consultations</b>	(Pages 37 - 54)

	(f) <b>Objectors</b>	(Pages 55 - 182)	
	(g) <b>General comment</b>	(Pages 183 - 188)	
	(h) <b>List of policies</b>	(Pages 189 - 196)	
6.	<b>Consider request for review of refusal of planning consent in respect of the erection of dwellinghouse and detached garage on land west of 3 Nethermains Cottage, Duns 14/00934/FUL 15/00012/RREF</b>		
	Copies of the following papers attached:-		
	(a) <b>Decision Notice</b>	(Pages 197 - 198)	
	(b) <b>Notice of Review</b>	(Pages 199 - 250)	
	(c) <b>Officer's report</b>	(Pages 251 - 256)	
	(d) <b>Consultations</b>	(Pages 257 - 262)	
	(e) <b>List of policies</b>	(Pages 263 - 270)	
7.	<b>Consider request for review of refusal of planning consent in respect of the erection of dwellinghouse with integral garage and incorporating granny flat on land south of Boggsbank, Boggsbank Road, West Linton 14/01182/FUL 15/00014/RREF</b>		
	Copies of the following papers attached:-		
	(a) <b>Decision Notice</b>	(Pages 271 - 272)	
	(b) <b>Notice of Review</b>	(Pages 273 - 286)	
	(c) <b>Officer's report</b>	(Pages 287 - 290)	
	(d) <b>Drawings</b>	(Pages 291 - 294)	
	(e) <b>Consultations</b>	(Pages 295 - 298)	
	(f) <b>General Comment</b>	(Pages 299 - 300)	
	(g) <b>List of Policies</b>	(Pages 301 - 308)	
8.	<b>Consider request for review of refusal of planning consent in respect of the erection of dwellinghouse on land north of Wormiston Farm, Wormiston, Eddleston 15/00071/FUL 15/00016/RREF</b>		
	Copies of the following papers attached:-		
	(a) <b>Decision Notice</b>	(Pages 309 - 310)	
	(b) <b>Notice of Review</b>	(Pages 311 - 394)	

	(c) <b>Officer's report</b>	(Pages 395 - 400)	
	(d) <b>Consultations</b>	(Pages 401 - 408)	
	(e) <b>List of policies</b>	(Pages 409 - 414)	
9.	<b>Any Other Items Previously Circulated</b>		
10.	<b>Any Other Items which the Chairman Decides are Urgent</b>		

#### **NOTES**

1. **Timings given above are only indicative and not intended to inhibit Members' discussions.**
2. **Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

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**Membership of Committee:-** Councillors R. Smith (Chairman), J. Brown (Vice-Chairman), M. Ballantyne, D. Moffat, J. A. Fullarton, I. Gillespie, S. Mountford, B White and J. Campbell

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Please direct any enquiries to Fiona Walling 01835 826504  
email [fwalling@scotborders.gov.uk](mailto:fwalling@scotborders.gov.uk)

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*The Famous* **TIBBIE SHIELS INN**

Tibbie Shiels Inn  
St Mary's Loch  
Selkirk  
TD7 5LH  
info@tibbieshiels.com

Chief Executive  
- 3 JUL 2015  
Democratic Services

To whom it may concern,

With regard to the usage of our Static caravan over the past few years it was as follows:-

May 2012 – October 2013 Karen Moakes

Karen was a taxpaying employee here at Tibbie Shiels, accommodation in the Caravan formed part of her employment. When Karen found work elsewhere she was given a couple of months grace to find new accommodation.

October 2013 – May 2015 Keith Young, (St Mary's Loch Angling Club)

It is in everyone's interest locally that the lochs here have a bailiff, Saint Mary's Angling club have struggled for years to find anyone local, and they have no accommodation to bring anyone in. Keith approached me, re using the Caravan over the winter 2013 – 2014. It proved a good arrangement for both parties as it contributed to the excellent relationship I have with the fishing club and attracted a good trade from the fishermen. I also host their AGM and fishing competition.

Last summer 2014, I employed another member of staff locally and accommodated another elsewhere so I allowed the fishing club to stay on in the caravan through the summer.

May 2015 – October 2015 Logan and Suzan Hay

Logan and Suzan are contracted to work here full time through this up until the end September. They are on the books and paying income taxes

Logan is working as a chef, and Suzan in the Bar and cleaning.

Logan and Suzan are staying in the Caravan 5 night / week with their Autistic son.

Another casual member of staff Percy also stays from time to time when required.

I can give you contact detail for all members of staff listed above, and St Mary's Loch have offered to write a supporting letter if requested,.

I hope that has covered what was required.

With regard to the future, I intend to continue to use the caravan for the accommodation of staff, with perhaps a look at short term holiday accommodation.

I have no intension of renting caravan long term to anyone, or to anyone who isn't working for or benefiting this business.

Yours Sincerely,

Alistair Moody

Ps. I have read through the concerns of the EYCC, and can clarify a couple of the points raised.

There has been a static caravan here at Tibbie Shiels in since July 1882 when it was purchased by Danny Costello (Owner of Tibbie Shiels) from the Maggot Dam project and put in place by Tommy Hepburn, Crosscleuch Farm. Tommy still resides at Crosscleuch Farm.

Who ever is asserting otherwise is wrong.

All staff that lived in the caravan are / were on the payroll.

With regard to the septic tank. I took advice from both sepa and had a site meeting with a member of planning dept. I have fitted an appropriate sized septic tank with a soak away nowhere near the loch or river. Furthermore when the original complaint was made by SMLSC, I was again visited by a member of planning dept, and he was perfectly satisfied with the arrangements in place.

So why again is this concern being raised by EYCC? Who is it that is concerned about the septic tank?

Ironically the original complaint was made by SMLSC, and in fact it is their septic tank that floods and leaks effluent onto my property and into Saint Mary's Loch I raised concerns in 2013 and again in April 2015, I also provided them with photo's of the effluent and the flooded septic tank. Thus far I am not aware of anything being done to remedy this problem.

The Caravan situated below the level of the road, is green, and surrounded by trees and foliage, and is barely visible from anywhere.

I am happy to provide photos from all angles to support this.

Historically there has been a track from the road down to the river bank, It was used by the farm to access the river. I however widened the track and put in a gate. With the road only serving a farm a part time sailing club, and a small hotel surely there isn't an issue with safety. Tommy Hepburn(Farmer Crosscleuch) who brings the largest vehicles along the road and only neighbour has not expressed any concerns.

**Walling, Fiona**

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**From:** localreview  
**Subject:** FW: Land West of Tibbieshiels Inn - siting of Residential caravan

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**From:** Amyes, Dorothy  
**Sent:** 06 August 2015 15:25  
**To:** localreview  
**Subject:** RE: Land West of Tibbieshiels Inn - siting of Residential caravan

Fiona

I have read the additional submission made by the applicant , Mr Alistair Moody.

My only comment is that he has not submitted any detailed economic justification for the caravan to remain on the site. His future plans appear a little vague.

I can confirm that I have not received any responses to your letter from either the community council or the sailing club.

Regards

Dorothy

Dorothy Amyes  
Planning Officer  
Development Management  
Regulatory Services  
Tel : 01835 826743  
Email : [damyas@scotborders.gov.uk](mailto:damyas@scotborders.gov.uk)  
Website : [www.scotborders.gov.uk](http://www.scotborders.gov.uk)

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## Regulatory Services

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 13/00401/FUL

To : Mr Ewen Brown per Camerons Ltd (Leith) Per Callum MacDonald Timberbush House  
16/4 Timberbush Leith Edinburgh EH6 6QH

With reference to your application validated on **8th April 2013** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of 12 holiday cabins, office/laundry block and associated works**

**at : Land South West Of Milldown Farmhouse Coldingham Scottish Borders**

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule.**

Dated 18th March 2015  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA

Signed

.....  
Service Director Regulatory Services

**APPLICATION REFERENCE : 13/00401/FUL**
**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
9065/0-07	Site Plan	Refused
FLORIDA 3A	Block Plans	Refused
GF PLAN	Floor Plans	Refused
VIEWS	Elevations	Refused
3D	Other	Refused
3D-2	Other	Refused
GF PLAN 2	Floor Plans	Refused
SECTION	Sections	Refused
VIEWS 2	Elevations	Refused
3D-2	Other	Refused

**REASON FOR REFUSAL**

- 1 The proposed holiday chalet development would be contrary to **Policy D1 Business, Tourism and Leisure Development** in the **Countryside of the Consolidated Local Plan 2011** in that the erection of 12 chalets and associated infrastructure on this site in the countryside has not been adequately justified. The economic and operational need specific to Coldingham in general, and the application site in particular, has not been identified and it has not been demonstrated that the development will generate jobs. Furthermore the proposed development cannot reasonably be accommodated within the **Development Boundary**.
- 2 The proposed development would be contrary to **Policies D1 and EP2** of the **Consolidated Local Plan 2011**, in that the siting of the proposed chalet development would harm the character and appearance of the special landscape area and result in a sporadic form of development which breaks outwith established natural boundaries containing development on the eastern side of Coldingham. The potential social or economic benefits of this development have not been found to outweigh the need to protect the designated landscape.
- 3 The proposals are contrary to **Policy G4** of the **Local Plan** in that insufficient information has been provided to demonstrate that the proposed new bridge crossing and access route will not result in an increase in flood risk from the **Milldown Burn**.
- 4 The proposals are contrary to **Policies Inf3 and Inf11** of the **Local Plan** in that insufficient information has been provided to demonstrate that safe vehicular and pedestrian access to the site can be achieved in accordance with current standards and travel demand requirements.
- 5 The proposals are contrary to **Policy NE3** of the **Local Plan** in that insufficient information has been provided to demonstrate that the development would not result in an adverse impact on local biodiversity and habitats.

- 6 The proposals are contrary to Policy NE4 of the Local Plan in that insufficient information has been provided to demonstrate that the construction of the access works to the site would not cause loss or serious damage to the woodland resources.

#### **FOR THE INFORMATION OF THE APPLICANT**

**If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.**

**If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.**

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**NOTICE OF REVIEW**

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.**

**Use BLOCK CAPITALS if completing in manuscript**

<b>Applicant(s)</b>	<b>Agent (if any)</b>
Name Ewen Brown	Name
Address Park House, Neilson Park Road, Haddingt	Address
Postcode EH41 3DT	Postcode
Contact Telephone 1 [REDACTED]	Contact Telephone 1
Contact Telephone 2 [REDACTED]	Contact Telephone 2
Fax No	Fax No
E-mail* [REDACTED]	E-mail* [REDACTED]

Mark this box to confirm all contact should be through this representative:

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

\* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority **Scot Borders**

Planning authority's application reference number **13/00401/FUL**

Site address **Land South West of Milldown Farmhouse**

Description of proposed development **Erection of 12 holiday cabins, office/laundry block and associated works**

Date of application **8th April 2013**

Date of decision (if any) **18th March 2015**

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review**

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

**Site Inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes                      | No                                  |
|--|--------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here: They can take an unaccompanied site visit. However, there is a small burn to cross - bring your wellies.

**Statement**

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. **Note:** you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form. See separate attached statement.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

I have attached a supporting letter from Visit Scotland. It is dated 5th May 2015 and therefore was never presented prior to the planning decision.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

1. Letter of Support from Visit Scotland

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

12<sup>th</sup> June 2015

**The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.**



13/00401/FUL

Statement

I would like to put the level of objections into context. On first inspection there looks like there has been a great deal of objection to this development. However, there has been multiple objections from the same people. In particular 10% of the objections are by one person and their immediate family who are also not resident in the area. Its difficult to quantify how much other support from friends and colleagues there is in this manner, but its also worth pointing out that there are letters of objection from Cheshire, St Albans, Boness, Dundee, Dumbarton, Tyne & Wear, Camberley, Bradford and many many more places that are hundreds of miles from Coldingham Bay to which I find it most surprising that this has caught their attention.

Many of the letters repeat the same objections so i've gone through them all, summarized the objection and then responded to it.

No Architectural Merit of the buildings.

They're designed not to be seen as opposed to be shown off.

Road access, increased traffic and generally spoil a good dog walk



The chalets are with in walking distance to the beach and the amenities of Coldingham. We would also have bicycles on site and encourage our guests to use them for short trips. The bridge would allow walkers and their dogs to cross the burn where they could make use of the existing path to the shore. We would improve this area by keeping the weeds down and encouraging wild flowers and plants.




Loss of View / Inadequate Screening / Eyesore / Overlooking neighbours

All the chalets have grass roofs and are painted to blend in with their surroundings and cars are encouraged to be parked out of sight.

The chalets all point towards the sea and therefore wouldn't look into anyones house.

One of the objections included photographs that stated the view was being spoiled from the Berwickshire path. These photos are not only misleading they are incorrect and I've done a side by side comparison. The pictures I took are on the right hand side.

	
	<p>This picture WASN'T taken from the Berwickshire path as in order to match the angle I had to climb an additional 30m up the hill and into a field. This picture was also taken over 2Km away from the development and has had to</p>

	<p>be magnified. Of the proposed development the only thing visible (with binoculars or in this case a telephoto lens) would be the grass roofs of the highest 4 chalets.</p> <p>This picture below shows how it would look like to the human eye.</p> 
	
	<p>This picture was also taken over 2Km from the development and has been magnified. Again only the grass roofs of the highest 4 chalets would be visible using binoculars.</p>

**Insufficient Parking**

The plans show a central parking area. This is tucked in by the trees out of view of every vantage point from every house and road. There is also parking outside of each chalet, which we would encourage for drop off and collection at the beginning and end of the holiday.

#### Flooding of Access Road

Flooding in the past was due to the burn being blocked by tree's and debris due to neglect preventing water flow and as the FRA proves without that debris build up the road would not flood during 200 year levels.

We would be able to regularly inspect the burn and if necessary clear it so that there's not a build up of debris which caused the previous flooding.

#### No Economic Requirement

There are lots of 'beds' in caravan parks and B&B's, but this development follows the national strategy, the Tourism Framework for Change and will deliver 5 star accommodation as accredited by visit Scotland.

#### The Bridge across the burn would result in flooding

The bridge will be designed to span the burn and no supports or structure will incur with in the waterline so that the current or flood flow is not affected. We will of course work with Scot Borders council, SEPA and any other stakeholder to demonstrate we have solved this problem.

#### The access road

It was noted on the refusal schedule that there is concern over the increased traffic. I have submitted a plan with the original application and will work with your roads department until we have a road that is agreed.

#### Biodiversity Habitats

The land that isn't developed will be still available for farmland. Much of the land between the chalets will be allowed to develop into a wild meadow. The access road with in the boundary and the path and woodland towards the shore will be managed to keep the weeds down and let the natural flora and fauna flourish. Should the committee review this appeal in a positive light then more information and surveys can be undertaken on this.

#### Review Procedure

I would like the committee to consider a supporting letter from Visit Scotland (which i've attached)

A site visit would allow the committee to see the special position of this site. It is close to the beach, the Berwickshire path and the amenities of Coldingham yet it is almost entirely hidden away from the visitors to the area but those with the keenest eye – and a pair of binoculars!!

Thank you for reading,



Ewen & Lottie Brown



Ewen Brown  
Park House  
Neilson Park Road  
Haddington  
EH41 3DT

Dear Ewen

**Coldingham Bay Lodges - Capital Investment Planning Application**

I am writing on behalf of the national tourism organisation, VisitScotland, to express support in principal for the above proposed development.

Tourism is a key sector which is a major contributor to the economy of the Scottish Borders. The industry strategy for growth has been built around a number of key areas, of which capital investment is crucial. Any development adding to growth would be of benefit to the visitor economy within the immediate local and wider regional area.

The national strategy, the Tourism Framework for Change, focuses on the need for quality products and services, working in collaboration and innovation. Based on the information provided regarding the increase in capacity and the attention to the quality it would seem fair to assume that a quality experience would be a focus for this development.

The Scottish Borders is predominantly a leisure tourism destination and this development could contribute to the area becoming a sustainable year round destination. The vision to establish offer additional bed stock in an area with limited provision, exceptional nature based tourism assets and adventure tourism assets (diving, surfing and ocean based pursuits) offers a unique experience and could become a key coastal destination in the UK and also increase the number of walkers from England stopping off on their way to other parts of Scotland. International guests could also benefit from an increase in bedstock and in turn this could generate additional economic impact to the wider visitor economy.

I would urge Ewen Brown and his team to offer a showcase opportunity in their unique accommodation by showcasing local produce through the option to pre-order welcome hampers on arrival for visitors. This would immediately showcase local Food and Drink from the Scottish Borders and create a sense of place through authentic products. This could be factored into the "guest services" Food is essential to the overall visitor experience and research has shown that people will pay a premium for locally sourced produce that adds to the sense of place. Latest reports show that, overall, visitors to Scotland spend 21% of their holiday budget on eating and drinking. Overnight visitors are spending £800million on food and drink.

Should the planning application be successful I would recommend Coldingham Bay Lodges engage with our Quality Assurance scheme which could assist by offering advice, guidance and a framework to achieve 5star status. This could ensure that the customer experience remains at the heart of everything they do.



Sustainability is a key theme in the Tourism Framework for Change and concern among tourists regarding the impact a holiday has on the environment has risen and visitor expectations are changing. Environmental sustainability is being addressed in a number of ways and the long term benefits, we believe, are profound. As well as encouraging continued tourism growth, sustainable tourism will ensure that Scotland's key tourism assets, our natural heritage, built heritage and our communities, will survive and thrive. This project has the potential to complement the built and cultural heritage priorities through preserving a rural building and securing its future use.

We appreciate the range of different factors that need to be considered in such an application and we are supportive of a full and transparent process. Within this process we hope that our views can be taken into account.



Paula McDonald  
Regional Director



**SCOTTISH BORDERS COUNCIL****APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
SERVICE DIRECTOR REGULATORY SERVICES****PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 13/00401/FUL

**APPLICANT :** Mr Ewen Brown

**AGENT :** Camerons Ltd (Leith)

**DEVELOPMENT :** Erection of 12 holiday cabins, office/laundry block and associated works

**LOCATION:** Land South West Of Milldown Farmhouse  
Coldingham  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:** Complex Application

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
9065/0-07	Site Plan	Refused
FLORIDA 3A	Block Plans	Refused
GF PLAN	Floor Plans	Refused
VIEWS	Elevations	Refused
3D	Other	Refused
3D-2	Other	Refused
GF PLAN 2	Floor Plans	Refused
SECTION	Sections	Refused
VIEWS 2	Elevations	Refused
3D-2	Other	Refused

**NUMBER OF REPRESENTATIONS: 85****SUMMARY OF REPRESENTATIONS:**

In total 85 separate comments of objection from third parties have been received. A small number of these are from the same address. These comments are available in full on Public Access and are summarised as follows;

- Density of site
- Represents overdevelopment
- Detrimental to environment
- Flood Plain risk
- Inadequate access
- Inadequate drainage
- Inadequate screening
- Increased traffic
- Road safety
- Distract from the enjoyment of a popular walking area
- Little scope to widen access road
- Loss of view
- Noise nuisance

- Overlooking
- Privacy of neighbouring properties affected
- Trees/landscape affected
- Value of property
- Adversely affect local ecology
- Contrary to local plan
- No sufficient parking space
- Litter
- Poor design
- Smell
- Water supply
- Value of property
- Over provision of holiday accommodation within the area
- Detrimental to tranquil rural setting
- Land affected
- Subsidence
- Detract from attraction of area as a popular tourist destination
- Proposal would likely lead to further development of site
- Detract from character of Special Landscape Area
- Adversely affect water body
- Detract from Blue Flag Coldingham Bay

#### Consultees

Scottish Natural Heritage: No objection. Highlight that the development is close to the Berwickshire Coast Site of Special Scientific Interest (SSSI) and North Northumberland Coast Special Area of Conservation (SAC). The development is not perceived to detract from their interests or qualifying features. Discharge of foul and surface water likely to Milldown Burn which is a habitat associated with SAC and SSSI therefore best practice methods must be used, Advise that proposal does not affect nationally important protected areas or raise natural heritage issues of national interest.

Scottish Environmental Protection Agency: No objection. Part of this site is adjacent to the an area affected by flooding. SEPA area of the opinion that the site is above the level of fluvial flood risk although further information would be required to enable further comment upon the flood risk at the application site. The proposed bridge over Milldown burn will require a CAR licence, with level of authorisation dependant on the nature of the bridge.

The discharge of foul drainage effluent to Milldown Burn is will require a CAR licence, however this is likely to be consentable.

Request the use of a condition to require the discharge of surface water from the development and its construction phase into the water environment to be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual. Recommend that; Scottish Water, Council Roads Planning Officer and Council Flood Protection Officers should be consulted on SUDS strategy

#### 2nd Response

This was received in response to proposed works to upgrade the access road to Milldown Burn. Confirm rock armouring is required which will need a simple engineering licence under CAR regulations, however further details of these works are needed to establish the level of authorisation required.

Economic Development: Support the development which is recommended to fit with objectives of both the National Tourism Strategy and Scottish Borders Tourism Strategy by; improving occupancy levels especially out of season, increase over night expenditure, meet accommodation demand and improve links between Coldingham Bay and the surrounding area. Request additional information is supplied about the quality of the accommodation proposed for the site.

Ecology: The site is adjacent to an area of mixed semi-natural and planted broad-leaved woodland along the Milldown burn and the proposed access track passes through this habitat and crosses the burn. Request the submission of a preliminary ecological appraisal which should include a search of



the available biological records. Following findings of the initial investigation, further species and habitat surveys may be required.

Flood Protection Officer: 1st response 3rd May 2013

A small portion of the site may be at 0.5% a risk of flooding each year. The indicative flood risk area at Milldown burn at this location does not follow the line of the Burn and is displaced to the South encroaching into the site. The site is sufficiently above the Burn so that it should not be at risk of flooding. Any consent should be subject to a condition requiring the installation of a cut off drain in the upslope of the site to prevent against surface water flooding.

The construction of a bridge to cross the Millburn to provide access to the site could have an adverse affect on the mechanics of the river flow and increase flooding if not designed properly. No bridge detail has been submitted, a bridge design is therefore required which needs to be informed by a Flood Risk Assessment (FRA) to ensure it is designed appropriately.

Objections from local residents have indicated that the access road between Coldingham Sands to Milldown Farm is subject to flooding, assumed from Milldown Burn. The Council has no record of this, but request that this is assessed within the FRA works address access and egress issues.

The application has intimated that a SUDS scheme will be developed for the site by a third party. In response to this further information about Greenfield Run-off Rates and detailed design drawings of the SUDS system are required.

2nd Response

This was received in response to proposed works to upgrade the access road to Milldown Burn. It was recommended that original comments are still valid and remain to be addressed, reiterating the need for an FRA. Recommend that the inclusion of debris grilles in the water course are removed as they may have an effect on the adjacent road if they are blocked and they are not needed in this location anyway. Any rock armour must be installed properly with SEPA contacted.

3rd Response

This response was received in response to the submitted FRA. Recommend that the details provided are not satisfactory with proposed drawing already considered. The requirement for a FRA to develop a 1 in 200 year plus climate change flood level is still required to inform the bridge design. Use of a debris grill is not needed and a cut-off drain should be included to mitigate the risk of surface water runoff.

Landscape Architect: The site is wholly within the Berwickshire Coast Special Landscape Area (SLA). List following concerns;

- Potentially visible from elevated spots on B6438 to St Abbs, St Abbs Head itself and elevated positioned on the coastal path. Owing to topography, there will be limited visibility of the development from the south. To avoid a negative visual impact from northern views a robust structure planting is required, this should utilise corners of the residual land for woodland to achieve a better setting for the development, including planting along the southern boundary to act as a backdrop.
  - The widening of the access road will impact on the existing woodland. Insufficient information to assess implications have been provided. Request that a woodland survey, identifying the RPAs of the trees along the northern boundary and associated works to them is provided. This road widening might need a retaining structure which could impact on the woodland edge. Consideration will have to be given to how the severely undulating road will be dealt with.
  - Impact of widening of access towards Coldingham, in particular upon the roadside hedge with any removal requiring compensatory planting.
  - A topographical survey is needed to show identify changes to the existing landform as a result of this development, in particular level platforms to site infrastructure. Internal site planting is encouraged.
  - The use of a grass reinforcement grip on the access route through the site to the cabins is encouraged.
  - If consent is granted a fully detailed planting plan will be needed.
- Support is withheld until further information is provided to address the points above.

2nd Response

This response was received following the submission of further drawings detailing works to upgrade the sites access. Broadly satisfied that road widening works will only have a minor effect on the character of the lane. Replacement planting should be as per standing Council advice and there is a need for gaps in planting to be in filled along with any damage to the bank of Milldown Burn made good.

Roads Planning Officer: Support is withheld until further information is provided. The unclassified single track public road (D136/6) which would serve this development is unsuitable for vehicular access and is sign posted as such. The road shows signs of disrepair. In order to make this suitable for traffic associated with this development, including construction traffic and pedestrians upgrades and additional information are requested;

- Road widening
- Formulation of passing places
- Resurfacing
- Installation of boundary treatment where road is adjacent to the burn
- Road strengthening works, informed by an engineer's report
- Details of drainage proposals
- Details of the bridge crossing

These works should be informed by a topographical survey. All access upgrading work will require to be completed before development commences on site to ensure road is adequate to cater for construction traffic.

Recommend that the site layout should be amended to include parking space next to each cabin with an element of visitor parking retained. A turning area should be provided near the office block for service and refuse vehicles. Details of the construction make-up of the internal access road and parking area are needed.

#### 2nd Response

This response was received following the submission of further drawings detailing works to upgrade the sites access.

Recommend that upgrades to the public road are acceptable. Confirm that these works would require Road Construction Consent with technical approval needed for rock armour. Details of Bridge design remains to be addressed along with a FRA to inform proposed road levels. In the event of a flood a contingency plan for accessing/exiting the site is needed.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Consolidated Local Plan 2011:

D1, G1, G4, NE3, NE4, H2, Inf2, Inf3, Inf4, Inf5, Inf6, Inf11

Supplementary Planning Guidance on:

Local Landscape Designations 2011

Trees and Development 2008

Biodiversity 2005

Local Biodiversity Action Plan 2001

Scottish Borders Tourism Strategy 2013-2020

**Recommendation by** - Scott Shearer (Planning Officer) on 17th March 2015

The application site is located centrally within a linear shaped agricultural field to the east of Coldingham. It slopes steeply towards Milldown Burn to the south which is enclosed by woodland. The site is accessed to its northwest via an un-surfaced track which leads to the burn with the single track road on the opposite site of the water which adjoins to the Coldingham Sands road.

The application seeks FUL planning permission to form a self catering holiday chalet development. Twelve log style cabins and stand alone office/laundry building are proposed with associated access, parking and play space provided.

## Planning Policy

Planning Policy D1 is the most relevant Local Plan Policy to consider on assessing this application. This policy encourages Business, Tourism and Leisure Development in the Countryside. The second criterion of Policy D1 is the most relevant for this application. This policy requirement requests proposals to be appropriate to a countryside location and be in accordance with the Scottish Borders Tourism Strategy (SBTS). There are a range of land use planning criteria which must be met to ensure that the development compliments the environment it is contained within, which includes impacts on; the character of the surrounding area, neighbouring uses and ensuring that developments are accessible.

Policy D1 is influenced by the SBTS. The SBTS is weighted heavily in favour of developments which grow the tourist industry within the Scottish Borders. There is no denying that the development of 12 new holiday chalets would probably meet the objectives of the SBTS in general terms. Fairly basic information within the Supporting Statement has been submitted to outline how this development would meet the requirements of the SBTS. I would normally expect an application for a new tourist facility to provide specific details in the form of facts and figures to justify the need for the development and illustrate its viability along with a Business Plan. This is thought to have been especially pertinent for this proposal because of its location within an area with a competitive holiday accommodation market, as well as the site being environmentally sensitive. Economic Development Officers have however not objected to this application and have recommended that it fits with the local and national tourism strategies. Essentially Policy D1 seeks to support appropriate job generating development within the countryside, echoing the comments of Economic Development Officers, where the principle of this development compliments the SBTS. However I do not consider that sufficient details have been submitted to prove that this proposal meets the aim of Policy D1 which requires the proposal to demonstrate that this is in fact an appropriate employment generating form of development within a rural location. The principle for this development which has been considered against Criterion 2 of Policy D1 is not fully satisfied.

Criteria 6 of Policy D1 requires that where new buildings are proposed in the countryside that a sequential test is provided to illustrate that there are no existing sites within the settlement boundary which can accommodate the development. No information has been provided to account for this requirement, therefore this proposal fails to meet the obligations of this criteria.

## Landscape and Visual Impact

The site is wholly within the Berwickshire Coast Special Landscape Area (SLA) and the designated Coastline which are protected by Policy EP2 and Policy EP4 respectively. The site is located on gently undulating farm land which surrounds Coldingham Bay. This part of the Berwickshire coastline is held in particular high acclaim. This is apparent with the numerous objection comments that have been received in connection with this application. The pleasing landscape setting helps to draw a high level of social economic activity to the area including coastal walks and associated beach activities and water sports. Criterion 4 of policy D1 requires that; the development must respect the amenity and character of the surrounding area. Due to the high landscape sensitivity of this area which is clearly of high public interest, we must be satisfied that this requirement is met.

The application site breaks into an undeveloped field beyond Milldown burn and is defined by a woodland strip which encloses a hamlet of buildings to the north and the Bay further north east. This woodland strip acts as a natural boundary which extends back to and encloses the north eastern edge of the settlement. As acknowledged by the Landscape Architect, the introduction of structural planting would provide the development with containment. Nevertheless, the location of this development outwith the finger of natural landscaping does not sit favourably within the landscape setting of the area as this woodland acts to contain development in this area surrounding Coldingham. Unfortunately this siting is further compounded by visibility of the development when in particular viewing from the Coldingham to St Abbs road (B638). Here the development would be perched above and outside of this enclosing woodland. It would therefore be seen as a sporadic form of development within the countryside.

The access to the site requires fairly significant upgrading which includes road widening, passing places, surface improvements and the construction of a bridge to cross the Milldown burn. Plans were provided of the road upgrades up to the Burn, but no details of the water crossing or surface improvements to the track from the burn to the site were included. The plans illustrate that the upgrades up to the burn are probably

achievable in a suitable way, however it is the construction of the bridge and upgrades to the track thereafter to the site which causes concern. It is anticipated that the level of works required to achieve safe access to the site would likely require the removal of trees which form part of this important landscape buffer. In turn this would further expose the development, possibly leading to the introduction of an urbanised form of development within this rural area. Fundamentally no details have been provided to dispel these concerns and the proposals cannot be considered to have an acceptable impact on existing trees in relation to Policy NE4.

It is therefore considered that a combination of the proposed siting and lack of information to address concerns about the physical impact of the proposed bridge and associated access upgrades would result in a detrimental form of development. The proposal would both harm and extend beyond an identifiable natural boundary which contains development in this part of the countryside. By breaching this natural boundary, the development is wholly located within the open countryside and is unrelated to any other form of development. This has a harmful impact upon the character of the SLA. It is viewed that developing the open countryside in this manner would lead to a reduction in the quality of the landscape which in itself is a tourist attraction. The social and economic arguments in favour of this development do not outweigh the adverse impact this development would have on the character of the landscape.

A large number of third party objections have been received in connection with this application, the majority of which cite concerns about the physical impact that this development would have upon the landscape. This clearly illustrates that there is a high degree of unrest from local people as well as claimed regular tourists to the area. The views of third party stakeholders are important considerations within the planning process. In this particular case I have not found sufficient planning policy grounds where I do not agree with the general public consensus that this development would detract from the landscape. Overall the resultant negative impact of this development on the SLA concludes that the proposal fails to comply with Criteria 4 of Local Plan Policy D1 as well as Policy EP2.

#### Flooding

Policy G4 of the Local Plan requires that development should be located in areas free from flood risk and where required the Planning Authority are entitled to request the submission of a Flood Risk Assessment.

A small portion of the site is within the functional flood plain. The construction of a bridge to cross the Millburn to provide access to the site could have an adverse affect on the mechanics of the flow of the water course. The Councils FPO recommended that the design of the bridge needs to be informed by a Flood Risk Assessment (FRA). Owing to the new bridge affecting local flooding potential, this is a matter which must be investigated prior to determination, where any positive recommendation requiring to illustrate that flood risk can be appropriately mitigated.

A FRA Drawing was submitted by the applicant but this is very basic and does not go on to inform the design of the bridge crossing. The FPO has confirmed that their original request and not been satisfied. Guidance regarding the submission of a competent FRA is outlined within the justification of Policy G4. Unfortunately this level of information has not accompanied this application. Failure to provided this information means that this submission fails to prove that this development will not adversely affect local flood risk. Therefore this application must be opposed against Policy G4 whereby insufficient information has been provided to address the identified flood risk concerns.

#### Access

Policy Inf3 requires that the new roads, footpaths and cycleways including extensions must be constructed to the Councils adoptable standards. Therefore the new bridge and access must satisfy the Councils requirements which in this case are informed by our Roads Planning Officer (RPO). While details of upgrades to the existing road have generally been well received by the RPO, the failure to provide details of the bridge design and access road which are within the red-line application site boundary concludes that insufficient details have been provided to illustrate that the site can be safely accessed by vehicles and pedestrians alike. Without these details, support from the RPO is still withheld. This application has failed to prove that the development can be safely accessed and therefore conflicts with Policy Inf3.

Failure to address site access requirements means that this site is not in fact accessible. Therefore this application cannot uphold criteria of Policy Inf11 which requires that development which generate travel

development, which a tourist accommodation development will, must be properly accessible. By virtue of this site being inaccessible, this policy fails to be satisfied.

## Ecology

Policy NE3 of the Local Plan seeks to safeguard and enhance local biodiversity. The development boundary is positioned adjacent to an area of mixed semi-natural and planted broad-leaved woodland and the proposals would involve works to an existing watercourse. SBCs Ecologist has suggested that these environments are habitats that may be affected by this development. A preliminary ecological appraisal is required to identify the potential impacts on these habitats and any protected species. As no such investigations have taken place, the impact of this development on local biodiversity remains unknown. Without the required information we are not in a position to guarantee that this development meets the requirement of Policy NE3 and sufficiently protects local habitats. The lack of information provided to address local biodiversity investigation requirements mean that Policy NE3 has not been shown to be suitably complied with.

## REASON FOR DECISION :

The proposed development is not considered to have been sufficiently justified to prove that the development is an appropriately job generating enterprise within the countryside in accordance with Policy D1. In addition the siting and physical impact of the development are judged to adversely affect the character and amenity of the Berwickshire Coast SLA and insufficient information has been presented to demonstrate that the development is free from flood risk, can obtain safe vehicular and pedestrian access, will not impinge on local biodiversity and would not result in the loss of trees.

## **Recommendation:** Refused

- 1 The proposed holiday chalet development would be contrary to Policy D1 Business, Tourism and Leisure Development in the Countryside of the Consolidated Local Plan 2011 in that the erection of 12 chalets and associated infrastructure on this site in the countryside has not been adequately justified. The economic and operational need specific to Coldingham in general, and the application site in particular, has not been identified and it has not been demonstrated that the development will generate jobs. Furthermore the proposed development cannot reasonably be accommodated within the Development Boundary.
- 2 The proposed development would be contrary to Policies D1 and EP2 of the Consolidated Local Plan 2011, in that the siting of the proposed chalet development would harm the character and appearance of the special landscape area and result in a sporadic form of development which breaks outwith established natural boundaries containing development on the eastern side of Coldingham. The potential social or economic benefits of this development have not been found to outweigh the need to protect the designated landscape.
- 3 The proposals are contrary to Policy G4 of the Local Plan in that insufficient information has been provided to demonstrate that the proposed new bridge crossing and access route will not result in an increase in flood risk from the Milldown Burn.
- 4 The proposals are contrary to Policies Inf3 and Inf11 of the Local Plan in that insufficient information has been provided to demonstrate that safe vehicular and pedestrian access to the site can be achieved in accordance with current standards and travel demand requirements.
- 5 The proposals are contrary to Policy NE3 of the Local Plan in that insufficient information has been provided to demonstrate that the development would not result in an adverse impact on local biodiversity and habitats.

- 6 The proposals are contrary to Policy NE4 of the Local Plan in that insufficient information has been provided to demonstrate that the construction of the access works to the site would not cause loss or serious damage to the woodland resources.

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



Scottish Borders Council  
 Planning Department  
**REFUSED**  
 Submitted to the  
 Planning Committee of the  
 Scottish Borders Council

**Revisions:**  
 A:19.02.13.CM landscaping revised, units reduced to 12, extent of shared surface reduced  
 B:20.03.13.CM extent of development reduced to remove visibility from Hornell Knoll (coastal path)  
 C:02.04.13.CM note added regarding upgrading of surrounding roads, landscaping revised, scalebar added

Imberbush house  
 16/3 Imberbush, Perth  
 Edinburgh, Midlothian  
 t: 0131 553 7569  
 f: 0131 553 7564  
 e: edinburgh@camerons.co.uk  
 w: www.camerons.co.uk

**camerons**

client: ewen brown  
 project: cabin development  
 coldingham bay  
 scottish borders

title: site layout:  
 location plan  
 scale / size: 1:1250  
 drawn: cm  
 p+e status: pre-planning  
 date: Feb '13

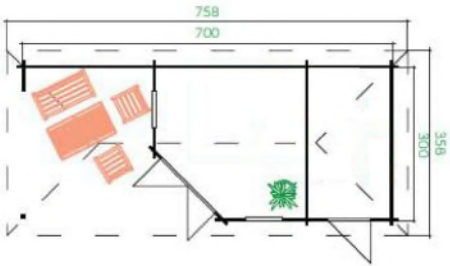
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 also at: 1 wilsongaugh  
 gallopark, ed1 1sqj  
 t: 01896 753077  
 f: 01896 750046

British Builders Council  
Trade and Consumer  
Protection Directorate Act  
1997  
**REFUSED**  
Subject to the  
requirements of the  
Consumer Credit  
Act 1974



Florida 3A

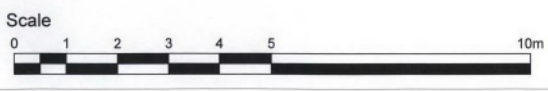
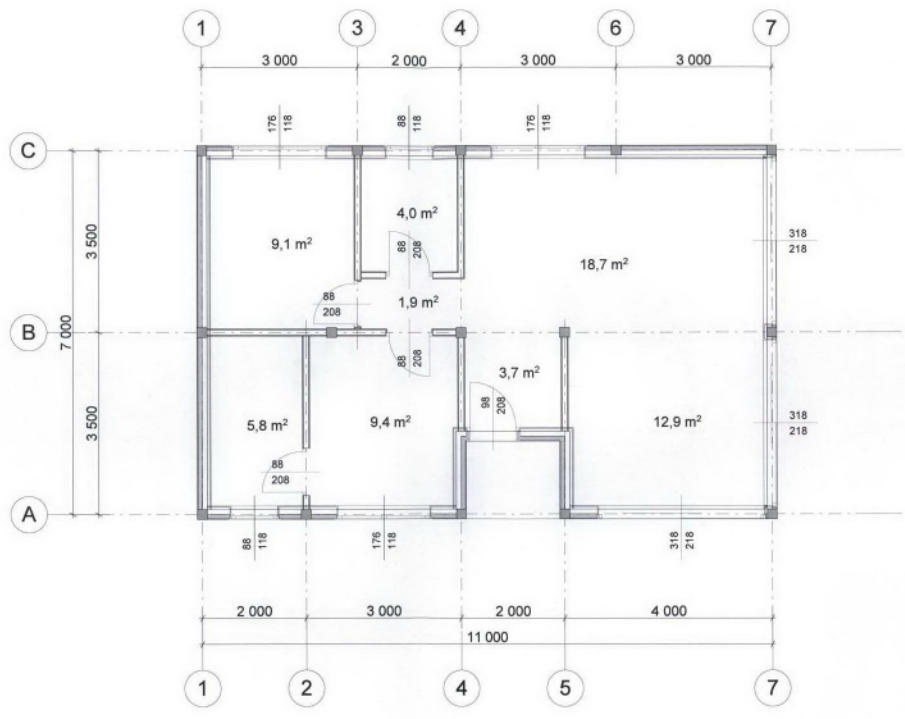
Florida 3A Office/Laundry block





RECEIVED 8 APR 2013  
13/00401/FUL

Development Planning Consent  
 13/00401/FUL  
 REFUSED  
 13/00401/FUL



Object	Coldingham - Post and Beam Chalet - 1		
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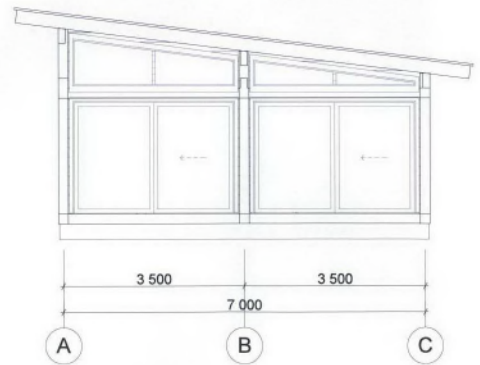
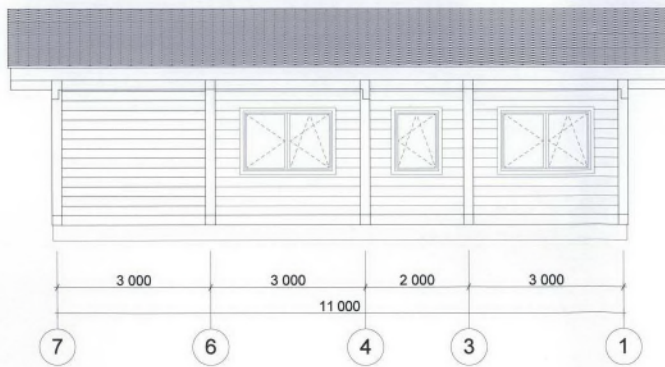
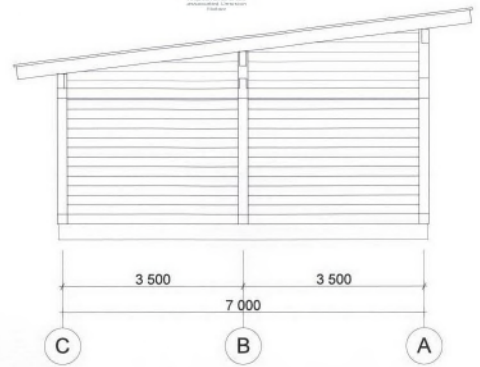
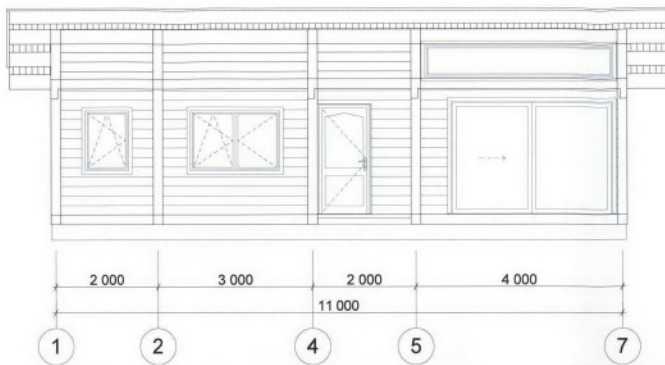
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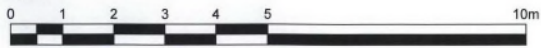
Plan and Section of a Chalet  
Caldingham - Post and Beam Chalet - 1

**REFUSED**

submitted for the  
purpose of the application for a  
development consent



Scale



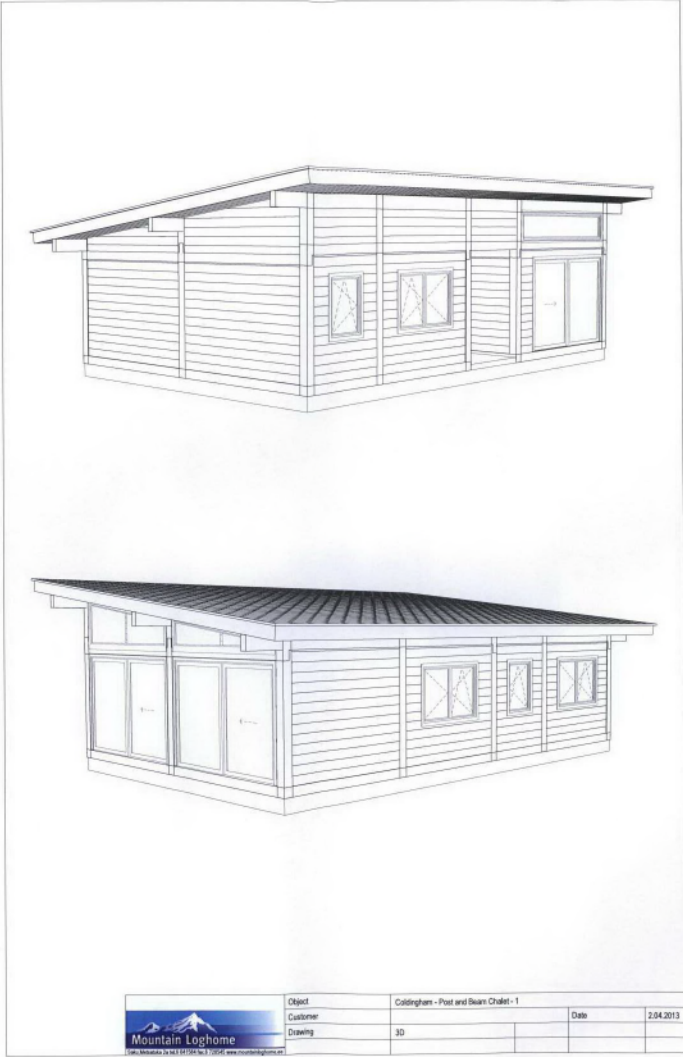
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Customer			Scale	1:100
Drawing	Views			


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13/00401/FUL

Strathclyde Council  
Planning Department  
1997

**REFUSED**

Subject to the  
requirements of the  
Environment (Planning  
Applications) Act  
1990



	Object	Coltingham - Post and Beam Chalet - 1	Date	2/04/2013
	Customer			
	Drawing	3D		

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13/004017 FUL

Mountain Loghome Council  
Town and Country  
Planning Department Act  
1997

**REFUSED**

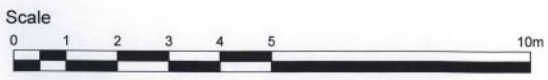
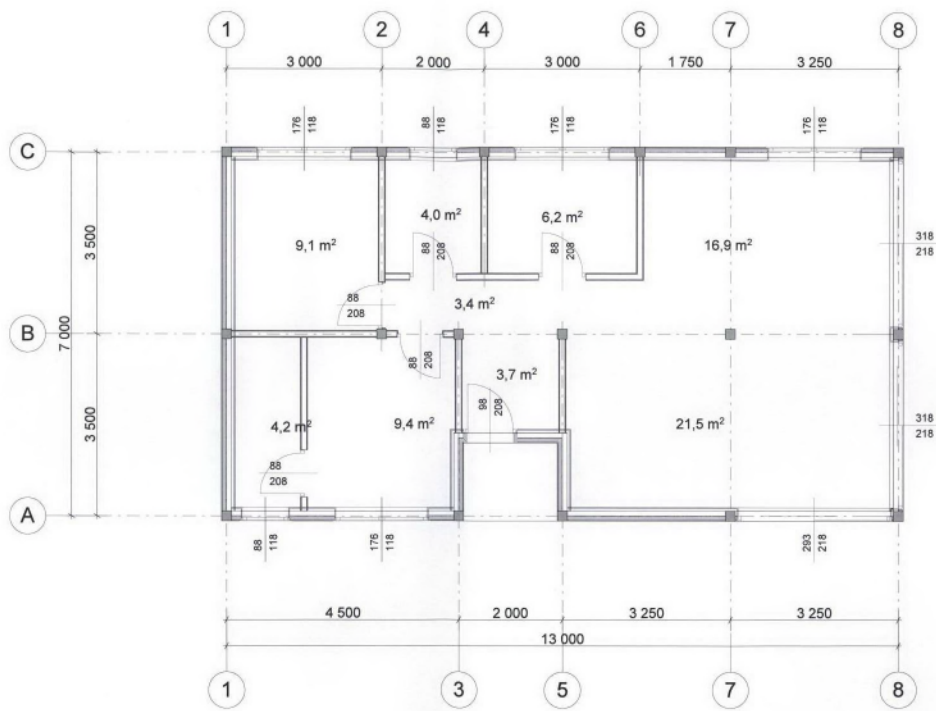
subject to the  
requirements of the  
Resource Consent  
Notice



Object	Coldingham - Post and Beam Chalet - 1		
Customer		Date	2.04.2013
Drawing	3D-2		

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13/00401/FUL

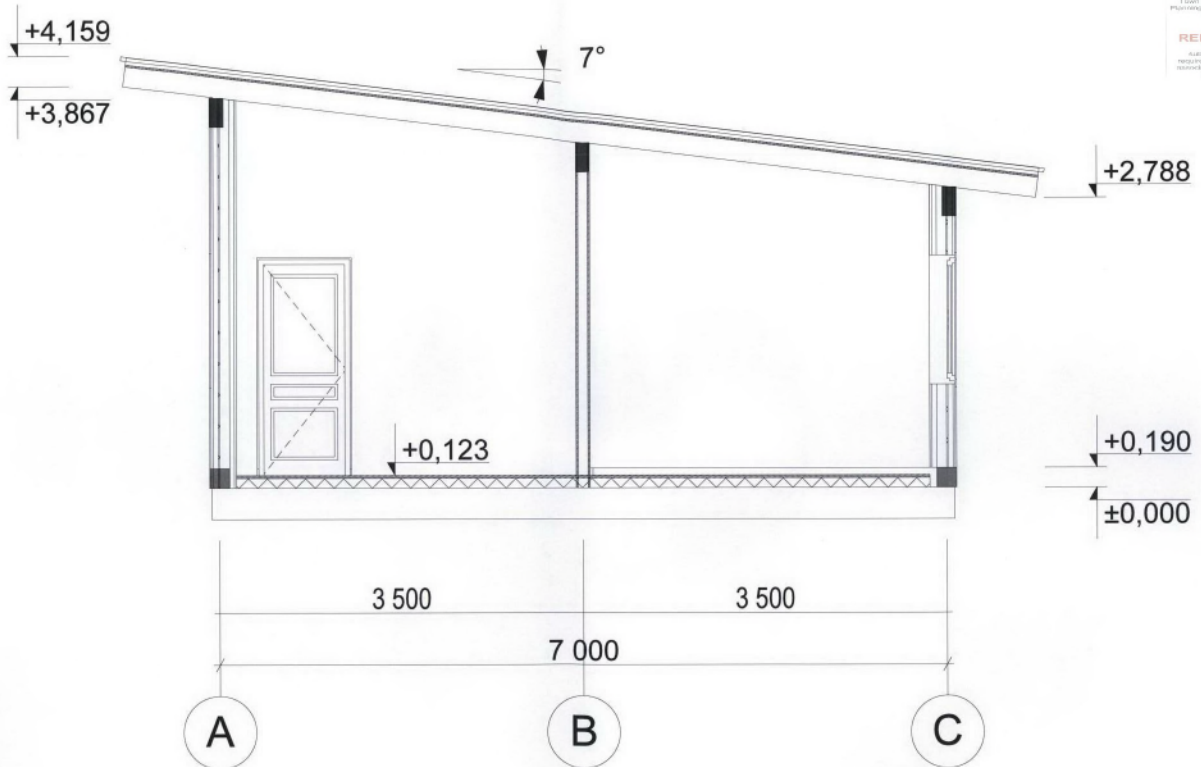
English Southern Council  
Town and Country  
Planning (England) Act  
1997  
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subject to the  
requirements of the  
Environmental Planning  
Act 1997



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Drawing	GF plan	Scale	1:100

RECEIVED - 8 APR 2013  
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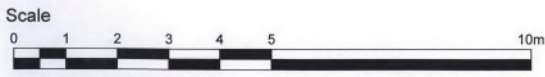
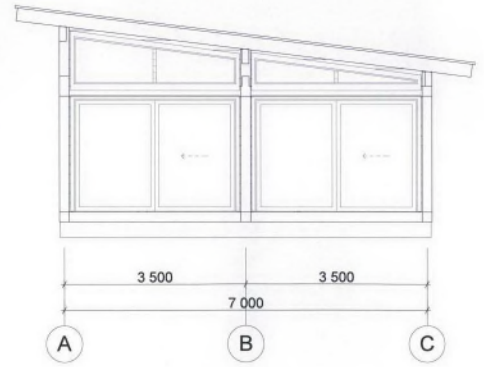
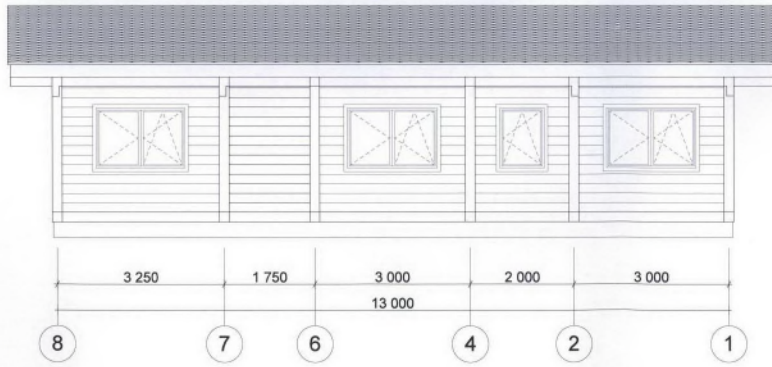
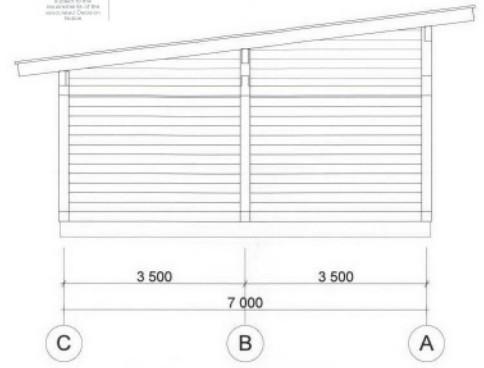
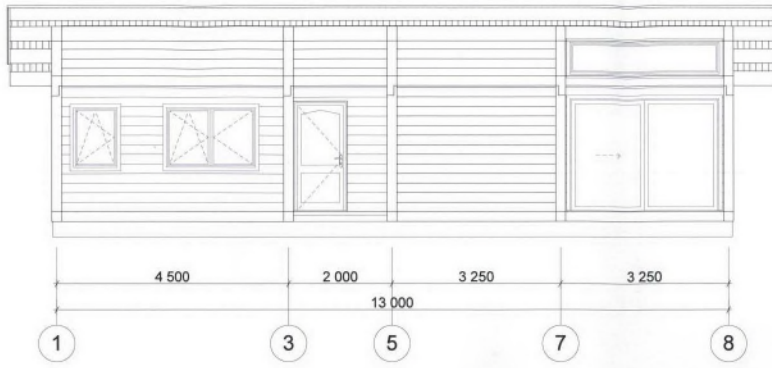
Orkney Islands Council  
Town and Country  
Planning (Applications) Act  
1997  
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Subject to the  
requirements of the  
Standard Conditions  
Notice



Object	Coldingham - Post and Beam Chalet - 1		Date	2.04.2013
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RECEIVED - 8 APR 2013  
13/00401/FUL

**REFUSED**  
subject to the  
approval of the  
relevant Council  
Authority



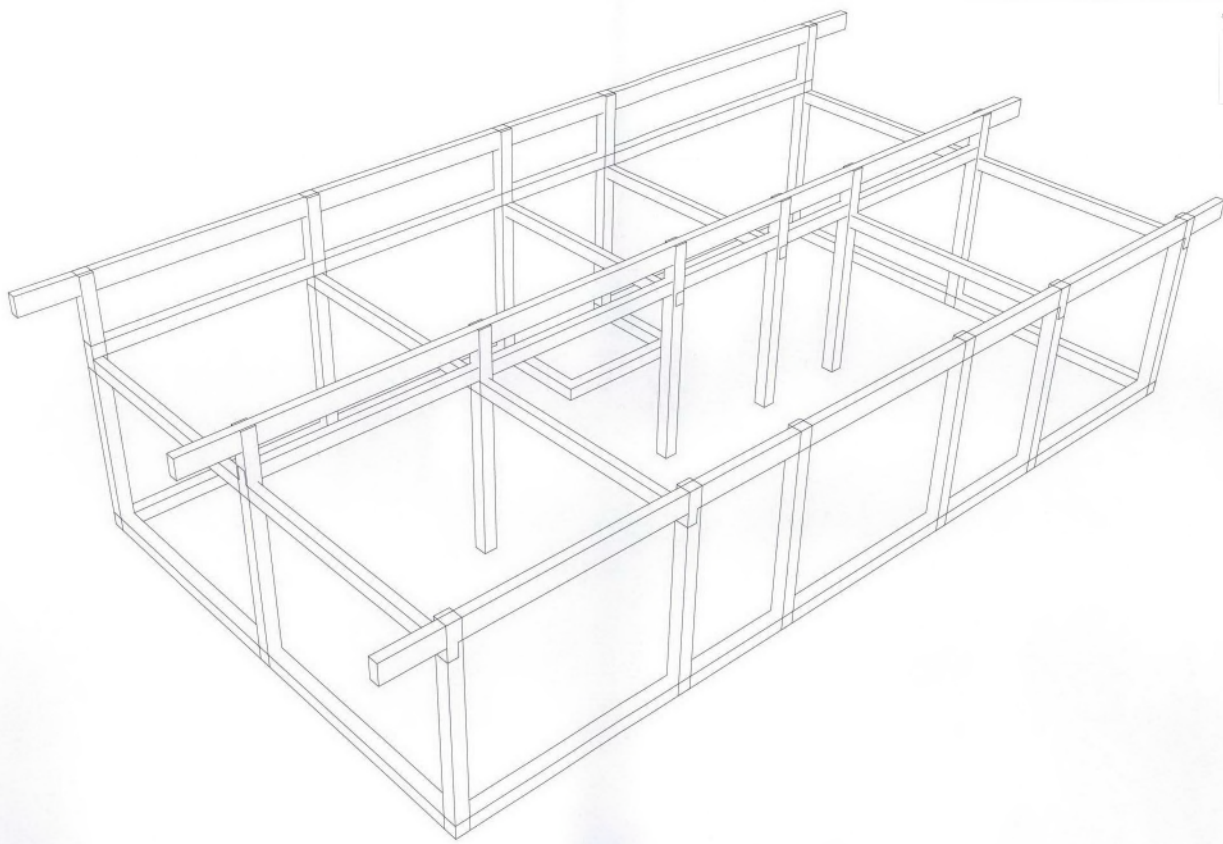
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Customer		Scale	1:100
Drawing	Views		


RECEIVED - 8 APR 2013  
13/00401/FUL

English Borders Council  
Town and Country  
Planning (England) Act  
1997

**REFUSED**

Subject to the  
requirements of the  
associated Decision  
Notice.



 Mountain Loghome <small>See: MOUNTAIN 2a M 8 041584 fax: 0 728545 www.mountainloghome.co.uk</small>	Object	Coldingham - Post and Beam Chalet - 1		
	Customer		Date	2.04.2013
	Drawing	3D-2		



## PLANNING CONSULTATION

To: Ecology Officer

From: Head of Planning & Regulatory Services

Date: 10th April 2013

Contact: Scott Shearer ☎ 01835 826732

Ref: 13/00401/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 1st May 2013, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 1st May 2013, it will be assumed that you have no observations and a decision may be taken on the application.

**Name of Applicant:** Mr Ewen Brown

**Agent:** Camerons Ltd (Leith)

**Nature of Proposal:** Erection of 12 holiday cabins, office/laundry block and associated works  
**Site:** Land South West Of Milldown Farmhouse Coldingham Scottish Borders

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### OBSERVATIONS OF: Ecology Officer

## CONSULTATION REPLY

*It is recognised that a formal recommendation for a decision can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Management service in respect of heritage and design issues (biodiversity).*

The proposed site is in an arable field with hedgerow field boundaries, but is adjacent to an area of mixed semi-natural and planted broad-leaved woodland along the Milldown burn and the proposed access track passes through this habitat and crosses the burn. I have not visited the site to inform this consultation response.

At a minimum this application should be informed by a preliminary ecological appraisal<sup>i</sup>. This should include a search of the biological records (available from The Wildlife Information Centre: <http://www.wildlifeinformation.co.uk/about.php>), a number of bryophytes, vascular plants, insects and mammals are associated with the Milldown burn and adjacent area including corn spurrey (*Spergula arvensis*), wavy-beard moss (*Didymodon sinosus*), northern brown argus butterfly (*Aricia artaxerxes*) and badger.

Further survey may also be required e.g. badger, breeding birds and assessment of impacts on habitats as appropriate. I can comment further when the required further information is submitted.

Dr Andy Tharme  
Ecology Officer  
09 July 2013

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<sup>i</sup> Preliminary ecological appraisal IEEM, 2012 <http://www.cieem.net/guidance-on-preliminary-ecological-appraisal-gpea->

## PLANNING CONSULTATION

To: Economic Development Section

From: Head of Planning & Regulatory Services

Date: 10th April 2013

Contact: Scott Shearer ☎ 01835 826732

Ref: 13/00401/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 1st May 2013, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 1st May 2013, it will be assumed that you have no observations and a decision may be taken on the application.

**Name of Applicant:** Mr Ewen Brown

**Agent:** Camerons Ltd (Leith)

**Nature of Proposal:** Erection of 12 holiday cabins, office/laundry block and associated works  
**Site:** Land South West Of Milldown Farmhouse Coldingham Scottish Borders

---

**OBSERVATIONS OF: Economic Development Section**

## CONSULTATION REPLY

Economic Development supports the application for Erection of 12 No holiday cabins on land South West of Milldown Farmhouse, Coldingham Specifically, the application fits with the National Tourism Strategy and the Scottish Borders Tourism Strategy by seeking to improve the customer journey by:

- **Improve occupancy levels, in particular out of season**
- **Increase overnight expenditure by individual visitors in real terms**
- **Ensure the regions accommodation offerings are in direct relation to consumer demands and where opportunities are available can act as an attractor or demand in themselves.**
- **Encourage improved links between accommodation and activity - in this case, Coldingham Bay and surrounding area.**

The proposal also fits the priorities of the South of Scotland Competitiveness Strategy (2007-13), which aims to support key indigenous business sectors including the tourism industry.

Economic Development would request additional information on the **quality** of accommodation proposed for the site.

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## ENVIRONMENT AND INFRASTRUCTURE

**To:** HEAD OF PLANNING AND REGULATORY SERVICE

**FAO:** Scott Shearer

**Your Ref:** 13/00401/FUL

**From:** HEAD OF ENGINEERING & INFRASTRUCTURE

**Date:** 03 May 2013

**Contact:** Duncan Morrison

**Ext:** 6701

**Our Ref:** B48/1546

---

**Nature of Proposal:** Erection of 12 Holiday Cabins, office/laundry block and associated works.

**Site:** Land South West Of Milldown Farmhouse, Coldingham, Scottish Borders.

---

In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River & Coastal Flood Map (Scotland) known as the "second generation flood mapping" prepared by SEPA indicates a small portion of the site maybe 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 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.

The indicative flood envelope for the Milldown Burn at this location does not follow the line of the Burn and is displaced to the South encroaching into the site.

On reviewing the OS countour mapping at this site it is apparent that the site is located approximately 5m above Burn level and that the left bank as you look downstream is significantly lower indicating that flood water will flow in this direction should the Burn come out of bank. I therefore have no concerns about the flooding to the site itself from the Burn.

Households in this area have been subject to affects of surface water run-off from surrounding fields in the past 12 months. As this site is effectively located on the side of a slope (falling South to North) there is a high possibility that this site could suffer from similar effects. I would therefore require that any future planning consent includes the following condition

- Prior to any development taking place at this site a cut-off drain is installed on the upslope side of the site to mitigate against surface water flooding.

The site layout location plan shows that there will be a bridge constructed across the Millburn to facilitate access to the development site. Bridges can have an adverse affect on the mechanics of river flow and increase flooding if they are not designed properly. In the information submitted there is no detail given in relation to the bridge.

I would therefore require that more information is submitted in relation to the bridge design and that a Flood Risk Assessment (FRA) is undertaken to develop a 1 in 200 year plus a 20% allowance for climate change flood level, thus allowing the bridge to be appropriately designed. Construction of the bridge abutments should be such that they are set back from the edge of the Milldown Burn not to affect flows and cause unnecessary scour. SEPA should also be

contacted as constructions works of this type will require to be governed by the Controlled Activities Regulations (CAR).

Some correspondence from the local residents indicates that the access road leading from the Coldingham Sands Road to Milldown Farm is subject to flooding, this is assumed to be directly from the Milldown Burn. The Council does not have any records of this but I would suggest that this is picked up in the FRA and this will help address access and egress issues in relation to flood risk as required under Scottish Planning Policy (SPP).

The applicant has also intimated that a Sustainable Urban Drainage System will be developed for the site by another party. To progress this side of the application I would require that the following information is submitted in relation to flood risk.

- Calculations showing the Greenfield Run-off Rate from the existing site; the discharge rate from the new site should not exceed the existing Greenfield Run-off Rate or 5l/s/ha which ever is lower.
- Design Drawings and Details of the proposed SUD's system.

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.

Duncan Morrison  
Engineer (Flood Protection)

**From:** Chalmers, Ian  
**Sent:** 30 January 2015 10:09  
**To:** Shearer, Scott  
**Cc:** Morrison, Duncan  
**Subject:** FW: 13/00401/FUL Access upgrade drawings

Hi Scott,

Duncan previously stated the following;

"The notes on the drawing state that size of the arch box culvert has been designed to accommodate the 1 in 200 year flows, in my previous response I stated that I would require a Flood Risk Assessment to be undertaken to develop a 1 in 200 year plus a 20% allowance for climate change flood level to inform the bridge design. This is still required. I would also request that SEPA's hydrologists are consulted to assess the methodologies and data used to develop the flood level."

The above is stated within the 14-C-191-SK 01 Rev D drawing and already had this topographical information that was provided within the attachment on your e-mail dated 19th January 2015, so this data had previously been seen.

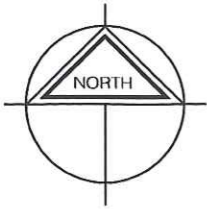
Therefore, there will be no change in the response and the FRA to develop a 1 in 200 year plus climate change flood level will still be required to inform the bridge design.

It is still the case that we do not think that there is a need for a debris grille.

It is still the case that a cut-off drain should be built to mitigate the risk of surface water run-off.

Regards,

Ian Chalmers  
Flood Risk and Coastal Management



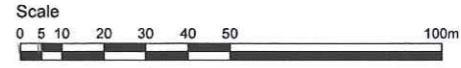
Page 42

Additional structure planting to perimeter of site

Additional structure planting to perimeter of site.

Key:

- development area (1.5ha)
- land under ownership of client (7.1ha total)
- grassed areas
- wildflower seed mix
- shared surface
- access road



Revisions:

- A:19.02.13:CM landscaping revised, units reduced to 12, extent of shared surface reduced.
- B:20.03.13:CM extent of development reduced to remove visibility from Homeli Knoll (coastal path)
- C:02.04.13:CM note added regarding upgrading of surrounding roads, landscaping revised, scalebar added



timberbush house  
16/3 timberbush, leith  
edinburgh, eh6 6qh  
t: 0131 553 7959  
f: 0131 553 7984  
e: edin@camerons.ltd.uk  
w: www.camerons.ltd.uk

camerons

client: ewen brown

project: cabin development  
coldingham bay  
scottish borders

title: site layout:  
location plan

scale / size: 1:1250  
drawn: CM  
h+s status: pre-planning  
date: Feb '13

number: 9065/0-07

revision: C

status: planning

also at: 1 wilderhaugh  
galashiels, td1 1qj  
t: 01896 753077  
f: 01896 756046

## PLANNING CONSULTATION

To: RIGHTS OF WAY OFFICER

From: Head of Planning & Regulatory Services

Date: 22 APRIL 2013

Contact: Scott Shearer ☎ Ext 6732

Ref: 13/00401/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 1 May 2013, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 1<sup>st</sup> May 2013, it will be assumed that you have no observations and a decision may be taken on the application.

**Name of Applicant:** Mr Ewen Brown

**Agent:** Camerons Ltd (Leith)

**Nature of Proposal:** Erection of 12 holiday cabins, office/ laundry block and associated works  
**Site:** Land South West Of Milldown Farmhouse, Coldingham, Scottish Borders

---

**OBSERVATIONS OF: Rights Of Way Officer**

## CONSULTATION REPLY

Further to my review of the application, there are pathways (as outlined on the attached Plan) which are accessible to the public under the Land Reform (Scotland) Act 2003 that will be affected by this application.

The route which gives access from the unclassified road to Coldingham Bay, gives access to the small bay south of Coldingham Bay and onto both the Berwickshire Coastal Path and Coldingham Bay. It is undoubtedly used regularly by both the local community and visitors to the area.

The access roadway from the unclassified road should incorporate adequate width to accommodate pedestrians, cycles and horses along the entire length of the route, providing suitable surface to the access roadway and a suitable bridge crossing.

From the access roadway it would be beneficial to the development that 'Coldingham Bay & Berwickshire Coastal Path' be signposted and accordingly suitably surfaced to 'Deil's Dander'.

Should any planning permissions be granted the following conditions should be incorporated accordingly:

- The path indicated (*Points A – B*) must be maintained open and free from obstruction in the course of development and in perpetuity and shall not form part of the curtilage of the development area and / or properties. **Reason:** To protect general rights of responsible access.
- Should temporary works require public access be diverted, no development shall take

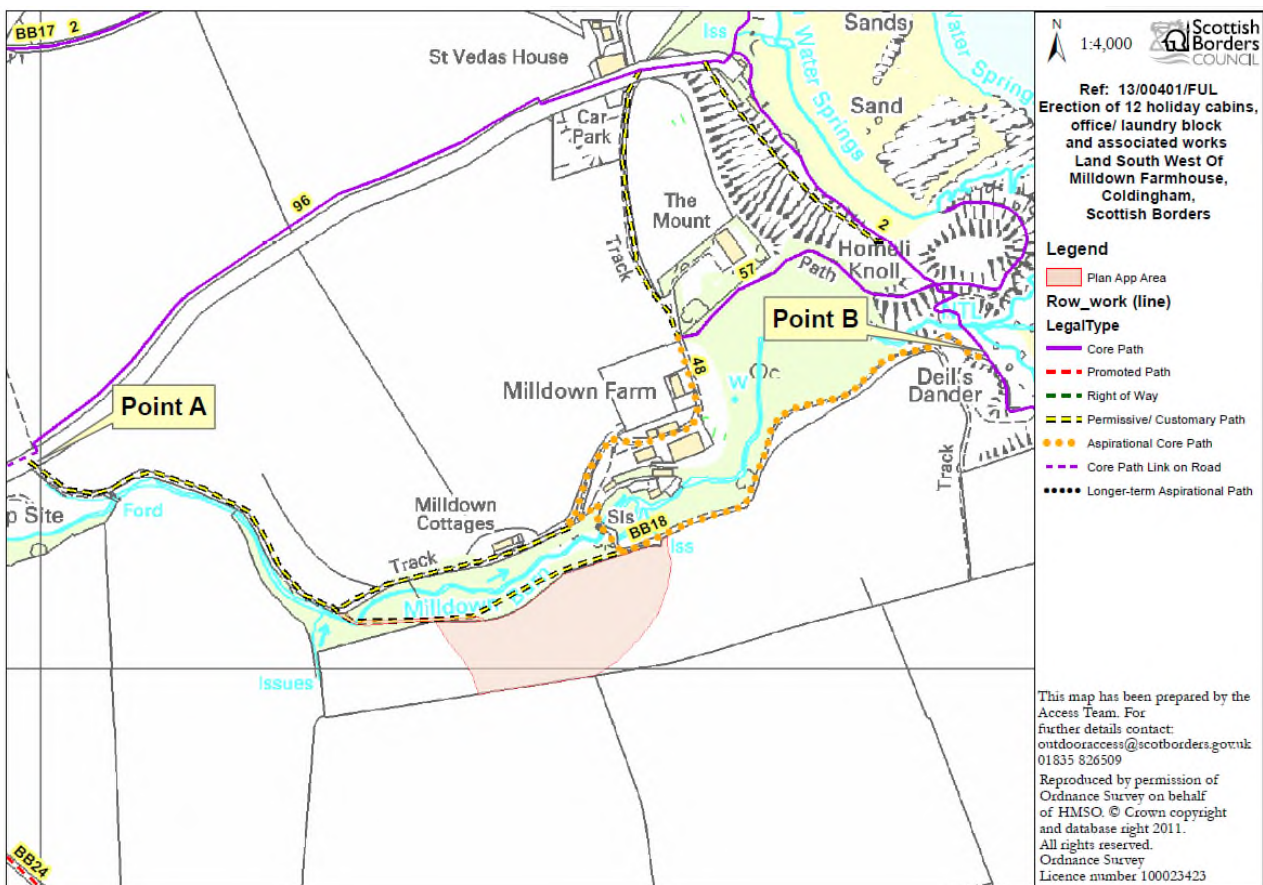
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place until a scheme for the temporary diversion and restoration of path number (*Points A – B*) has been submitted to and approved by the Local Planning Authority and the development shall be implemented in accordance with the said scheme. Reason: To protect general rights of responsible access.

- Should any new bridge crossing of the Milldown Burn be installed, the structure should accommodate all anticipated path users together with vehicles. No development shall take place until a scheme outlining the bridge crossing to facilitate public access along the path (*Points A – B*) has been submitted to and approved by the Local Planning Authority and the development shall be implemented in accordance with the said scheme. Reason: To protect general rights of responsible access.
- The path indicated (*Points A – B*) must be surfaced accordingly (e.g. locally sourced aggregate: type 1 to dust) in order to accommodate anticipated increased demand on the route to the satisfaction of and approved by the Local Planning Authority and the development shall be implemented in accordance with the said scheme. Reason: To protect general rights of responsible access.
- The path indicated (*Points A – B*) must be signposted accordingly (e.g. timber fingerposts) in order to facilitate anticipated increased demand on the route to the satisfaction of and approved by the Local Planning Authority and the development shall be implemented in accordance with the said scheme. Reason: To protect general rights of responsible access.



Neil Mackay  
 Senior Access Officer

Council Headquarters, Newtown St Boswells, MELROSE, Scottish Borders, TD6 0SA

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## PLANNING CONSULTATION

To: RIGHTS OF WAY OFFICER

From: Head of Planning & Regulatory Services

Date: 22 APRIL 2013

Contact: Scott Shearer ☎ Ext 6732

Ref: 13/00401/FUL

### PLANNING CONSULTATION

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**Agent:** Camerons Ltd (Leith)

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**Site:** Land South West Of Milldown Farmhouse, Coldingham, Scottish Borders

---

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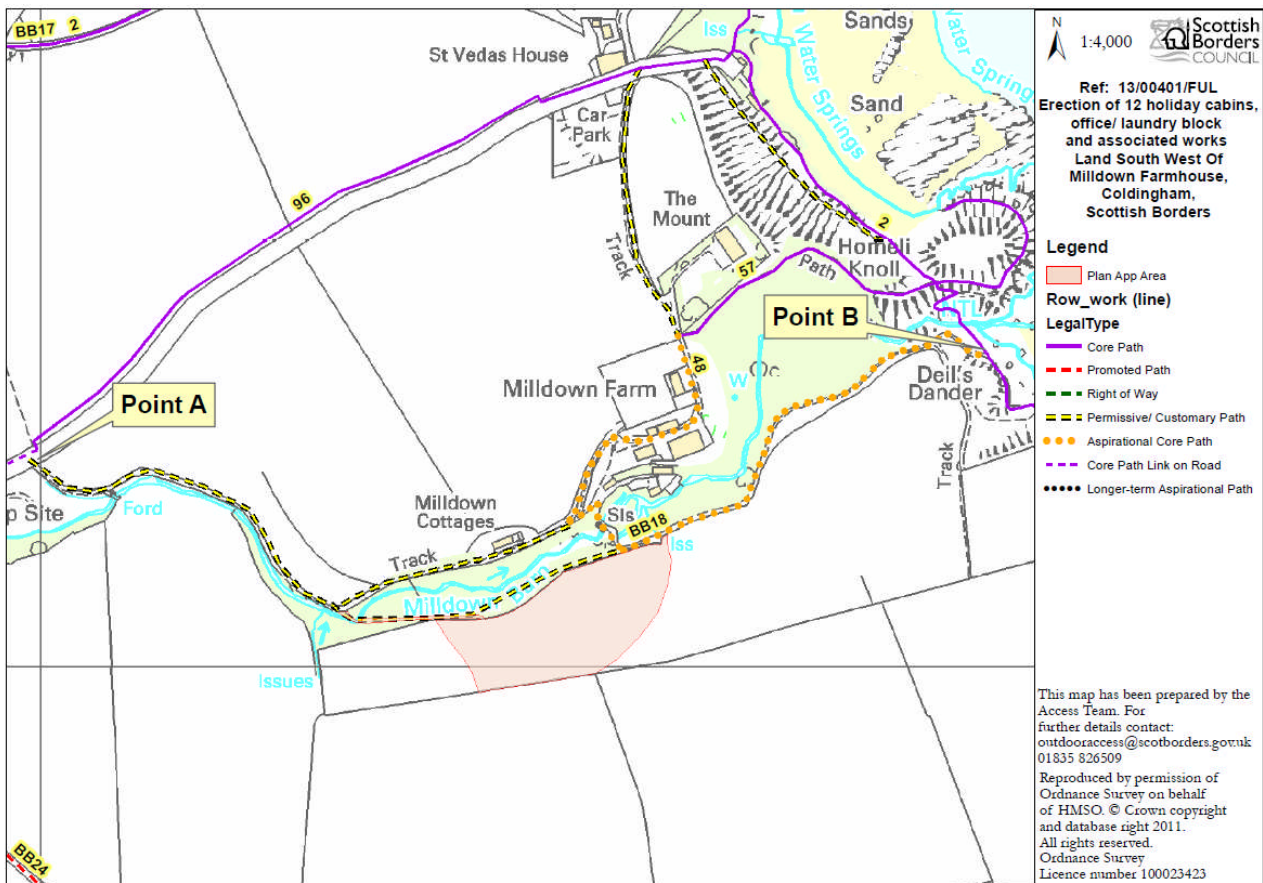
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Neil Mackay  
 Senior Access Officer

Council Headquarters, Newtown St Boswells, MELROSE, Scottish Borders, TD6 0SA

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To: **Development Management Service**  
**FAO Scott Shearer**

Date: **7 May 2013**

From: **Roads Planning Service**  
Contact: **Paul Grigor**

Ext: **6663**

Ref: **13/00401/FUL**

---

**Subject: Erection of 12 Holiday Cabins, Office/Laundry Block and Associated Works  
Land South West of Milldown Farmhouse, Coldingham**

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The unclassified single track public road (D136/6) which would be utilised to serve this proposed development is unsuitable for vehicular traffic and is currently signposted as such. The road itself is approximately 2.5 metres wide and showing signs of disrepair. Due to its low usage and the fact it is not the sole access to serve any properties; this road does not feature highly on the Council's maintenance program. In addition to the poor state of the road and its narrow nature, the road also runs close to a burn at several locations with no boundary treatment delineating the edge of the carriageway.

In order to make this road suitable for traffic associated with this development, including construction traffic, whilst also bearing in mind other road users such as pedestrians, the following upgrading works would have to be incorporated into the current proposal:

- D136/6 to be widened to 3.7 metres over its entire length. This recognised road width allows a vehicle to pass a pedestrian safely.
- Given the single track nature of the road, even when widened to 3.7m, a series of passing places will need to be installed along the route to allow adequate passing opportunities for traffic associated with this development.
- The existing surface must be made good. This may involve localised patching, regulating and a minimum 40mm overlay of the existing surface. However, cores should be taken at various locations along the road to ascertain the current construction depth of the road before a final specification can be agreed for the road improvements.
- A form of boundary treatment to be installed at sections of the road which are adjacent to the burn.
- An engineers report is required for the sections of the road adjacent to the burn to identify if any strengthening works are required to withstand the loading of vehicles associated with the development. Any works adjacent to the burn may need approval from SEPA.
- Details of drainage proposals to be submitted along with measures to reduce the impact of flooding along this section of road. The Council does not have any record of flooding issues along this section of road, although photographs have been sent by a member of the public to demonstrate that the road does flood on occasions.

# PLANNING & REGULATORY SERVICES



Given the amount of upgrading work required to the existing road and the limited amount of land available, I will require a topographic survey of the route to be undertaken. After which, a detailed design should be produced incorporating the above comments. The detailed design should also include information relating to the design of the proposed bridge crossing. All upgrading works detailed above would have to be undertaken prior to construction commencing on site, to ensure the road is adequate enough to cater for the construction traffic associated with the development.

With regards to the internal layout of the proposal, I would suggest that it would be more practical to have parking adjacent to each unit, rather than a communal parking area. An element of visitor parking should be retained. A turning area should also be provided near the office block for service and refuse vehicles. Details should be provided for the construction make-up of the internal access road and parking area.

Given my concerns over the access road and deliverability of the upgrading works, I must insist that the information requested above is provided prior to determination of this application, rather than being conditioned as part of any consent.

Until I receive this information, I must withhold my support for this application.

DJI

Our ref: PCS/126034  
Your ref: 13/00401/FUL

Scott Shearer  
Scottish Borders Council  
Planning & Economic Development  
Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA

If telephoning ask for:  
Alasdair Milne

22 April 2013

By email only to: [dcconsultees@scotborders.gov.uk](mailto:dcconsultees@scotborders.gov.uk)

Dear Sir

**Planning application: 13/00401/FUL**  
**Erection of 12 holiday cabins, office/laundry block and associated works**  
**Land South West Of Milldown Farmhouse, Coldingham, Scottish Borders**

Thank you for your consultation letter of 10 April 2013 which SEPA received on 10 April 2013.

We ask that the planning **condition** in Section 3.1 be attached to the consent. If any of these will not be applied, then please consider this representation as an **objection**. Please also note the advice provided below.

**Advice for the planning authority**

**1. Flood Risk**

- 1.1 We have reviewed the information provided in this consultation and it is noted that, the application site (or parts thereof) lies adjacent to the 1 in 200 year (0.5% annual probability) flood envelope of the Indicative River & Coastal Flood Map (Scotland).
- 1.2 Review of the available OS map information, it appears that the site lies 5m above the Milldown Burn and as a result we are of the opinion the site is above the level of fluvial flood risk.
- 1.3 If your authority requires further comment from us, additional information would be necessary to enable us to comment upon the flood risk at the application site.
- 1.4 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 Council 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 and can be downloaded from [www.sepa.org.uk/planning/flood\\_risk.aspx](http://www.sepa.org.uk/planning/flood_risk.aspx).

**2. Foul Drainage**



Chairman  
David Sigsworth  
Chief Executive  
James Curran

Page 49

Edinburgh Office

Clearwater House, Heriot Watt Research Park  
Avenue North, Riccarton, Edinburgh EH14 4AP  
tel 0131 449 7296 fax 0131 449 7277  
[www.sepa.org.uk](http://www.sepa.org.uk)

- 2.1 A discharge of secondary treated effluent to the Milldown Burn is likely to be consentable under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (also known as CAR). The developer should contact our operations staff (contact details in section 5) as soon as possible to discuss and agree the foul drainage arrangements.

### **3. Surface Water Drainage**

- 3.1 We request that a **condition** be attached to any consent requiring the discharge of surface water to the water environment to be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA.
- 3.2 Comments from Scottish Water and, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.
- 3.3 Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.

### **Detailed advice for the applicant**

#### **4. Flood Risk**

- 4.1 The Indicative River & Coastal Flood Map (Scotland) has 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 cross-sections and low-lying coastal land. The outlines do not account for flooding arising from sources such as surface water runoff, surcharged culverts or drainage systems. The methodology was not designed to quantify the impacts of factors such as flood alleviation measures, buildings and transport infrastructure on flood conveyance & storage. The Indicative River & Coastal Flood Map (Scotland) is designed to be used as a national strategic assessment of flood risk to support planning policy in Scotland. For further information please visit [www.sepa.org.uk/flooding/flood\\_extent\\_maps.aspx](http://www.sepa.org.uk/flooding/flood_extent_maps.aspx).
- 4.2 We refer the applicant to the document entitled: "*Technical Flood Risk Guidance for Stakeholders*". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from [www.sepa.org.uk/flooding/planning\\_flooding.aspx](http://www.sepa.org.uk/flooding/planning_flooding.aspx). Please note that this document should be read in conjunction with Annex B in SEPA Policy 41: "*Development at Risk of Flooding, Advice and Consultation – a SEPA Planning Authority Protocol*", available from [www.sepa.org.uk/planning/flood\\_risk.aspx](http://www.sepa.org.uk/planning/flood_risk.aspx). 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. It can be downloaded from [http://www.sepa.org.uk/flooding/planning\\_flooding/fra\\_checklist.aspx](http://www.sepa.org.uk/flooding/planning_flooding/fra_checklist.aspx)
- 4.3 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.

### **Regulatory advice for the applicant**

## 5. Regulatory requirements

- 5.1 The proposed bridge over the Milldown Burn will require to be licensed under the Controlled Activities Regulations. The level of authorisation will depend on the exact nature of the bridge. The applicant should consult SEPA's [Practical Guide to the Controlled Activities Regulations](#) (see section on river engineering) and discuss the proposals with our operations staff.
- 5.2 Details of regulatory requirements and good practice advice for the applicant can be found on our website at [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx). 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 at:

Burnbrae, Mossilee Road, Galashiels, TD1 1NF, tel 01896 754797

If you have any queries relating to this letter, please contact me by telephone on 01355 575665 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk)

Yours faithfully

Alasdair Milne  
Senior Planning Officer  
Planning Service

eCopy to: [Callum.macdonald@camerons.ltd.uk](mailto:Callum.macdonald@camerons.ltd.uk)

### *Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. If you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found in [How and when to consult SEPA](#), and on flood risk specifically in the [SEPA-Planning Authority Protocol](#).*



**Scottish Natural Heritage**  
**Dualchas Nàdair na h-Alba**

All of nature for all of Scotland  
Nàdar air fad airson Alba air fad

Director of Planning and Economic Development  
Scottish Borders Council  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA

FAO Scott Shearer

30 April 2013

Our ref: **CNS/DC/SBC**  
SIT/SSSI/1695/INF  
Your ref: 13/00401/FUL

Dear Scott

**Town and Country Planning (Scotland) Act 1987 (as amended)**  
**Erection of 12 holiday cabins, office/laundry block and associated works, land south west of Milldown Farmhouse, Coldingham, NT916660**

Thank you for consulting Scottish Natural Heritage (SNH) on the planning application for the erection of twelve holiday cabins, office/laundry block and associated works, on land south west of Milldown Farmhouse, Coldingham (NT916660).

**Summary**

This proposal does not affect any nationally important protected area or raise natural heritage issues of national interest.

We therefore have no objection to the proposed development as submitted but would offer the following advice.

**Appraisal of the Natural Heritage Impacts of the Proposal**

The development site is close to the Berwickshire Coast (Intertidal) Site of Special Scientific Interest (SSSI) and the Berwickshire and North Northumberland Coast Special Area of Conservation (SAC) that are notified for their outstanding, extensive and diverse shoreline rocky reef habitats and partly submerged caves.

The location plan for the proposed development shows that this is not part of the SSSI or SAC and should not have an impact on the features of interest.

We note that the foul water is to be dealt with by an on site effluent plant and the surface water by a SUDS system. There are no details included within the application of how the outputs are to be disposed of, but it is likely that the discharge will be to the Milldown Burn. Due to the high water quality standards of the habitats associated with the

**Scottish Natural Heritage, Anderson's Chambers, Market Street, Galashiels TD1 3AF**  
Tel 01896 756652 Fax 01896 750427 email: [forename.surname@snh.gov.uk](mailto:forename.surname@snh.gov.uk) [www.snh.gov.uk](http://www.snh.gov.uk)





SSSI/SAC we would expect best practice to be employed in the treatment of waste water. SEPA should be content that any discharges from waste water and surface water drainage (and potentially cumulative effects from other developments) will not have an adverse effect on the interests of the SSSI/SAC.

We are aware that the discharges will require authorisation by SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011, and we will input to the process where required.

### **Conclusion**

We advise that this proposal does not affect any nationally important protected areas or raise natural heritage issues of national interest.

We would wish to be advised of any modifications or amendments to this application which may be relevant to our interests.

Please do not hesitate to contact me if you have any queries relating to the above advice.

Yours sincerely

Carol Jones  
Operations Officer  
Southern Scotland

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## Application Comments for 13/00401/FUL

### Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

### Customer Details

Name: Mr Alan Hendry

Address: 33 Maple Ave, Silksworth, Sunderland SR3 1DW

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Increased traffic
- Over Provision of facility in area
- Water Supply

Comment: Being a regular visitor to the area is there a need for yet again more lookalike log cabins. The area is unspoilt natural beauty and to allow this would be a mistake. Traffic would need to make way on a busy walkers thoroughfare. There are always vacancies in other places so why add to this. Please look after the area and clean space you have as when it goes it doesn't come back! As to the water supply would that mean digging the whole village up to connect.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr Alan Mason

Address: 31 Priors Walk, Coldingham, Scottish Borders TD14 5PE

## Comment Details

Commenter Type: Local Member

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment
- Inadequate access
- Increased traffic
- Loss of view
- No sufficient parking space
- Noise nuisance
- Privacy of neighbouring properties affected
- Road safety

Comment: Large number of cabins for small inaccessible site.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr Alan St. Clair

Address: Seacross St Abbs Road, Coldingham, Scottish Borders TD14 5NR

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate access
- Inadequate screening
- Increased traffic
- Land affected
- Over Provision of facility in area
- Overlooking
- Privacy of neighbouring properties affected
- Value of property

Comment: I wish to object to this planning proposal.

The environmental damage likely is quite considerable. In addition to the need to widen and largely reengineer the proposed access road, this will result in the destruction of either a hedgerow or riverine habitat, more likely both. Also the coastal ridge on which the site is located is a natural trail for deer, and is also used by other species such as hare. Even if the trail is not blocked, the animals will be at first seen as a nuisance then actively deterred/scared away from the site.

In addition to the environmental damage the proposal to change the existing ford to a bridge endangers the known site of archaeological interest marked close to the ford.

While every care may indeed be taken to conceal the development from the coastal path and the Homeli Knoll viewpoint, it will be highly visible from the Creel path, the St Abbs road and from the coastal path north of Coldingham Bay.

Any development will lead to an increase in traffic in Coldingham. The narrow streets and random parking have already led to several accidents, and any increase in traffic will only exacerbate the situation.

I would ask that this proposal be rejected.

Alan St. Clair.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Alice Fisher

Address: Holmleigh 1 Bogan, Coldingham, Scottish Borders TD14 5ND

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Detrimental to Residential Amenity
- Flood plain risk
- Inadequate Boundary/Fencing
- Inadequate drainage
- Increased traffic
- Litter
- No sufficient parking space
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Poor design
- Privacy of neighbouring properties affected
- Road safety
- Smell
- Value of property
- Water Supply

Comment: As a resident I strongly object to this application. The current level of traffic in the village is already at maximum capacity and an increase in volume would be dangerous to our community.

There are 2 caravan parks in the village that serve the holiday makers, we do not need another one - especially one that would be a blight on our beautiful coastline - not to mention the impact it would have on the environment and the wildlife in that area.

Full planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham, Scottish Borders

Personal Data: Your Title... MRS  
Your first name... ALISON  
Your Surname... AITCHISON  
Your address... 7 LAWFIELD  
COLDINGHAM  
Your telephone number... [REDACTED]  
Your Email address... [REDACTED]

**ENVIRONMENT & INFRASTRUCTURE**

01 MAY 2013  
SS(0)  
To...  
Ackn...  
File... 13/00401/F2  
Comment/Complaint   
Ref No...

Comment Details: Commentator type ( Please circle)  
**Neighbour** Local Member **Member of the public**

Stance: (Please circle)  
Object **Support** **Neutral**

- Reason for comment: (Please circle)
- Alterations/Demolition of wall
  - Density of site
  - Detrimental to residential Amenity
  - Height of.....
  - Inadequate drainage
  - Legal issues
  - No sufficient parking space
  - Overlooking
  - Road safety
  - Comments about play area
  - Designated conservation area
  - Fire safety
  - Inadequate access
  - Inadequate screening
  - Listed building
  - Noise Nuisance
  - Poor design
  - Subsidence
  - Flood plain risk
  - Inadequate Boundary/Fencing
  - Increased traffic
  - Loss of light
  - Overprovision of facility in area
  - Privacy of neighbouring properties affected
  - Trees/landscape affected
  - Contrary to local plan
  - Detrimental to environment
  - Health Issues
  - Land affected
  - Loss of view
  - Water supply

Please write any comments you wish to make here: (use the other side of the paper if you need to)

CHANGE OF LANDSCAPE WILL RUIN AREA,  
IT IS CURRENTLY A SAFE ENVIRONMENT FOR  
FAMILY/RURAL WALKS.  
OVERDEVELOPED + UNNECESSARY!

Signature [REDACTED]

Date 30-4-13

Now send to: Planning and Regulatory Services, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6 0SA. Please send it recorded delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.



1 St Abbs Haven,  
Coldingham,  
Berwickshire  
TD14 5NZ

18 April 2013

The Head of Planning and Building Standards,  
Scottish Borders Council,  
Council Headquarters,  
Newton St. Boswells. TD6 0SA

Ref:13/00401/FUL

Erection of 12 holiday cabins,office/laundry block and associated works land South West of Milldown Farmhouse, Coldingham , Scottish Borders

Dear Sir/Madam,

I write to object to the above planning application on the grounds that it is contrary to the local plan which is to "resist development to the east of Scoutscroff"

The access road to this development currently experiences one or two vehicles a day. The road from Applin Cross to the development has no pedestrian footpath and there is a blind corner from the road to Coldingham Sands. An increase in traffic through Coldingham to the development will increase the possibility of vehicular and pedestrian accidents.

The planning committee must consider the impact of this development which is an area of great landscape value. This tranquil route and farmland is of outstanding scenic beauty should be preserved for future generations of tourists and locals to enjoy. This rural walk with its variety of wildlife and flowers is a significant tourist attraction.

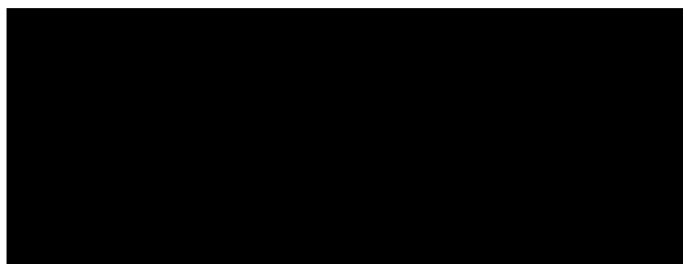
There is an abundance of accommodation to meet consumer demands available all year round within the area.

The development site looks over Milldown Cottages. The occupants have a right to privacy in their bedrooms.

The architectural design of the cabins is poor and the development will be seen from all around Coldingham which is renowned for its beautiful rural and coastal walks..

Yours Faithfully

Allan Barron



ENVIRONMENT & INFRASTRUCTURE	
22 APR 2013	
SS (0)	
Checked by	.....
File	13/00401/FUL
Comment/Complaint	<input type="checkbox"/>
Ref No	.....

Full planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham, Scottish Borders

Personal Data: Your Title... MRS.  
Your first name... ANNE  
Your Surname... KERR  
Your address... 7 Crosslan School Road  
Coldingham  
Your telephone number... [REDACTED]  
Your Email address.....

Comment Details: Commentator type ( Please circle)  
**Neighbour** **Local** **Member of the public**

Stance: (Please circle)  
**Object** **Support** **Neutral**

Reason for comment: (Please circle)  
Alterations/Demolition of wall      Comments about play area      Contrary to local plan  
Density of site      Designated conservation area      Detrimental to environment  
Detrimental to residential Amenity      Fire safety      Flood plain risk      Health Issues  
Height of.....      Inadequate access      Inadequate Boundary/Fencing  
Inadequate drainage      Inadequate screening      Increased traffic      Land affected  
Legal issues      Listed building      Litter      Loss of light      Loss of view  
No sufficient parking space      Noise Nuisance      Overprovision of facility in area  
Overlooking      Poor design      Privacy of neighbouring properties affected  
Road safety      Smell      Subsidence      Trees/landscape affected      Water supply

Please write any comments you wish to make here:

**ENVIRONMENT & INFRASTRUCTURE**  
To: SS/07  
Ackn: \_\_\_\_\_  
File: 13/00401/FUL  
Comment/Complaint   
Ref No: \_\_\_\_\_

Signature... [REDACTED] .....  
Date... 22/4/13 .....

Now send to: Planning and Regulatory Services, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6 OSA. Please send it recorded delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Anne Mason

Address: 31 Priors Walk, Coldingham, Scottish Borders TD14 5PE

## Comment Details

Commenter Type: Local Member

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Increased traffic
- Land affected
- Litter
- Loss of view
- No sufficient parking space
- Noise nuisance
- Over Provision of facility in area
- Privacy of neighbouring properties affected
- Trees/landscape affected

Comment: This is a most attractive piece of land. To ruin it by building log cabins would be a disgrace. We have sufficient holiday accommodation in the area. To build more so near to houses, with the need to build access, increase noise and ruin the landscape is appalling .

ENVIRONMENT & INFRASTRUCTURE

26 APR 2013

To \_\_\_\_\_

Ackn \_\_\_\_\_

File \_\_\_\_\_

Comment/Complaint

Ref No \_\_\_\_\_

Eldersbank West  
High St  
Coldingham  
TD14 5NL  
24/04/13

Tel. [REDACTED]

Dear Mr. Shearer,

Re planning application Ref. 13/00401/FUL

I am writing to register my objection to the above planning application for upgraded road, 12 chalets, car park, plus office/laundry block

General

my main objection is the fact that there seems to be a general move afoot to target and "develop" the Coldingham Bay area, this being the third planning application for this area recently.

If these planning applications go through, the developments will change the whole character of the bay which is at present traditional, rural, tranquil and unspoilt, loved by the many many visitors who come here simply because it is so unspoilt. These people will stop coming and go elsewhere.

In allowing such developments, no thought seems to be given to the way they affect people who live here:-

- 1) Increased traffic through Coldingham village which in summer is a log-jam when farmers with tractors, buses and others going about their normal day-to-day business have to compete with the huge no. of visiting cars, caravans etc, to squeeze through the village. Even an ambulance or fire engine would have to wait many minutes until this bottle-neck is cleared.
- 2) The state of the minor roads in and around Coldingham Bay, which break up, become eroded and slip gradually seawards in some cases under the sheer pressure of huge construction vehicles and increased traffic.

3) The visual impact of new "developments on the lives of people who live here or visit the area. A great no. of these are already horrified and dismayed at the new glass/Steel lodge which has been built on the bay, which is totally out of keeping with existing houses and the general ambience of the bay.

With reference to this particular application:-

1) With the British economy flatlining as it is, existing self-catering providers in the area are, for the second summer running, reporting that bookings are just not coming in. Therefore, unless the economy improves dramatically, which seems unlikely, we already have an overprovision of self-catering accommodation, hence there is no need to develop pristine countryside with more self-catering holiday units. They may not let, and if they do, it could be to the detriment of existing providers.

2) This is a designated "Area of Great Landscape Value". Currently, the land in question is agricultural land immediately adjacent to the coastal path. If this plan goes ahead, it will extend development into land that should be kept as unspoilt countryside. There are already too many parts of the E Berwickshire coast and that just north of Berwick with unsightly developments, Eyemouth & Berwick Holiday Parks, Marshall Meadows, Pease Bay to name a few. One has to walk a considerable distance at each of these points before one is back in real countryside again. As stated earlier, people who come here for the beautiful coastal walks will go elsewhere. This will simply swap one kind of tourist for another, with no overall gain in economic terms except for the developer.

3) Sketchy or misleading information.

The proposal does not contain adequate detail on matters such as drainage, water supply, sewerage, traffic flow, lighting and other amenities, so should not be granted full planning

permission as it stands. The access road floods regularly after heavy rain, which is quite common nowadays. This in turn means that occasionally raw sewage overflows into the stream from the pumping station at the start of the approach road, which could be a health hazard.

Also, there is no mention of the fact that the chalets will be on rising ground, and as such will be visible from most local paths and viewpoints around Coldingham Bay and St. Abbas including the Creel path, Hornily Knave and the main St. Abbas road to name a few.

In addition, the site plan carefully omits to show that the site is actually adjacent to the coastal path immediately above the shingle bay. The 12 chalets under consideration are to be situated towards the Coldingham end of this field, but if planning were to be granted, then there is the possibility that more chalets would be built, much nearer to the coastal path. As one objector has commented, the developer is not going to put in a laundry block plus offices and car park for just 12 chalets - further expansion of the site will almost certainly be envisaged.

4) Access:  
The upgrading and widening of the lane ~~to~~ which would be the access road to the site, would seriously spoil a very popular quiet walk ~~along~~ along the stream, to the beach and beyond, and would also affect the rich wildlife adversely, as would removal of the very old hedge along the lane.

5) I am puzzled by the words on the plan: "access road to be upgraded with width increased to 3.7m." These words seem to have no relevance to this application since they do not refer to the access road, ~~and~~ The road they refer to is a private track running from the end of the adopted road at the ford to Milldown Cottages and Milldown Farm. The land on

either side of this track is ~~is~~ also privately owned, and ~~is~~ consists of old cottage garden with fruit trees, which are also a haven for wildlife.

I would therefore ask that the quoted words are removed from the site plan.

### 6) Green tourism

The application has been presented as "green" tourism, by saying all the right things and ticking all the right boxes.

We already have the greenest of tourism - low impact walkers, birdwatchers, cyclists etc who use the present amenities and do not alter the landscape for posterity.

Green, it is not! - lucrative for the developer it might be!

~~the~~ ~~the~~  
In conclusion, we should all, including the Scottish Borders Planning Committee, regard ourselves as custodians of one of the few really beautiful, unspoilt parts of Britain's coastline, much of which has already been over-developed. We should treasure it. If we allow this and similar applications to go through, our descendants will ask why we allowed it to happen.

yours sincerely

[Redacted signature]

(MRS ANNE RICHARDSON)  
RESIDENT



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SH/14762/8/8

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Audrey Aitchison

Address: Paddock Myre A1107 A1107 At Toll Bridge Road In Eyemouth To A1107 At Eyemouth Road In Coldingham, Eyemouth, Scottish Borders TD14 5PX

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate access
- Increased traffic
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Privacy of neighbouring properties affected
- Road safety
- Trees/landscape affected

Comment: There is adequate accommodation for tourists visiting the area with two caravan sites and several B&B. The proposed chalets will bring increased traffic through the village. There will be noise nuisance and possible light pollution for nearby residents. The access road which has very little traffic at the moment and provides a reasonably safe and scenic walk for local families and for tourists alike requires total upgrading. Luxury chalets in such a location will bring very little benefit to anyone who knows and enjoys this area whether they are visitors or residents and that must surely be a consideration.



# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr Brian Payne

Address: Redhall Steading U176/6 A1107 Opposite Redhall Farm To Redhall Farm Cottages,  
Scottish Borders, Scottish Borders TD14 5SG

## Comment Details

Commenter Type: Local Member

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Inadequate access
- Inadequate drainage
- Increased traffic
- Over Provision of facility in area
- Poor design
- Privacy of neighbouring properties affected
- Trees/landscape affected

Comment: This is a speculative development. In particular, the supporting statement is exceedingly vague, and essentially parrots what the writer believes to be the necessary formula to 'tick the tourism box'. There is absolutely no evidence of any market research to show that an affluent demographic would be attracted to the proposed development. Indeed, given the difficulty existing owners of high end holiday rentals have in achieving occupancy rates that break even - Gunsgreen House in Eyemouth is a case in point - it is blatantly obvious that the existing level of spend will be diluted rather than enhanced.

The supporting statement highlights diving and walking as the two central attractors of a client base. The access to the coastal path is cited in particular. From local knowledge of the tourism spend in Eyemouth, I am of the view that divers tend to spend money on cheap accommodation as they have to pay for expensive boat and equipment hire or use, and long distance walkers tend not to want to wander up and down the same patch of coastline all week. In other words, the reliance on those activities is an adonised and speculative punt, with no evidence to back it up.

The flood risk consultation is a pro-forma response. No attention has been paid to the effects of

increased run-off from precipitation from a substantially increased paved area, including a new road surface. In particular, the down stream microenvironment has not been assessed, especially with regard to damage to the stream bed, pathways and tidal zone. The flood assessments relied upon as a generalised guide are now increasingly redundant with the recent changes in long term weather patterns.

The community, and knowledgeable visitors, use the existing pathways as a safe way to walk, exercise pets and escort children to the beach. The Council will be familiar with the annual chaos on the road leading to Coldingham Bay, resulting in extensive traffic control measures and the provision and maintenance of separate footways. No thought seems to have been given by the developer to this issue, and especially the problem of unwelcome speculative traffic trying to find an easier route and parking for access to the beach.

It is difficult to find anything unusual or aesthetically pleasing about the design of the proposed chalets. If the costal scenery is to be continually infringed upon, then any built environment should be of the highest quality, either in the vernacular or in a style of outstanding architectural design. The high end demographic supposedly sought by the developer would be far more likely to arrive for those properties than for what amounts to little more than a glorified hutted camp with a bog block.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Miss BROGAN ROGERS

Address: 200 sunderland road, south shields ne34 6at

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to Residential Amenity
- Inadequate access
- Inadequate screening
- Increased traffic
- Litter
- Loss of view
- Noise nuisance
- Over Provision of facility in area
- Privacy of neighbouring properties affected
- Road safety
- Trees/landscape affected

Comment: This planned site would damage the peace and tranquility associated with this beautiful coastal area.



There is already abundant self-catering accommodation in the village surrounding area to suit the needs of all ages and types of visitor. It is unnecessary to build more holiday accommodation on a new site.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Catriona Cooper

Address: 34 Lawfield, Coldingham, Scottish Borders TD14 5PB

## Comment Details

Commenter Type: Local Member

Stance: Customer objects to the Planning Application

Comment Reasons:

- Density of site
- Detrimental to environment
- Inadequate access
- Inadequate screening
- Increased traffic
- Litter
- Loss of view
- Noise nuisance
- Over Provision of facility in area
- Poor design
- Privacy of neighbouring properties affected
- Road safety
- Smell
- Trees/landscape affected
- Value of property

Comment: This development should never be allowed because it would ruin a beautiful area for local residents and visitors to the Coldingham area.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs CHRISTINE RITCHIE

Address: 28 Hallydown Crescent, Eyemouth, Scottish Borders TD14 5TB

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Density of site
- Detrimental to environment
- Inadequate access
- Inadequate drainage
- Increased traffic
- Poor design
- Road safety

Comment:MY OBJECTION TO THE PROPOSED LOG CABIN DEVELOPMENTS ARE THAT FOR YEARS THE BACK ROAD HAS BEEN A QUIET SAFE AREA TO WALK WITH MY CHILDREN AND DOG.INCREASED TRAFFIC WILL PREVENT THIS BEING POSSIBLE IN THE FUTURE. EVEN IF THE ROAD IS RESURFACED IT IS STILL NOT SUITABLE FOR TRAFFIC SUCH AS FIRE ENGINES AN AMBULANCES WHICH WOULD COMPROMISE THE SAFETY OF THE POTENTIAL FUTURE HOLIDAY MAKERS WHO MAY STAY ON SITE.THE AREA SURROUNDING THE BEACH IS NATURAL AND BEAUTIFUL AND THAT IS WHAT ATTRACTS MANY PEOPLE TO THE AREA IT WOULD BE DETRIMENTAL TO CHANGE THIS ESPECIALLY WHEN THERE IS NO SHORTAGE OF HOLIDAY ACCOMMODATION WITHIN THE VICINITY OF COLDINGHAM.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr Colin Johnston

Address: 22comely bank street, Edinburgh eh4 1bb

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Density of site
- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate screening
- Increased traffic
- Road safety

Comment:I am a frequent visitor to Coldingham Bay. I visit with my young family most weekends and support local business making use of their goods and services.

I am concerned about the lack of overall planning strategy and consistency demonstrated by borders council planning in permitting the pavillion development at coldingham bay. I am concerned that any planning authority would permit this desecration of their own natural environment.

I am consequently against the developments north of sea neuk, the shieling conversion and the developments at milldown farm as they represent further desecration of a particularly beautiful area that affect their value to me a tourist/visitor

Particular to this application I am concerned about the aesthetics and size of the development but also the increased burden of traffic on a single track, rural road that we as family often walk on foot. I will be unlikely to expose my children to such a risk and will consequently be likely to visit other safe, beautiful and responsible areas that value their natural landscape more than borders council appear to do.



# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr david clarke

Address: willowbrook, church lane, fillongley cv7 8ew

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Trees/landscape affected

Comment: This application would ruin a beautiful landscape

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Ms Diane Morley

Address: Annecroft 2 Kilnknowe Cottages Eyemouth Road, Coldingham, Scottish Borders TD14 5NH

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Density of site
- Detrimental to environment
- Detrimental to Residential Amenity
- Flood plain risk
- Inadequate access
- Inadequate screening
- Increased traffic
- Land affected
- Litter
- Loss of view
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Privacy of neighbouring properties affected
- Road safety
- Smell
- Trees/landscape affected
- Value of property

Comment: The proposal would be detrimental to the village. It spoils that which attracts visitors and residents alike to the area.

Full planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham, Scottish Borders

Personal Data: Your Title..... MRS  
Your first name..... DOROTHY  
Your Surname..... HUNTER  
Your address..... 8 LAWFIELD, COLDINGHAM  
TD14 5PB  
Your telephone num [redacted]  
Your Email address.. [redacted]

ENVIRONMENT & INFRASTRUCTURE  
08 MAY 2013  
55/a  
To  
Ackn  
File 13/00401/FUL  
Comment/Complaint  
Ref No

Comment Details: Commentator type ( Please circle)

Neighbour Local Member Member of the public

Stance: (Please circle)

Object Support Neutral

Reason for comment: (Please circle)

Alterations/Demolition of wall Comments about play area Contrary to local plan

Density of site Designated conservation area Detrimental to environment

Detrimental to residential Amenity Fire safety Flood plain risk Health Issues

Height of Inadequate access Inadequate Boundary/Fencing

Inadequate drainage Inadequate screening Increased traffic Land affected

Legal issues Listed building Litter Loss of light Loss of view

No sufficient parking space Noise Nuisance Overprovision of facility in area

Overlooking Poor design Privacy of neighbouring properties affected

Road safety Smell Subsidence Trees/landscape affected Water supply

Please write any comments you wish to make here: (use the other side of the paper if you need to)

Signature [redacted]

Date 3.5.13

Now send to: Planning and Regulatory Services, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6 0SA. Please send it recorded delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Eleanor Carnell

Address: Milldown Cottages Milldown Road U136/6 U135/6 East Of Coldingham To West Of Milldown, Scottish Borders, Scottish Borders TD14 5QD

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Comments about play area
- Contrary to Local Plan
- Detrimental to environment
- Detrimental to Residential Amenity
- Fire Safety
- Health Issues
- Height of .....
- Inadequate access
- Inadequate screening
- Increased traffic
- Legal issues
- Litter
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Privacy of neighbouring properties affected
- Road safety
- Smell
- Trees/landscape affected
- Value of property

Comment: play area on steep slope

Contrary to local plan-outside of Coldingham local plan "resist development to the east of Scoutscroft "

Detrimental to environment-this is an area of outstanding scenic beauty as described by SBC planning dept. Where the access road is to be upgraded to a width of 3.7 meters the verges at present are a wild life area with a variety of wildflowers that have been free to develop over the years. There are few roadsides like this in the area. There are many mammals and insects in this area with bats over the wooded areas and foxes, badgers, deer rabbits and hares in the dean area and a large number and variety of birds including some on the 'at risk' category (song thrush, tree sparrow for example). (It should be noted that the access road on the development map with the legend "access road to be upgraded with width increased to 3.7 m" is not adopted by SBC and no permission has been given or sought to widen this particular road).

Detrimental to residential amenity-Completely overlooking Milldown Cottages- every living and bed room and all garden area will be seen from every cabin and the utility buildings and car park area.

Fire safety- risk assessment by fire officer 5 years ago suggested that the road( to be used for access by the development) was unsuitable for the size and weight of modern fire appliances due to bends and state of road and nearness to stream banks and undercutting of road surface by the stream.

Health and safety- slope of field and access road considerable.

Height of--Upper cabin heights above 50 meter contour of OS map. Lower cabin heights on the 45 meter contour. Milldown Cottages is on 41 meter contour and garden area below that.Height of buildings above ground level not given on planning application.

Inadequate access- the road is steep from the ford. There is a shared right of way along the access road and it is very narrow with unprotected drops to the stream. Only one access across the stream the 2nd one shown on the map was demolished several years ago by SBC. At times of heavy or persistent rain the road floods to 300 mm with fast flowing water which makes it impassible to cars and light commercial vehicles. The flow of water has been sufficient to lift a car off the ground and move it down stream. The road becomes impassible and/or unsafe in snow and icy weather for considerable time as no sun gets on it.

Inadequate screening- wood area is a single row of aged and dying deciduous trees and very sparse as a result. As these are deciduous trees 7 months of the year they offer no screening at all. Where the power lines cross the valley (and by cabins 8,9,6,)the trees are regularly cut to ground level by Scottish Power contractors. There is no screening here.

The site for development is exposed and north facing which means planting will be slow to develop where they establish. There are no screening for each individual cabin, and such is the slope of the ground that the view from the cabins and surrounding grounds will be above existing and planned screening towards Milldown Cottages and their gardens.

Increased traffic. There would be substantial increase in traffic on a road currently experiencing 1 or 2 vehicles a day.

Legal issues- this development makes no provision for people with disabilities.

Litter- There would be the expected increase in litter with the increase in volume of people in the proposed development area. The site is exposed and particularly windy spreading any litter.

Noise nuisance - the site is elevated so there would be considerable increase in noise pollution everywhere as the sound would not be obstructed. The elevated position will exaggerate any light pollution from the site, especially into the windows of Milldown Cottages from the car headlights in the designated parking area.

Over provision of facilities in the area- There is a range of very similar and suitable tourist accommodation in the area with B&Bs, cabins, caravans, bunk houses and hotels and self catering cottages and apartments.

Overlooking- The site for development will overlook Milldown Cottages and all its garden areas, and 3 established and well used footpaths. It will also overlook 4 properties at Milldown Farm Steading and Cole Mill.

Privacy of neighbouring properties- Every bed room and living area and all gardens areas can be seen by anyone anywhere on the development site. There is no density of woodland as suggested.

Road Safety- The drivers coming to the development would not be local and aware of the dangers. The public use this road as a footpath, bridleway and cycle path. and over the last 25-30 years have come to regard it as a traffic free route. There seems to be no plan to separate the groups and assure their safety. There are areas along the road where there is substantial drop to the stream with no protection.

Smell- It will be highly likely that smells will emanate from the rubbish collection recycling and composting areas which are closest to the footpaths and to Milldown Cottages.

Trees landscape effected- this development can be seen from 7 local footpaths , St Abbs Road and view point layby.

Value of property. Milldown Cottages would have less appeal to a potential buyer.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Elizabeth Murray

Address: Bromley House School Road, Coldingham, Scottish Borders TD14 5NS

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate access
- Increased traffic
- Loss of view
- Noise nuisance
- Overlooking
- Privacy of neighbouring properties affected
- Road safety

Comment: I strongly object to this application. Coldingham is too small a village to accommodate more holiday accommodation. We already have numerous caravan sites and holiday homes, which have led directly to an increase in litter, crime and vandalism in the village. We need more affordable housing to attract more people who genuinely care about our community rather than visitors passing through who do not benefit the local economy but rather put strain on the existing services. The school has halved in size in the past 7 years because locals cannot afford properties here.

Access to the site is on an unadopted road which is used by families and children walking to a from the beach. It would cause huge safety issues if there was an increase in traffic here, as well as being very detrimental to the environment, wildlife and neighbouring properties.

The site proposed would be an huge eyesore on a beautiful stretch of coastline, and would impact on the privacy of many private houses in the area.





Full planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham, Scottish Borders

Personal Data: Your Title Mrs

Your first name ELLEN

Your Surname STEWART

Your address 3 LEYDEN FARM COTTAGES, KIRKENTON MIDLOTHIAN

Your telephone number [REDACTED]

Your Email address [REDACTED]

Comment Details: Commentator type (Please circle)

Neighbour

Local

Member of the public

Stance: (Please circle)

Object

Support

Neutral

Reason for comment: (Please circle)

Alterations/Demolition of wall

Comments about play area

Contrary to local plan

Density of site

Designated conservation area

Detrimental to environment

Detrimental to residential Amenity

Fire safety

Flood plain risk

Health Issues

Height of.....

Inadequate access

Inadequate Boundary/Fencing

Inadequate drainage

Inadequate screening

Increased traffic

Land affected

Legal issues

Listed building

Litter

Loss of light

Loss of view

No sufficient parking space

Noise Nuisance

Overprovision of facility in area

Overlooking

Poor design

Privacy of neighbouring properties affected

Road safety

Smell

Subsidence

Trees/landscape affected

Water supply

Please write any comments you wish to make here: I HAVE HAD A CARAVAN AT SCOUTSCROFT HOLIDAY PARK FOR 6 YRS AND SPEND MOST OF THE 9 MONTHS THE SITE IS OPEN HERE WALKING WITH MY DOG IN THE AREA. OUR REGULAR WALK TWICE DAILY IS FROM SCOUTSCROFT ALONG THE PATH TOWARDS MILLDOWN FARMHOUSE THIS IS A VERY POPULAR PEACEFUL & SAFE WALK, THE BIRDSONG & WILDLIFE WE MEET REGULARLY IS AMAZING. THE PROPOSES PLAN WOULD TAKE ALL THIS AWAY. I ALSO HAVE CONCERNS THAT COLDINGHAM VILLAGE WHICH IS OFTEN VERY CONGESTED WOULD NOT BE ABLE TO COPE WITH THE EXCESS TRAFFIC THIS WOULD BRING

Signature [REDACTED]

Date 02/05/13

Now send to: Planning and Regulatory Services, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6

OSA. Please send it recorded delivery to arrive by 6th May or return the form to the person who

ENVIRONMENT & INFRASTRUCTURE

03 MAY 2013

To SS/OJ

Ackn

File 13/00401/FUL

Comment/Complaint

Ref No

Full planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham, Scottish Borders

Personal Data: Your Title MRS  
Your first name EMMA  
Your Surname BROOKS  
Your address FAIRLAW  
RESTON.  
Your telephone number.....  
Your Email address [REDACTED]

ENVIRONMENT & INFRASTRUCTURE

01 MAY 2013  
To.....  
Ackn.....  
File.....  
Comment/Complaint   
Ref No.....

Comment Details: Commentator type (Please circle)  
**Neighbour** Local Member **Member of the public**

Stance: (Please circle)  
Object **Support** **Neutral**

- Reason for comment: (Please circle)
- Alterations/Demolition of wall
  - Density of site
  - Detrimental to residential Amenity
  - Height of.....
  - Inadequate drainage
  - Legal issues
  - No sufficient parking space
  - Overlooking
  - Road safety
  - Comments about play area
  - Designated conservation area
  - Fire safety
  - Inadequate access
  - Inadequate screening
  - Listed building
  - Noise Nuisance
  - Poor design
  - Subsidence
  - Contrary to local plan
  - Detrimental to environment
  - Flood plain risk
  - Inadequate Boundary/Fencing
  - Increased traffic
  - Loss of light
  - Overprovision of facility in area
  - Privacy of neighbouring properties affected
  - Trees/landscape affected
  - Health Issues
  - Land affected
  - Loss of view
  - Water supply

Please write any comments you wish to make here: (use the other side of the paper if you need to)

We are lucky to have an unspoilt area to walk children & dogs with no cars.  
**PLEASE** do not ruin this tranquil area.

Signature..... [REDACTED] Date 30-4-13

Now send to Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6 OSA. Please send it recorded delivery to arrive by 5<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Fiona Anderson

Address: 68 Haymons Cove, Eyemouth, Scottish Borders TD14 5EG

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Detrimental to Residential Amenity
- Fire Safety
- Inadequate access
- Increased traffic
- Litter
- Noise nuisance
- Road safety

Comment: I feel the access road to this site is too narrow, and would be dangerous for pedestrians who use it. There is no footpath from the turn off to the Sands in Coldingham, and it is already dangerous in the Summer months, with increased visitors, so adding yet more traffic is going to make matters worst. I cannot see anything on the planning application about footpaths!!

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Fiona Clift

Address: Crosslaw School Road, Coldingham, Scottish Borders TD14 5NS

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Flood plain risk
- Inadequate access
- Inadequate drainage
- Increased traffic
- Land affected
- Litter
- Loss of view
- Over Provision of facility in area
- Poor design
- Road safety
- Trees/landscape affected

Comment:With regard to planning application 13/00401/FUL and the upgrade of access road, I wish to object for the following reasons;

There have already been numerous objections to the cabin building plans with inadequate access road plans and these revised details are no different.

The revised plans do not cater sufficiently for adequate drainage and infact could exacerbate flooding on the road by installing a grille under the new proposed bridge which would collect debris. The adjacent fields deposit large amounts of water onto this road currently and then directly into the burn crossing the road. The water then gathers on the road during heavy rainfall increasing in speed to the corner of the burn and there is no mention of suitable drainage.

I am also particularly concerned about the interference this would cause the flora and fauna in the area as noted by the Ecology Officer in a report dated 9 July 2013. The rare Northern Brown Angus Butterfly would be seriously affected by all this upheaval along with all

I fear this is just yet another development which will ruin the area, causing congestion in and

around our already overloaded roads and creating a blot on our beautiful countryside.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Fiona Clift

Address: Rhovanion St Abbs Road, Coldingham, Scottish Borders TD14 5NR

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate access
- Inadequate drainage
- Inadequate screening
- Increased traffic
- Land affected
- Litter
- Loss of light
- Loss of view
- Noise nuisance
- Privacy of neighbouring properties affected
- Road safety
- Trees/landscape affected

Comment: I object to the planning application for the following reasons :

In 2013 Year of Natural Scotland I am deeply saddened to see yet another application in the Coldingham area for a development that will have a serious detrimental effect on the flora and fauna. In particular I note that the width of the access road, which is currently a narrow one lane track, would have to be widened in order to accommodate an increased flow of traffic. These ancient hedgerows would have to be demolished affecting huge numbers of wildlife, birds, animals, insects, water voles and hedgehogs the latter two being in the top twenty endangered species in Scotland. Dookney Path which runs parallel to Milldown burn is recorded in ordinance survey maps right back to 1856 and provides a wildlife corridor connecting hedgerows in the area. The development plot is also frequented by Scotlands number ninth endangered species the Brown Hare and of course would also upset the grazing of all our local deer whose feeding

grounds are gradually closing in on them. The proposal to introduce a few trees and ponds here and there I'm sure has been proposed to placate the locals in an attempt to make good this devastating intrusion on wildlife.

The increased flow of traffic would have to cater for tourists, maintenance vehicles and of course emergency vehicles. No indication is given of the occupancy for each cabin. The road during the winter is a hazard to pedestrians let alone cars as it is an icy hotspot always in the shade. No longer would walkers, riders, children, adults and dogs be able to walk freely along this beautiful stretch of natural countryside, with a proposed 3.7 metre road width, even as an advanced driver, I would not like to negotiate oncoming 4 x 4 s ! During the recent bad weather spell of 2012 the track was constantly flooded from the burn but there is no mention of how this can be corrected in the plans.

Having walked many times this route with our dog, the view over to the proposed site from Milldown Cottages would have a negative impact on the owners as the cabins can be seen from the Cottages, approx. 40 meters away and indeed from the other properties further down and round the track. The noise, light and rubbish pollution from the 12 cabins, laundry rooms, childrens play area, car parking and that oh so very annoying humming noise from the macerating sewage system would seriously affect the residents here.

We live in a Village called Coldingham renowned for its scenic beauty; let us keep it that way.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Frances Evans

Address: 20 Priors Walk, Coldingham, Scottish Borders TD14 5PE

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Inadequate access
- Increased traffic
- Trees/landscape affected

Comment: Apparently the applicants for this holiday complex have described the site for the development as "a field of outstanding natural beauty" which would appear to be an oxymoron.

My objections are as follows -

1. This is a beautiful area of coastline and needs protecting. A development such as this would result in disturbance to the wildlife which inhabits this area: Milldown Burn and its associated woodland being particularly wildlife diverse.
2. I do not agree with the company spokesman who apparently claimed that "there is a demand for the product we plan to offer". ALL developers maintain this and there are several such holiday caravan and chalet complexes in the area, for example Scoutscroft which is itself close by.
3. The road accessing this development is single track road and therefore obviously unsuitable for any extra traffic; to sort this the road would need widening in some way with a corresponding loss and destruction of habitat. This road is also used by local walkers who would be affected by any such increase in traffic.



# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr Gerard Hearn

Address: Point House U136/6 U135/6 East Of Coldingham To West Of Milldown, Scottish Borders, Scottish Borders TD14 5QD

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Designated Conservation Area
- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate access
- Inadequate Boundary/Fencing
- Inadequate screening
- Increased traffic
- Land affected
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Poor design
- Privacy of neighbouring properties affected
- Road safety
- Value of property

Comment:1. Detrimental to Environment - Tourism

The Berwickshire Coastal Communities have for many years worked hard to increase active tourism in the area with the Coast itself as the great attraction. This up-market 'Trailer Park' would be a blight to the strip of unspoilt coastline between Coldingham and Eyemouth. This stretch of coast attracts many visitors and this ghastly and unsightly tourist park would deter visitors and harm the economy.

There is a simple logic to this - Caravan tourists (and no criticism here - just observation) by and large arrive with all provisions and spend little or nothing locally - as such they put pressure on the community and add little to the local economy aside from putting money into the pockets of the Trailer Park owners.

Active tourists - birdwatchers, divers, walkers, riders, cyclists, surfers and the like are likely to stay in B&B and Hotel accomodation and spend money in local shops and hostelries.

I note that the SBC economic teams comment is in favour - I strongly suggest they review their thoughts and take into account why trailer parks are objected to - they pressurise the community, add little to the economy but line the pockets of a few. Getting a few tick-boxes on tourist numbers may satisfy a sloppy thinking, feeble-minded bureaucrat, but trailer parks do not help - any more would be a pestilence.

## 2. Contrary to Local Plan.

a. The proposed development is outside the existing (and in this case ancient) boundaries of the village.

b. it is not in one of the areas identified by the Coram Trust report for potential expansion.

c. Allowing this proposal would set a precedent for all the land between Coldingham and Eyemouth to be opened up as a ribbon strip of trailer parks and, aside from putting money into the pockets of a few trailer park owners, would destroy the economic benefits of tourism in the area - we would end up with a Scottish equivalent of Prestatyn (N. Wales).

d. The local policy of 'no more trailer parks east of A1' would be breached. A trailer is a trailer, taking the wheels off a trailer and calling it a 'Cabin' does not change it's nature. What next - Yurts, Wigwams and Igloos ('it's not a caravan honest guv').

e. If the response to d. is 'these are not trailer type structures' then by inference the structures would be or would be capable of becoming permanent residences and thus in breach of local plans on expansion and the ribbon development of the coast.

f. On a more personal note - the route back to these structures from the beach would be past my front door - and it may be a bit nimbyish - but I do not want hordes of Barbequeing revellers (Chavs, Hoorays or whatever) stumbling back from the beach to their yurt/teepee/cabin and waking me up every night.

Overprovision

There are always trailers for rent locally.

4 Abbey Court  
Coldingham  
Eyemouth  
TD14 5PD

16<sup>th</sup> April 2013

Head of Planning and Regulatory Services  
Scottish Borders Council  
Newtown St. Boswells  
Melrose  
TD6 0SA

REF 13/00401

Dear Sir

<b>ENVIRONMENT &amp; INFRASTRUCTURE</b>	
18 APR 2013	
To	SS/OJ
Ackn	
File	13/00401/en
Comment/Complaint	<input type="checkbox"/>
Ref No	

I wish to register my objections to this proposed development.  
It is not within the village plan to have such a development

There are already two large holiday parks Scoutcroft and Crosslaw and there is no further need for another in relation to the size of Coldingham Village. Traffic through Coldingham village is already a serious problem at the height of the season, a real hazard for pedestrians.

Although this application is for 12 chalets, this will just be the beginning of a creeping development to the beach given the provision of office and laundry facilities are hardly likely to be built for 12 properties. How long before a shop is also provided, thus even eliminating benefits to the village store?

The medical facilities are now even more stretched than usual during the holiday season.

The proposed access road is a well used footpath to the beach as there is little traffic other than to the cottage at present. There is little scope to widen the road and therefore this will rapidly become a traffic hazard and a danger to walkers.

Sewage from this site will be a problem. There is now a considerable smell in the summer at the pumping station at the entrance to this road when the caravan sites are full. How is this site going to feed into this facility without adding to the problem?

Local financial benefit is unlikely but instead this will benefit companies outside the local area speculating here.

Yours faithfully

Gordon Johnstone

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Guida Thomas

Address: 50 Cedar Crescent, Thame OX9 2AU

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment
- Detrimental to Residential Amenity
- Fire Safety
- Health Issues
- Inadequate access
- Inadequate screening
- Increased traffic
- Land affected
- Litter
- Loss of view
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Poor design
- Privacy of neighbouring properties affected
- Road safety
- Smell
- Trees/landscape affected

Comment: As an annual visitor of some 30 years I visit the area for the natural beauty and peace and quiet. I have a great interest in the natural fauna and flora and have enjoyed seeing wild animals, birds, and lovely wild flowers over the years. There are so few of these undisturbed places left, it is a desecration to develop yet another green field site.

Walking in the area is also a pleasure with beautiful views, peaceful lanes and footpaths. If all this is going to be compromised by a very ill-thought out development I shall stop visiting.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Miss Gwen Sheriff

Address: 46 owen's field, swansea sa3 4la

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Inadequate access
- Increased traffic
- Over Provision of facility in area
- Trees/landscape affected

Comment: I have been a visitor to Coldingham regularly for about 15 years. We live in a busier place, and visit Coldingham specifically because of its rural charm and sense of space. I was dismayed when I visited one day to discover a huge building being built virtually on the beach, far bigger than the wooden structure that was there previously, and I can't now believe that the planning department is even considering this latest development.

The road accessing this proposed development is a quiet, peaceful lane which I walk down with my dog, I know it well, and it is most unsuitable for the increased traffic that this would generate.

The proposed development is on agricultural land which is very visible, and at the moment forms part of the landscape which brings visitors like myself to the area.

I have stayed in various accommodation in Coldingham, and know others who have too, and it never seems hard to find availability, so it does not seem to me as though the area needs more holiday accommodation.

In short, if the council permits these sorts of developments to go ahead, they will damage the local tourist economy rather than boost it as the visitors will stop coming.



# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Hana Hearn

Address: Valley House U136/6 U135/6 East Of Coldingham To West Of Milldown, Scottish Borders, Scottish Borders TD14 5QD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Land affected
- Litter
- Loss of view
- Noise nuisance

Comment: Blot on the landscape



Full planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham, Scottish Borders

Personal Data: Your Title MR  
Your first name HARRY  
Your Surname HUNTER  
Your address 8 LAWFIELD COLINGHAM  
TD14 5PB  
Your telephone num [redacted]  
Your Email address... [redacted]

ENVIRONMENT & INFRASTRUCTURE  
MAY 2013  
55(0)  
To  
Ackn  
File 13/00401/FUL  
Comment/Complaint   
Ref No

Comment Details: Commentator type (Please circle)  
**Neighbour** Local Member

Member of the public

Stance: (Please circle)  
Object **Support** **Neutral**

Reason for comment: (Please circle)  
Alterations/Demolition of wall  
Density of site  
Detrimental to residential Amenity  
Height of  
Inadequate drainage  
Legal issues  
No sufficient parking space  
Overlooking  
Road safety  
Smell  
Subsidence  
Comments about play area  
Designated conservation area  
Fire safety  
Inadequate access  
Inadequate screening  
Listed building  
Noise Nuisance  
Poor design  
Privacy of neighbouring properties affected  
Trees/landscape affected  
Contrary to local plan  
Detrimental to environment  
Flood plain risk  
Health Issues  
Inadequate Boundary/Fencing  
Land affected  
Loss of light  
Loss of view  
Overprovision of facility in area  
Water supply

Please write any comments you wish to make here: (use the other side of the paper if you need to)

Signature [redacted] Date 3.5.13

Now send to: Planning and Regulatory Services, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6 OSA. Please send it recorded delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.

4 Abbey Court  
Coldingham  
Eyemouth  
TD14 5PD

16<sup>th</sup> April 2013

Head of Planning and Regulatory Services  
Scottish Borders Council  
Newtown St. Boswells  
Melrose  
TD6 0SA

REF 13/00401

Dear Sir

I wish to register my objections to this proposed development.

It is not within the village plan to have such a development

There are already two large holiday parks Scoutscroft and Crosslaw and there is no further need for another. Traffic through Coldingham village is already a serious problem at the height of the season, a real hazard for pedestrians.

Although this application is for 12 chalets this will just be the beginning of a creeping development to the beach given the provision of office and laundry facilities are hardly likely to be built for 12 properties. How long before a shop is also provided, thus even eliminating benefits to the village store?

The medical facilities are now even more stretched than usual during the holiday season.

The proposed access road is a well used footpath to the beach as there is little traffic other than to the cottage at present. There is little scope to widen the road and therefore this will rapidly become a traffic hazard and a danger to walkers.

Sewage from this site will be a problem. There is now a considerable smell in the summer at the pumping station at the entrance to this road when the caravan sites are full. How is this site going to feed into this facility without adding to the problem?

Local financial benefit is unlikely but instead this will benefit companies outside the local area speculating here.

Yours faithfully

Heathe

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Ms Helen Dickson

Address: Byburn 3 Abbey Court, Coldingham, Scottish Borders TD14 5PD

## Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Density of site
- Detrimental to environment
- Detrimental to Residential Amenity
- Fire Safety
- Inadequate access
- Inadequate drainage
- Increased traffic
- Land affected
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Privacy of neighbouring properties affected
- Road safety
- Smell
- Value of property

Comment: Coldingham Community Council voted unanimously to object to the proposed chalet development at Milldown. Serious concerns were raised about access to the proposed site, the extensive alterations that would be required to the existing roadway, and the scale of the development in this environmentally sensitive area which we feel has already seen unsuitable development.

Despite the Scottish Borders Tourism Strategy, we feel Coldingham already has adequate accommodation available between the 2 caravan parks and the numerous B+B establishments in the area all year round, that there is no requirement for any new development at this time, particularly in what is such an unspoilt area. The extra traffic through the village would be

unacceptable and dangerous. Accidents during the summer months are all too frequent already. The flat roof design of the chalets are unlikely to withstand the elements in years to come, and we would question if the submitted plans fulfil the criteria set out as 'high quality and compatible with long term tourism aims'.

From a safety point of view, access for emergency vehicles is not provided from the proposed car park to the chalets, and the increased traffic already alluded to could also make it more difficult for emergency vehicles to access the site itself.

It was also noted that the applicant owns the land to both sides of the proposed development, which may become developments on a much greater scale than this initial application for 12 chalets.

A large turnout of local residents attended the council meeting to register their opposition to this planning application, which we ask SBC to reject/turn down this proposal for development.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs helena wainwright

Address: Dubh Sgeir Moorpark C118 B6355 At Whiterig South Of Ayton To A6105 At Burnbank West Of Foulden, Scottish Borders, Scottish Borders TD15 1UH

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Increased traffic
- Land affected
- Loss of view
- Noise nuisance
- Road safety
- Trees/landscape affected

Comment: I object to this planning application.

This area is being destroyed by being over developed. The countryside is being destroyed.

The beach has been ruin by the hidous glass house.

The old hostel has been over developed with other buildings (not sold).

The road is too narrow for extra traffic. (bad enough with the summer traffic).

Planning Application ref. 13/0040/FUL

Cabin Development at Milldown, Cold

08 MAY 2013

To: Mr. [unclear] SS/O

File: 13/0040/FUL

Comment/Complaint 

Ref No: [unclear]

I wish to object to the proposed erection of twelve cabins.

At first I thought cabins wouldn't be too bad, but having seen the dimensions, I have changed my opinion. Each cabin is the same size as my permanent home in St. Abbs. Times this by twelve, plus the administrative/laundry block etc., and <sup>you</sup> have an estate with a substantial footprint.

Can the removal of an ancient hedge, the transferring of a narrow country track into a road be justified to accommodate accommodation that will be used for only a few months each year.

We moved here several years ago, because the area was so unspoilt and relatively traffic free. We are not alone in this and inappropriate developments are going to destroy the main attraction to this area. Although not a national Park, it does have the same qualities, ~~as many~~ a natural, rugged beauty.

The access lane is full of bird life and the ravine, which is wooded but not heavily is home to deer and badgers, things that people who come to the countryside want to see.

There isn't even a shortage of accommodation; caravan parks, B+B's, house rentals. All report lower bookings in the last couple of years.

Planning departments and tourist boards surely have to have some consideration for locals who have chosen the area they have chosen to live in.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr James Barrett

Address: Milldown Farmhouse U136-6 U135-6 East Of Coldingham To West Of Milldown,  
Scottish Borders, Scottish Borders TD14 5QD

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Density of site
- Detrimental to environment
- Flood plain risk
- Inadequate access
- Inadequate screening
- Increased traffic
- Loss of view
- Noise nuisance
- Over Provision of facility in area
- Privacy of neighbouring properties affected
- Road safety
- Smell
- Trees/landscape affected
- Value of property

Comment: Comment Details

Commenter Type: Neighbour

Stance: Objection

Comment Reasons:

- Road safety
- Density of site
- Detrimental to environment
- Flood plain risk
- Inadequate access
- Inadequate drainage

- Inadequate screening
- Increased traffic
- Loss of view
- Noise nuisance
- Over-provision of facility in area
- Overlooking
- Privacy of neighbouring properties affected
- Trees/landscape affected
- Value of property - Density of site
- Detrimental to environment
- Flood plain risk
- Inadequate access
- Inadequate drainage
- Inadequate screening

Comment:

The proposed development will spoil an area of scenic beauty. It will increase the noise and light pollution in the area with Milldown Cottages being particularly affected with car lights being shone into the property. There is an abundance of wildlife and wildflowers in the area which will be destroyed by this developments and natural habitats for species such as barn owls will be destroyed.

The bridle path which would be used as an access road to the site will have more traffic - it is not wide enough or safe enough for this and as it is also a footpath there will be an increased safety risk to any walkers and children on the footpath. The access road regularly floods in the winter and becomes impassible. There is a ford to traverse to get to the sight which will suffer pollution from any oil leaks from passing vehicles and erosion to the access route that they provide. The access route is also not suitable for any heavy construction services and is not suitable for access by the emergency services in particular the ambulance and fire services.

The development will overlook Milldown Cottages destroying any privacy the inhabitants of Milldown Cottages have.

This development will have a negative impact on the property prices in the area.



# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr James Carnell

Address: 48 Buttermere Drive, Camberley GU15 1RB

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Comments about play area
- Detrimental to environment
- Inadequate access
- Inadequate drainage
- Inadequate screening
- Increased traffic
- Litter
- Loss of view
- Poor design
- Road safety
- Value of property

Comment: I regularly visit my parents in Coldingham on holiday with my family. I now live in Southern England and I consider myself to be one of the target groups outlined in the Supporting statement (mature devotees, affluent active devotees, younger domestic explorers and affluent southern explorers).

I object to the planning application for 12 cabins to be erected at the land south west of Milldown farmhouse reference 13/00401/FUL

I am concerned that yet another development in the area will further detract from the it, making it a less desirable destination for visitors such as myself. There are numerous local camp sites, hotels, B&Bs and slightly further afield there are numerous sites that are well suited for active holidays and the target audience suggested by the application

In addition to these considerations, there are numerous issues associated with this development

and its current plans:

1) The location of the development is not easily accessible through the infrastructure currently present. The existing access road D135/6 has collapsed in areas numerous times in the past and is susceptible to flooding. The road cannot bear heavy plant or goods vehicles.

2) The development plans have not considered the health risks to their customers associated with the local sewerage pumping station. An upstream pumping station has an emergency overflow which deposits untreated sewerage to the stream which then flows adjacent/through the site. During high periods of rainfall this overflow has already activated in the past. There are also numerous old sewerage drains flowing to the stream and at least one septic system overflow both upstream and downstream of the site. While the plans do not show any play areas in the stream and valley, it is likely that children staying at the site (and probably adults) will play in the stream without knowing of its potential health risks (bacterial and viral infections carried by effluent and rats, including Weils disease).

3) The development plans put the safety of pedestrians at risk. Access roads from both sides are narrow and have high hedgerows. In addition both have steep, (in one case blind) hills which almost completely obscure pedestrians. During winter months the roads can become impassable and during periods of heavy rainfall can flood completely.

4) The development plans do not address the health and safety risks associated with the site. The existing stream and surrounding area were heavily infested with Giant Hogweed; a member of the Apiaceae family, the sap of giant hogweed causes phytophotodermatitis in humans, resulting in blisters, long-lasting scars, and if it comes in contact with eyes blindness. Giant Hogweed is notoriously difficult to control and is still growing in the area.

5) The development plans have not considered the safety risks associated with the dynamics of the stream that runs through the site. The stream captures waters from a wide range and area and during heavy periods of rainfall can swell significantly. The waters become dangerous to vehicles and pedestrians and are often heavily contaminated with debris and particulates that have entered the stream from the catchment area. In the past the stream has been several feet above its typical level.

6) The development plans do not fully define the water effluent (waste and sewerage) treatment facility that is proposed. The plans claim to provide for private arrangements such as package plants or passive treatment; however no details appear to be provided. The installation of any form of sewerage or waste water treatment facility in this area will be detrimental to the beauty of the area, both visually and aromatically. Details do not show where the treated water or solids waste are to be discharged.

7) The survey map that has been submitted with the development plans is technically incorrect. The map does not show a live sewer that runs through the development site (N/E side). The map

(and supporting statement) also shows/states areas to be heavily wooded when in fact they are not.

8) The development of additional tourist accommodation will result in an increase in congestion in the village of Coldingham (single track road at The Cross). The village already suffers heavily with congestion during summer months; this is a health and safety risk to the families that walk and enjoy within the village. Parking is currently limited during summer months. The local agricultural industry will also find that additional congestion within the village makes movement of heavy machinery (which is more frequent in the summer harvesting months) much more difficult and dangerous.

9) The development has not considered the health and safety risks associated with the local agricultural land immediately adjacent to the site. The lands around (South, East and West) of the site are routinely farmed arable lands. During both early and late summer months harvesting and associated operations will result in a dramatic increase in the levels of particulate matter and agricultural chemicals (from insecticide spraying operations) present in the air around and within the site (wind dependent). These will pose health risks to those living/staying at the site with little/no abatement possible because of the type of accommodation (rustic cabins). Asthma and allergy sufferers will be particularly affected.

Personal Data: Your Title..... MR

Your first name..... James

Your Surname..... Delaney

Your address..... HEATHERLEA High ST, COLDINGHAM

08 MAY 2013  
 To..... SS/09  
 Ackn.....  
 File..... 13/00401/FUL  
 Comment/Complaint   
 Ref No.....

Your telephone number.....

Your Email address.....

Comment Details: Commentator type ( Please circle)

**Neighbour**

Local Member

Member of the public

Stance: (Please circle)

**Object**

Support

Neutral

Reason for comment: (Please circle)

Alterations/Demolition of wall

Comments about play area

Contrary to local plan

Density of site

Designated conservation area

Detrimental to environment

Detrimental to residential Amenity

Fire safety

Flood plain risk

Health Issues

Height of.....

Inadequate access

Inadequate Boundary/Fencing

Inadequate drainage

Inadequate screening

Increased traffic

Land affected

Legal issues

Listed building

Litter

Loss of light

Loss of view

No sufficient parking space

Noise Nuisance

Overprovision of facility in area

Overlooking

Poor design

Privacy of neighbouring properties affected

Road safety

Smell

Subsidence

Trees/landscape affected

Water supply

Please write any comments you wish to make here: (use the other side of the paper if you need to)

Signature.....

Date..... 3.5.13

Now send to: Planning and Regulatory Services, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6 0SA. Please send it recorded delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr James Gibson

Address: 7 Station Cottages U106/6 B6355 North West Of Ninewells Mains To Chirnside Station,  
Scottish Borders, Scottish Borders TD11 3LQ

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Density of site
- Detrimental to environment
- Inadequate access
- Increased traffic
- Land affected
- Noise nuisance
- Over Provision of facility in area
- Privacy of neighbouring properties affected
- Road safety
- Trees/landscape affected

Comment: In my opinion Coldingham already has adequate holiday accommodation .

The access road is a very popular walk for local residents.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr James Macdonald

Address: Sutherland House Paradise, Coldingham, Scottish Borders TD14 5NP

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Trees/landscape affected

Comment: Whilst the holiday maker may stay for one week, the residents of Coldingham live here and carry on whilst a number of questionable developments by the beach and its approaches are accepted ad infinitum. I cannot see how the destruction of more large areas of wild and agricultural land can be improved by tarmac and the presence of a limited number (but likely to be expanded upon) holiday makers for the very short season. Views, aspects and perspectives will not be enhanced by this development and it clearly endangers what is attractive about the area i.e. the open spaces, the countryside and the approach to the beach by simply increasing the density of bog standard holiday accommodation. It will increase traffic in the area and have a negligible economic benefit to the wider village. I can think of no reason how the day to day local community life will actually be enhanced by this application. Taking the above into account and given the needless destruction of trees and habitats that will have to occur for it to become a reality, the pros of this application are massively outweighed by the cons.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr James Urquhart

Address: Glencourt Paradise, Coldingham, Scottish Borders TD14 5NP

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment
- Over Provision of facility in area
- Trees/landscape affected

Comment:Local Plan

The local plan did not identify this area for development. There seems little point in the extensive consultation over the local plan if a development which is not in any way compatible with the plan can be actively encouraged by the Council

Landscape/ Environment

Simple use of Google earth shows that this development will be visible in its entirety from all of the east side of St Abbs Head and its footpath approaches. Thus the view from an area of outstanding natural beauty will be seriously blighted

Over provision in area

There is already extensive provision of similar accommodation in the area - 3 large caravan sites providing equivalent of chalet accommodation i.e. fixed site caravans. It is a fallacy that further provision of this kind will support the sustainable development of the local community since other local business will suffer detriment. Increasingly users of these kinds of facilities ignore local shops and make use of the no less than four supermarkets who make direct deliveries to this area. The net effect of the development will be to add to the detriment to the bay area resulting from other ill considered recent planning approvals and hence reduce tourism to the area

If economic development forms part of the case to be considered there is an onus on the planning authority to consider what hard evidence exists that sustainable development will actually result if this application is successful. It is not the case that an increase in provision automatically results in economic benefit



Full planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham, Scottish Borders

Personal Data: Your Title... MS.....  
 Your first name... SARAH.....  
 Your Surname... MANSON.....  
 Your address... 1, HALL BACK, COLDFINGHAM.....  
 .....  
 Your telephone number.. [REDACTED].....  
 Your Email address.....

Comment Details: Commentator type ( Please circle)

**Neighbour** Local **Member of the public**

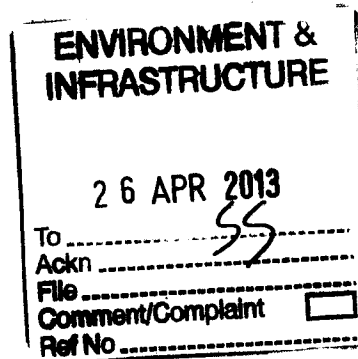
Stance: (Please circle)

Object **Support** **Neutral**

Reason for comment: (Please circle)

Alterations/Demolition of wall	Comments about play area	Contrary to local plan
Density of site	<u>Designated conservation area</u>	<u>Detrimental to environment</u>
Detrimental to residential Amenity	Fire safety	Flood plain risk
Height of.....	<u>Inadequate access</u>	Inadequate Boundary/Fencing
Inadequate drainage	Inadequate screening	<u>Increased traffic</u>
Legal issues	Listed building	Loss of light
<u>No sufficient parking space</u>	Noise Nuisance	Overprovision of facility in area
Overlooking	Poor design	<u>Privacy of neighbouring properties affected</u>
Road safety	Smell	Subsidence
	<u>Trees/landscape affected</u>	Water supply

Please write any comments you wish to make here:



Signature..... [REDACTED].....

Date... 25/4/2013.....

Now send to: Planning and Regulatory Services, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6 OSA. Please send it by registered delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr Janos Koter

Address: 126 Hughenden Rd, St Albans AL4 9QR

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inadequate screening
- Loss of view
- Overlooking
- Trees/landscape affected

Comment:Effect the local environment Blot on landscape - this will ruin the area.

Full planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham, Scottish Borders

Personal Data: Your Title..... Mrs

Your first name..... Jean

Your Surname..... Arblaster

Your address..... Silverwells Cottage  
Coldingham

TD14 527

Your telephone number..... [REDACTED]

Your Email address..... NIL

<b>ENVIRONMENT &amp; INFRASTRUCTURE</b>	
25 APR 2013	
To	SS/O
Ackn	
File	13/00401/FUL
Comment/Complaint	<input type="checkbox"/>
Ref No	

Comment Details: Commentator type ( Please circle)

Neighbour

Local

Member of the public

Stance: (Please circle)

Object

Support

Neutral

Reason for comment: (Please circle)

Alterations/Demolition of wall

Comments about play area

Contrary to local plan

Density of site

Designated conservation area

Detrimental to environment

Detrimental to residential Amenity

Fire safety

Flood plain risk

Health Issues

Height of.....

Inadequate access

Inadequate Boundary/Fencing

Inadequate drainage

Inadequate screening

Increased traffic

Land affected

Legal issues

Listed building

Litter

Loss of light

Loss of view

No sufficient parking space

Noise Nuisance

Overprovision of facility in area

Overlooking

Poor design

Privacy of neighbouring properties affected

Road safety

Smell

Subsidence

Trees/landscape affected

Water supply

Please write any comments you wish to make here:

Signature..... [REDACTED]

Date 23/4/13

Now send to: Planning and Regulatory Services, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6 OSA. Please send it recorded delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.

By 8<sup>th</sup> May

~~loosing~~  
loosing ability to walk  
my ~~the~~ dog in a quiet & healthy  
environment.

Too many holiday accomodation  
premises. Too many cars on  
the quiet road.

Poor access in and out  
of village

Loss of valuable green site  
and damage to coastline  
environment and natural  
beauty - & plants wild animal  
~~welfare~~ welfare - Bird watching  
has been much enjoyed by  
visitors

Full planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham, Scottish Borders

ENVIRONMENT & INFRASTRUCTURE  
11 FEB 2015  
SS

Personal Data: Your Title MRS  
Your first name JEAN  
Your Surname BENNETT  
Your address ALEWATER HOUSE  
COLDINGHAM EYEMOUTH  
Borwickshire TS14 5TJ  
Your telephone number [REDACTED]  
Your Email address [REDACTED]

Comment Details: Commentator type (Please circle)  
**Neighbour** Local **Member of the public**

Stance: (Please circle)  
Object **Support** **Neutral**

Reason for comment: (Please circle)  
Alterations/Demolition of wall **Comments about play area** Contrary to local plan  
Density of site **Designated conservation area** Detrimental to environment  
Detrimental to residential Amenity **Fire safety** **Flood plain risk** **Health Issues**  
Height of..... Inadequate access **Inadequate Boundary/Fencing**  
Inadequate drainage **Inadequate screening** Increased traffic Land affected  
Legal issues **Listed building** **Litter** **Loss of light** **Loss of view**  
**No sufficient parking space** Noise Nuisance ~~Overprovision of facility in area~~  
Overlooking **Poor design** Privacy of neighbouring properties affected  
Road safety **Smell** **Subsidence** Trees/landscape affected **Water supply**

Signature..... [REDACTED] Date 3.2.15  
Please write a comment here (use the reverse side of the sheet if you need to).

www.scotborders.gov.uk

PTO

Have You been to the site. Have You been to Coldingham on a holiday weekend. If you have you will be aware of how congested Coldingham Village is and in particular how saturated with vehicles and people Coldingham Bay is. To allow this development will be one too many and spoil the enjoyment of the area for visitors, the environment and the residents of Coldingham and surrounding areas.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Jennifer Carnell

Address: 8 Hendrie Place, East Wemyss, Kirkcaldy KY1 4LL

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Density of site
- Detrimental to environment
- Detrimental to Residential Amenity
- Fire Safety
- Flood plain risk
- Inadequate access
- Inadequate drainage
- Inadequate screening
- Increased traffic
- Loss of view
- Noise nuisance
- Overlooking
- Poor design
- Privacy of neighbouring properties affected
- Trees/landscape affected
- Value of property
- Water Supply

Comment: I would like to object to this development at Milldown for the following reasons:

1. The development of the land and access road will not be low impact it will ruin the surrounding area, specifically the natural beauty in Milldown Dean disrupting & scaring away crucial wildlife. Moreover the Milldown Cottages and local community will not be able to use the road access, public footpath & right of way as it will become impassable with the construction of basic infrastructure and utilities. In connection to the access road leading to the development, this road is clearly not suitable for an increase in traffic that would occur with visiting tourists to the lodges.

As it stands the road is in poor condition and is currently crumbling into the burn due to the irregular changing route of the burn passing closer to the road and with recent flooding in high rainfall. The access road was not allowed to be made wider nor was the burn allowed to be re-routed by SEPA when inquired, SEPA would not allow any changes due to the population of fish within the burn. Consequently it is unclear in this application how the access road will be changed in order to support this development with no disruption to the burn.

2. The objective is to provide 5 star standard accommodation I would not rate this development as 5 stars. The lodges seem to be very small with no space or room to relax comfortably, not good for the average sized family. Furthermore with a 5 star accommodation I would expect them to be equipped like home, however the lodges will not even have laundry facilities hence the laundry block, this is a far cry from 5 stars. The car park facility would also suggest that the visitor cannot park next to their lodge which too is a disadvantage for the visitor. The development does not provide any catering e.g. café/ restaurant/bar or facilities e.g. shop to provide the tourists with any food. Neither does it offer any sport facilities such as tennis courts, football pitch etc. Therefore the accommodation and the site is far from being 5 stars and more like 1 star putting off tourists who in fact want 5 star accommodation and facilities on site. The site will not appeal to a wide variety of tourists as it is situated on a steep slope which is very precarious, thus limiting the use to able bodied people and put off the elderly, families with very young children and the disabled public. There is however a caravan site less than 500 metres away providing all these tourists with a lot more on site, so this development is not needed and will result in too many providers chasing too few tourists.

3. The application states that - densely wooded valley of the Milldown Burn I would like to point out that I have never known Milldown Dean to be a densely wooded area in the 15 years I have been visiting the area and would take it that the author of the application has not actually visited the site for themselves, whereas I regularly visit every month. During the winter months the trees are deciduous and will shed their leaves, hence there would be no screening at all and the site would be visible during these months. In that event the privacy in particular of Milldown Cottages, the surrounding neighbours and the public footpath including the right of way will be impaired as the site will overlook their entire area. In addition the noise and light pollution from such a site will also affect the idyllic, peaceful area and intrude on the unspoiled countryside.



# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr John E E Fleming

Address: 9 Hazel Avenue, DUMBARTON G82 5BW

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate access
- Increased traffic
- Land affected
- Loss of view
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Privacy of neighbouring properties affected
- Road safety
- Trees/landscape affected

Comment: I am a frequent visitor to Coldingham and am dismayed that an application has been made to increase the number of buildings adjacent to the fine beach and coastal path. The proposed buildings and associated facilities will despoil the area and make it a place to avoid rather than visit for its dramatic scenic value, tranquillity and low light pollution.

Furthermore there is plenty of short-term accommodation in Coldingham and surrounding villages; there is no need for more.

If the present track becomes just another road it will destroy the quiet approach to the beach enjoyed by residents and visitors. In time it will become part of a one-way loop linking the village to the beach.

Overall this development will deter rather than attract visitors to the area. And will set a very undesirable precedent to the further spread of building along the coast.

Please reject this application.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr John Fulton

Address: 5 Sea View Rd, Birchington CT7 9LB

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Detrimental to Residential Amenity
- Increased traffic
- Land affected
- Loss of view
- Overlooking
- Privacy of neighbouring properties affected
- Trees/landscape affected

Comment: I had a very enjoyable visit to St. Abbs Head and the surrounding district in the summer of 2012 and stayed at Milldown Cottages with my wife. We were horrified to hear about the proposed development of land overlooking and in the view of the cottage and as a result I wish to register an objection to the submitted plan 13/00401/FUL which will result in the upgrade of the access road to accommodate 19+ cars and the erection of 12 holiday cabins and associated works. The planned changes will destroy the remote and undeveloped rural quality of the locality, the very reason why many of the local inhabitants have chosen to live there. Inevitably there will be a detrimental effect on the local wildlife which embraces wild hares, as well as, many birds including the increasingly rare Tree Sparrow, Tawny Owl and Bull Finch that inhabit the field and surrounding trees.

It is questionable whether the proposed approach roads will be adequate to accommodate the increased traffic use and it is clear that these changes will bring about irreversible damage to the peaceful and unspoiled nature of the area.

Full planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham, Scottish Borders

Personal Data: Your Title Mr

Your first name Kenneth

Your Surname Layhe

Your address Taprobane, Auchencrow Mains,

Eysmouth, Berwickshire, TD14 5LT

Your telephone number

Your Email address

ENVIRONMENT & INFRASTRUCTURE

08 MAY 2013

To SS(o)

Ack:

File

13/00401/FUL

Comment/Complaint

f No

Comment Details: Commentator type (Please circle)

Neighbour

Local

Member of the public

Stance: (Please circle)

Object

Support

Neutral

Reason for comment: (Please circle)

Alterations/Demolition of wall

Comments about play area

Contrary to local plan

Density of site

Designated conservation area

Detrimental to environment

Detrimental to residential Amenity

Fire safety

Flood plain risk

Health Issues

Height of

Inadequate access

Inadequate Boundary/Fencing

Inadequate drainage

Inadequate screening

Increased traffic

Land affected

Legal issues

Listed building

Litter

Loss of light

Loss of view

No sufficient parking space

Noise Nuisance

Overprovision of facility in area

Overlooking

Poor design

Privacy of neighbouring properties affected

Road safety

Smell

Subsidence

Trees/landscape affected

Water supply

Please write any comments you wish to make here:

It will stop enjoyment of walking in a quiet country area which is unspoilt.

I fear it might be the start of something bigger.

Signature

Date 4.5.13

Now send to Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6

OSA. Please send it recorded delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.

**From:** Kirsty Parker  
**Sent:** 22 April 2013 16:27  
**To:** Cook, Michael (Councillor)  
**Subject:** Objection to Planning Application 13/00401/FUL

Dear Sir

I am writing to put in a formal objection to the planning application number 13/00401/FUL  
Erection of 12 holiday cabins, office/laundry block and associated works on land South West  
of Milldown Farmhouse, Coldingham.

I have been lucky enough to visit the local area frequently, and feel that this development is  
not needed, will be unsightly, and will create danger to pedestrians in the local area.  
Furthermore, this will impact hugely on the traffic in the local area, the noise levels (from  
the people and the sewerage systems).

I feel that this is an unnecessary addition to the area, and that it will  
impact detrimentally on parking for local residents. Having stayed locally,  
there are already so many choices of excellent houses, and high quality  
park homes that this development will impact negatively on the area  
because of:-

- road safety - cars and pedestrians
- unsightly - particularly the white finish of the buildings
- waste - creating more noise and pollution and litter in this beautiful  
community
- environment - will damage the local environment physically  
and aesthetically

Please accept this as my formal objection to the above listed planning  
application

Best Regards

Kirsty

Kirsty Parker  
104a Burghley Road  
London  
NW5 1AL

Full planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham, Scottish Borders

Personal Data: Your Title..... MISS  
Your first name..... LAURA  
Your Surname..... RAE  
Your address..... 51,1 MEADOWSIDE  
DUNDEE  
Your telephone num [redacted]  
Your Email address.. [redacted]

ENVIRONMENT & INFRASTRUCTURE  
09 JULY 2013  
To..... SS/O  
ACR/.....  
File..... B/00401/FUL  
Comment/Complaint   
Ref No.....

Comment Details: Commentator type ( Please circle)

**Neighbour** **Local** **Member of the public**

Stance: (Please circle)

**Object** **Support** **Neutral**

Reason for comment: (Please circle)

Alterations/Demolition of wall      Comments about play area      Contrary to local plan  
Density of site      Designated conservation area      **Detrimental to environment**  
**Detrimental to residential Amenity**      Fire safety      Flood plain risk      Health Issues  
Height of.....      **Inadequate access**      Inadequate Boundary/Fencing  
Inadequate drainage      Inadequate screening      **Increased traffic**      **Land affected**  
Legal issues      Listed building      Litter      Loss of light      Loss of view  
No sufficient parking space      **Noise Nuisance**      Overprovision of facility in area  
**Overlooking**      Poor design      **Privacy of neighbouring properties affected**  
Road safety      Smell      Subsidence      Trees/landscape affected      Water supply

Please write any comments you wish to make here:

Providing more accommodation in this area would affect the environment. Roads are unsuitable for increased volume of traffic especially at beach is scarce and would deter local from using the area. The narrow roads in Coldingham + surrounding would suffer from congestion with increased volume of traffic

Signature... [redacted]

Date..... 2/5/13

Now send to: Planning and Regulatory Services, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6 0SA. Please send it recorded delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Linsey Law

Address: 3 Ronald gardens, Hebburn Tyne and wear Ne31 2tl

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Inadequate access
- Increased traffic
- Litter
- Loss of light
- Loss of view
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Poor design
- Road safety

Comment: This proposal would have a huge negative impact on the local area.

Personal Data: Your Title: Mrs

Your first name: Liz

Your Surname: Louie

Your address: Taprobane, Auchencrow, Mains

Eyemouth, Berwickshire, TD14 5LT

**ENVIRONMENT & INFRASTRUCTURE**

08 MAY 2013

SS/01

Your telephone number: [REDACTED]

Your Email address: [REDACTED]

13/00401/FUL  
 Environment/Complaint

Comment Details: Commentator type (Please circle)

**Neighbour**

Local

Member of the public

Stance: (Please circle)

Object

Support

Neutral

Reason for comment: (Please circle)

Alterations/Demolition of wall

Comments about play area

Contrary to local plan

Density of site

Designated conservation area

Detrimental to environment

Detrimental to residential Amenity

Fire safety

Flood plain risk

Health Issues

Height of.....

Inadequate access

Inadequate Boundary/Fencing

Inadequate drainage

Inadequate screening

Increased traffic

Land affected

Legal issues

Listed building

Litter

Loss of light

Loss of view

No sufficient parking space

Noise Nuisance

Overprovision of facility in area

Overlooking

Poor design

Privacy of neighbouring properties affected

Road safety

Smell

Subsidence

Trees/landscape affected

Water supply

Please write any comments you wish to make here:

Coldingham is a lovely village but is difficult to  
 through due to traffic. It also has a caravan site  
 and does not require further cabins.

Signature: [REDACTED]

Date: 4.5.13

Now send to: Planning and Regulatory Services, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6  
 OSA. Please send it recorded delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if  
 possible. Thank you.

Full planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham, Scottish Borders

Personal Data: Your Title..... Mrs  
Your first name..... LORNA  
Your Surname..... BRUDENELL  
Your address..... S APPLIN CLOSE  
..... COLDINGHAM  
..... TD14 5DX.  
Your telephone number... [REDACTED]  
Your Email address... [REDACTED]

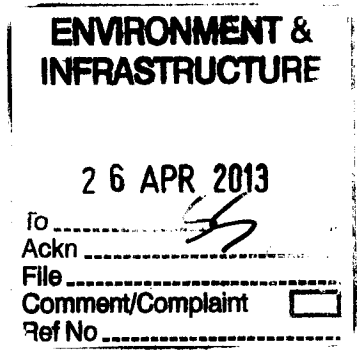
Comment Details: Commentator type ( Please circle)  
Neighbour Local Member of the public

Stance: (Please circle)  
Object Support Neutral

Reason for comment: (Please circle)  
Alterations/Demolition of wall Comments about play area Contrary to local plan  
Density of site Designated conservation area Detrimental to environment  
Detrimental to residential Amenity Fire safety Flood plain risk Health Issues  
Height of..... Inadequate access Inadequate Boundary/Fencing  
Inadequate drainage Inadequate screening Increased traffic Land affected  
Legal issues Listed building Litter Loss of light Loss of view  
No sufficient parking space Noise Nuisance Overprovision of facility in area  
Overlooking Poor design Privacy of neighbouring properties affected  
Road safety Smell Subsidence Trees/landscape affected Water supply

Please write any comments you wish to make here:

Signature..... [REDACTED].....



Date 25.4.13

Now send to: Planning and Regulatory Services, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6 OSA. Please send it recorded delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.



Full planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham, Scottish Borders

Personal Data: Your Title MR  
Your first name MARCOLM  
Your Surname SENNETT  
Your address ALWATER HOUSE  
COLDINGHAM  
BERNLICKSHIRE TD14 5TJ

Your telephone number

Your Email address



Comment Details: Commentator type (Please circle)

Neighbour

Local

Member of the public

Stance: (Please circle)

Object

Support

Neutral

Reason for comment: (Please circle)

Alterations/Demolition of wall

Comments about play area

Contrary to local plan

Density of site

Designated conservation area

Detrimental to environment

Detrimental to residential Amenity

Fire safety

Flood plain risk

Health Issues

Height of.....

Inadequate access

Inadequate Boundary/Fencing

Inadequate drainage

Inadequate screening

Increased traffic

Land affected

Legal issues

Listed building

Litter

Loss of light

Loss of view

No sufficient parking space

Noise Nuisance

Overprovision of facility in area

Overlooking

Poor design

Privacy of neighbouring properties affected

Road safety

Smell

Subsidence

Trees/landscape affected

Water supply

Signature

Please write

Date

7/2/15

the reverse side of the sheet if you need to.



www.scotborders.gov.uk

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Margaret Milford

Address: 98 Bristol road, Quedgeley, Gloucester GL2 4na

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Density of site
- Detrimental to environment
- Flood plain risk
- Inadequate drainage
- Increased traffic
- Land affected
- Litter
- Noise nuisance
- Overlooking
- Privacy of neighbouring properties affected
- Road safety
- Subsidence

Comment: We visited this area for a holiday, and are saddened that they are intending to build on this land. It overlooks a small farm house and will potentially increase traffic going down a small narrow lane which often has children, dogs and walkers using the area. Visibility down the lane is poor and it regularly floods. I doubt it would be able to sustain additional traffic without compromising wildlife and the area. There are already so many holiday settings in this area... Does it really need more?

Full planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham, Scottish Borders

Personal Data: Your Title MRS

Your first name MARGARET

Your Surname ROSS

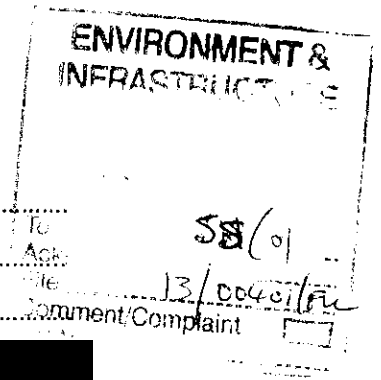
Your address 10, HALLBANK

COLDINGHAM, EYEMOUTH

BERWICKSHIRE TD14 5NY

Your telephone number.. [REDACTED]

Your Email address... [REDACTED]



Comment Details: Commentator type (Please circle)

Neighbour

Local

Member of the public

Stance: (Please circle)

Object

Support

Neutral

Reason for comment: (Please circle)

Alterations/Demolition of wall

Comments about play area

Contrary to local plan

Density of site

Designated conservation area

Detrimental to environment

Detrimental to residential Amenity

Fire safety

Flood plain risk

Health Issues

Height of.....

Inadequate access

Inadequate Boundary/Fencing

Inadequate drainage

Inadequate screening

Increased traffic

Land affected

Legal issues

Listed building

Litter

Loss of light

Loss of view

No sufficient parking space

Noise Nuisance

Overprovision of facility in area

Overlooking

Poor design

Privacy of neighbouring properties affected

Road safety

Smell

Subsidence

Trees/landscape affected

Water supply

Please write any comments you wish to make here:

*I am a dog walker and dont wish to be made busier with through traffic. We came here for peace & quiet and do not wish it to change.*

Signature... [REDACTED]

Date 20/04/13

Now send to: Planning and Regulatory Services, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6 0SA. Please send it recorded delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.

Full planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham, Scottish Borders

Personal Data: Your Title... MRS  
Your first name... MARTINE DELANEY  
Your Surname... DELANEY  
Your address... HEATHERLEA HIGH ST  
COLDINGHAM EYEMOUTH TD14 5NL

ENVIRONMENT & INFRASTRUCTURE

10 MAY 2013 53(0)  
Ackn 13/00401/FUL  
File Comment/Complaint  
Ref No

Your telephone num [REDACTED]  
Your Email address... [REDACTED]

Comment Details: Commentator type ( Please circle)  
**Neighbour** Local Member Member of the public

Stance: (Please circle)  
Object Support Neutral

Reason for comment: (Please circle)  
Alterations/Demolition of wall Comments about play area Contrary to local plan

Density of site Designated conservation area Detrimental to environment

Detrimental to residential Amenity Fire safety Flood plain risk Health Issues

Height of..... Inadequate access Inadequate Boundary/Fencing

Inadequate drainage Inadequate screening Increased traffic Land affected

Legal issues Listed building Litter Loss of light Loss of view

No sufficient parking space Noise Nuisance Overprovision of facility in area

Overlooking Poor design Privacy of neighbouring properties affected

Road safety Smell Subsidence Trees/landscape affected Water supply

Please write any comments you wish to make here: (use the other side of the paper if you need to)

Signature [REDACTED] Date 3.5.13

Now send to: Planning and Regulatory Services, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6 0SA. Please send it recorded delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Maureen Woodley

Address: 159, Hedworth Lane, Tyne and Wear NE32 4LT

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Fire Safety
- Inadequate access
- Inadequate screening
- Increased traffic
- Litter
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Privacy of neighbouring properties affected
- Road safety
- Smell
- Trees/landscape affected

Comment: The tranquility and privacy of the surrounding area would be seriously invaded for both residents and visitors.

Milldown has seen lots of development over the last few years and is in danger of losing its rural wildlife appeal.

Coldingham is renowned for its beautiful coastal and rural walks, the road referred to in the application being one of the best. The extra traffic, loss of ancient hedges, wildflowers, wild birds and animals would totally ruin it.

There is already an abundance of holiday accommodation in and around Coldingham.

It would devalue properties greatly that are overlooked.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs melanie rogers

Address: Sanddancer Cottage U136/6 U135/6 East Of Coldingham To West Of Milldown, Scottish Borders, Scottish Borders TD14 5QD

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate access
- Inadequate screening
- Increased traffic
- Litter
- Loss of view
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Poor design
- Privacy of neighbouring properties affected
- Road safety
- Smell
- Trees/landscape affected
- Value of property

Comment: The proposed application would create a significant increase in vehicle traffic past neighboring residence, not only affecting the rural setting but causing safety issues for the young family's within the immediate vicinity.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr Michael FENTY

Address: Grey Gables Eyemouth Road, Coldingham, Scottish Borders TD14 5NH

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate access
- Land affected
- Trees/landscape affected

Comment: Any development on this arable field will result in environmental damage and be detrimental to wild life.

The access is virtually non-existent and to upgrade it would cause widespread loss of amenity.

This area is currently being promoted as a walking area, as part of the coastal path with emphasis in wildlife, sea bird colonies etc;. a development such as this and , inevitably, further developments along the coast will destroy the very aspects that tourists to the area seek.

Access to the beach will no doubt be "upgraded" with yet more loss of trees and bushes.


In addition, this area is one of the first landfalls for winter and summer migrant birds from Scandinavia and Northern Europe. As these species arrive exhausted from the flight over the North Sea they need cover and shelter to recover. This development will inhibit this.

The "tourist" aspect of these applications is overplayed.

People will arrive at any chalets, having stocked up at a supermarket, spend all day on the beach and are unlikely to contribute anything to the community.

Given the past history of such "holiday" homes and being aware of the shortness of the summer season, it is inevitable that they will be let out to long term tenants and, ultimately, become another housing scheme.

A precedent is set and yet more developments follow.

Personal Data: Your Title..... MRS  
 Your first name... AMANDA  
 Your Surname... BELL  
 Your address... SCOTSCROFT HOUSE  
ST ABBS ROAD, COLDINGHAM  
TD14 5NR  
 Your telephone number.   
 Your Email address.....

Comment Details: Commentator type ( Please circle)

**Neighbour**

Local

**Member of the public**

Stance: (Please circle)

Object


**Support**

**Neutral**

Reason for comment: (Please circle)

Alterations/Demolition of wall	Comments about play area	Contrary to local plan
Density of site	<u>Designated conservation area</u>	<u>Detrimental to environment</u>
Detrimental to residential Amenity	Fire safety	Flood plain risk
Height of.....	<u>Inadequate access</u>	Inadequate Boundary/Fencing
Inadequate drainage	Inadequate screening	<u>Increased traffic</u>
Legal issues	Listed building	<u>Land affected</u>
No sufficient parking space	Litter	<u>Loss of view</u>
Overlooking	Noise Nuisance	Overprovision of facility in area
Road safety	Poor design	Privacy of neighbouring properties affected
Smell	Subsidence	<u>Trees/landscape affected</u>
		Water supply

Please write any comments you wish to make here:

Signature..... 

Date... 21st April 2013

Now send to: Planning and Regulatory Services, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6 OSA. Please send it recorded delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.



Personal Data: Your Title..... MRS  
 Your first name..... STEPHANIE  
 Your Surname..... PAYNE  
 Your address..... REDHALL STEADING  
EYEMOUTH TD14 5SG  
 Your telephone number..... [REDACTED]  
 Your Email address..... [REDACTED]

Comment Details: Commentator type ( Please circle)  
**Neighbour** Local **Member of the public**

Stance: (Please circle)  
Object **Support** **Neutral**

Reason for comment: (Please circle)  
 Alterations/Demolition of wall  
 Density of site Designated conservation area Detrimental to environment  
Detrimental to residential Amenity Fire safety Flood plain risk Health Issues  
 Height of..... Inadequate access Inadequate Boundary/Fencing  
 Inadequate drainage Inadequate screening Increased traffic Land affected  
 Legal issues Listed building Litter Loss of light Loss of view  
 No sufficient parking space Noise Nuisance Overprovision of facility in area  
 Overlooking Poor design Privacy of neighbouring properties affected  
Road safety Smell Subsidence Trees/landscape affected Water supply

Please write any comments you wish to make here:  
 it will be detrimental to the reason tourists come to the area currently it is for a quiet dog friendly beach with beautiful countryside and walks. Many people walk along that beach as part of a circular walk which they would not be able to do if they changed the beach and put in a bridge.

Signature..... [REDACTED] Date..... 22.4.13  
 Now send to [REDACTED] Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6  
 OSA. Please send it recorded delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.

**ENVIRONMENT &  
INFRASTRUCTURE**

30 APR 2013

To .....  
Ackn .....  
File 13/00451/FUL  
Comment/Complaint   
Ref No .....

33. Back Ln Fm.

Thornton

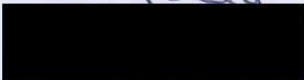
Bfd B013 3QU.

Dear Sirs

I am writing to object to the erection of 12 holiday cabins etc on land South West of Mildown farmhouse at Coldingham. We have visited this area for some 30+ years now, mainly because of the natural beauty of the area, but recent visits have worried and depressed us. We have seen, with alarm and shock at the new building being built at Coldingham Sands and like many many others wonder how on earth this could have been passed for building in such a different style to the beautiful surrounding area. Also the (even worse) plans for building on and across from the 'Shielding', which look as if they belong to some village in

grease, not among old properties<sup>2</sup>  
where they will stick out like a  
 sore thumb. These are not just the  
 views of ourselves but many people  
 who visit your lovely area to escape  
 to somewhere that is not commercial,  
 if we want amusements etc there  
 is Eyemuth down the road, and  
 plenty of places to stay i.e  
 caravan parks, B+B's in the area.  
 On behalf of all those we've spoken  
 to and object to somewhere we  
 love to visit being ruined we  
 would ask that you put a stop to  
 these plans which will ruin your  
 area of outstanding beauty.

Yours Faithfully



# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr Patrick Hearn

Address: Valley House U136/6 U135/6 East Of Coldingham To West Of Milldown, Scottish Borders, Scottish Borders TD14 5QD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Land affected
- Litter
- Over Provision of facility in area

Comment: Complete change of land useage - not required in area and a visual disgrace to the area

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr Patrick Hearn

Address: Valley House U136/6 U135/6 East Of Coldingham To West Of Milldown, Scottish Borders, Scottish Borders TD14 5QD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Designated Conservation Area
- Detrimental to environment
- Detrimental to Residential Amenity
- Flood plain risk
- Inadequate access
- Inadequate drainage
- Increased traffic
- Land affected
- Over Provision of facility in area
- Road safety

Comment:As per the original application in 2013 and the objections made at that time for erecting of the Log Cabin site. This is obviously stage one again to try and start that process to its agreement. I live along the lane in question - though would not be effected by the proposed traffic route. I do however talk to all the pedestrians, ramblers, Dog walkers, Horse riders and cyclists who regularly use this track as part of joining ( moving between ) the Berwickshire Coastal route, and I and all I have spoken to have agreed of the danger of holiday traffic along this bridal way. This would ruin the quiet and peaceful lane used and enjoyed by so many, and to what avail? A site which is not needed or wanted. I know you are fully aware of the flooding issues, this will cause and on this point alone could see no possible way for this proposal to be accepted. Please do not ruin this peaceful area enjoined by so many.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr PAUL ROGERS

Address: Sanddancer Cottage U136/6 U135/6 East Of Coldingham To West Of Milldown, Scottish Borders, Scottish Borders TD14 5QD

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate access
- Inadequate screening
- Increased traffic
- Land affected
- Litter
- Loss of view
- No sufficient parking space
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Privacy of neighbouring properties affected
- Road safety
- Smell
- Trees/landscape affected
- Value of property

Comment: Total and utter blot on the wonderful rural landscape.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr Paul Warner

Address: Ebba Strand Coldingham Sands Road U135/6 U136/6 East Of Coldingham To The Shieling At Coldingham Sands, Scottish Borders, Scottish Borders TD14 5PA

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Density of site
- Detrimental to environment
- Detrimental to Residential Amenity
- Flood plain risk
- Inadequate access
- Inadequate screening
- Increased traffic
- Land affected
- Loss of view
- No sufficient parking space
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Poor design
- Privacy of neighbouring properties affected
- Road safety
- Smell
- Trees/landscape affected

Comment: I object in the strongest possible terms to the above planning application. Please see detailed below my comments which I trust will be taken into account by SBC elected members and officers involved in the decision making process.

1. The proposal which is for the development of 12 holiday chalet units, reception office / laundry building, car parking and childrens play area has been termed as low impact by the developer.

Such a major development is anything but low impact and must be rejected.

2. Coldingham Bay is a Blue Flag bathing waters beach which attracts approximately 20,000 visitors annually who use the Bay for swimming, walking, picnicking, sunbathing, surfing, canoeing, angling, diving, wildlife watching and rock-pooling. The Bay is also popular for schools educational day trips. It is abundantly clear that people living in the community and those who visit the area do so for what this area of great landscape value offers. They do not choose to live or visit the area to view huge quantities of holiday cabins that would destroy the beautiful and natural landscape.

3. The application site falls within one of only nine Special Landscape Areas within SBCs area and an established Area of Great Landscape Value (AGLV). The nature of this proposed development will have a serious and ever lasting negative impact on the area which will weaken SBCs position in defending areas of such designation from further inappropriate development in the future.

4. This hideous proposed development will be readily visible from the public walking routes including the nearby Berwickshire Coastal Path and would directly have a negative impact upon the visual amenity of the area.

5. The development would result in the loss of open space which forms part of the natural backdrop and is important to the sense of place of the area. The development for any built form purposes should be strongly resisted.

6. Careful consideration should be given as to the long term impact this ridiculous proposal will have on overall visitor numbers. Visitors to the area will be put off as a direct result of this development as one of the reasons they come here is to enjoy the outstanding natural beauty not to see major developments on agricultural land. This would have an adverse effect on the likely income of other service providers within the local tourism community.

7. The area is already well catered for in terms of tourist accommodation with several large scale caravan parks in the area including Scoutscroft and Crosslaw neither of which I understand currently operate at full occupancy levels.

8. The single lane High Street of Coldingham singularly already deals with a high volume of traffic servicing St Abbs, Southcroft Caravan Park, and Coldingham Sands with its hotel and B&B, the apartments at The Mount and the properties around Milldown farm. I understand there have been two separate accidents this year on the High Street resulting in two vehicles being written off. Indeed, the Coldingham art Gallery on the High Street currently has a notice to this effect warning people of the recent history and the risk. I would welcome SBC's comments on their view of how the High Street could safely support the increased traffic as a result of this application.

9. The proposed development would have a lasting detrimental impact to the environment.



10. The proposed development would have a detrimental impact upon the amenities of nearby residents including increased noise, light and rubbish pollution.

11. I believe this planning application will have catastrophic and irreversible consequences for this area of outstanding natural beauty and would destroy the area enjoyed by people of all ages and walks of life now and for future generations to whom SBC elected members, officers and we the public, all have a responsibility too.

I strongly request you reject this application.

Thank you for your consideration in this matter.

Full planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham, Scottish Borders

Personal Data: Your Title..... MR  
 Your first name..... Peter  
 Your Surname..... Pete  
 Your address..... 4 STATION Cottages  
Sprouston Kelso  
TD58HW  
 Your telephone number..... [REDACTED]  
 Your Email address.....

**ENVIRONMENT & INFRASTRUCTURE**

08 MAY 2013

To: SS(0)

Act: 13/00401/FUL

Comment/Complaint

Ref No

Comment Details: Commentator type ( Please circle)

**Neighbour** **Local** **Member of the public**

Stance: (Please circle)

**Object** **Support** **Neutral**

Reason for comment: (Please circle)

Alterations/Demolition of wall	Comments about play area	Contrary to local plan
Density of site	Designated conservation area	Detrimental to environment
Detrimental to residential Amenity	Fire safety	Flood plain risk
Height of.....	<u>Inadequate access</u>	Inadequate Boundary/Fencing
Inadequate drainage	<u>Inadequate screening</u>	<u>Increased traffic</u>
Legal issues	Listed building	Litter
<u>No sufficient parking space</u>	Noise Nuisance	Overprovision of facility in area
<u>Overlooking</u>	Poor design	<u>Privacy of neighbouring properties affected</u>
<u>Road safety</u>	Smell	Subsidence
	Trees/landscape affected	Water supply

Please write any comments you wish to make here:

THE ROAD THROUGH THE VILLAGE AND DOWN PAST EXISTING CARAVAN PARK AND ON TO ST BADAS HOTEL DOES NOT cope well WITH EXISTING TRAFFIC LEVELS.

THE AREA WOULD ALSO AFFECT NEIGHBOURING PROPERTIES BY OVERLOOKING - EXTRA NOISE - ROAD SAFETY AND THE UNNECESSARY CONFRONTATION EXTRA PERSONS USING THESE CABINS WOULD CAUSE.

Signature..... [REDACTED]

Date..... 5-5-13

Now send to: Planning Services, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6 0SA. Please send it recorded delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr richard kendrick

Address: Burn Hall Steading Fisher's Brae, Coldingham, Scottish Borders TD14 5NJ

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment
- Detrimental to Residential Amenity
- Flood plain risk
- Health Issues
- Inadequate access
- Inadequate drainage
- Inadequate screening
- Increased traffic
- Land affected
- Litter
- Over Provision of facility in area
- Overlooking
- Poor design
- Privacy of neighbouring properties affected
- Road safety
- Trees/landscape affected

Comment: There is already ample accommodation of this type in the village. 2 caravan parks are already located in the village with similar amenities.

From the documents submitted there doesn't seem to be any architectural merit in the proposed cabins rather they seem to fulfil a purely functional role without empathy to the surroundings.

The position of the holiday park is in a beautifully secluded part of the village that many inhabitants and visitors enjoy walking past. The proposed development would be detrimental to this

experience.

There is inadequate access to the proposed site. The proposal to widen the track to cope with the increased traffic is not welcome by users of this track be they visitors or residents.

More worryingly the subsequent increase in traffic to the road leading to the beach is of considerable concern. Currently this section of the road has no provision for pedestrians. (from St Abbs road to the proposed access road). Consequently a hazardous section will be made even more dangerous for adults and children who have to walk along this part of road in order to reach the beach. This will only deter families from doing so and will put off visitors to the village. (Can you confirm as claimed in the proposals accompanying letter that this track is adopted?)

According to local knowledge this track is prone to flooding.

If we are interested in creating economic benefits to the area then it is equally important to preserve the integrity of the beach and surrounding area; In marketing terms this is undoubtedly the principal Unique Selling Point of Coldingham without which there wont be people wishing to stay in the holiday cabins.

The negative impact on neighbours to the proposed development will be significant. In addition to suffering the points I have already outlined they will undoubtedly be subject to noise and light pollution.

Full planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham, Scottish Borders

Personal Data: Your Title.....

Your first name.....ROBERT.....

Your Surname.....MCGREGOR.....

Your address.....H. LITTLE DRIVE BO N555.....

EH51 0PB.....

Your telephone number.....

Your Email address.....

ENVIRONMENT &  
INFRASTRUCTURE

22 APR 2013

To.....SS(O)  
Ackn.....  
File.....13/00401/122  
Comment/Complaint   
Ref No.....

Comment Details: Commentator type (Please circle)

Neighbour

Local

Member of the public

Stance: (Please circle)

Object

Support

Neutral

Reason for comment: (Please circle)

Alterations/Demolition of wall

Comments about play area

Contrary to local plan

Density of site

Designated conservation area

Detrimental to environment

Detrimental to residential Amenity

Fire safety

Flood plain risk

Health Issues

Height of.....

Inadequate access

Inadequate Boundary/Fencing

Inadequate drainage

Inadequate screening

Increased traffic

Land affected

Legal issues

Listed building

Litter

Loss of light

Loss of view

No sufficient parking space

Noise Nuisance

Overprovision of facility in area

Overlooking

Poor design

Privacy of neighbouring properties affected

Road safety

Smell

Subsidence

Trees/landscape affected

Water supply

Please write any comments you wish to make here:

Signature.....

Date.....21/04/13.....

Now send to: Planning and Regulatory Services, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6 OSA. Please send it recorded delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Sarah Mahon

Address: Golden Acre Private Road From A1107 East Of Coldingham To East Law, Eyemouth,  
Scottish Borders TD14 5PX

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Density of site
- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate access
- Inadequate Boundary/Fencing
- Inadequate drainage
- Inadequate screening
- Increased traffic
- Land affected
- Litter
- No sufficient parking space
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Poor design
- Privacy of neighbouring properties affected
- Road safety
- Smell

Comment: I object due to the above reasons.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Selena Carnell

Address: 10 Olney Road, Minchinhampton GL6 9BX

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Density of site
- Detrimental to environment
- Fire Safety
- Flood plain risk
- Inadequate access
- Inadequate drainage
- Increased traffic
- Land affected
- Loss of light
- Loss of view
- No sufficient parking space
- Noise nuisance
- Overlooking
- Privacy of neighbouring properties affected
- Road safety
- Subsidence
- Trees/landscape affected

Comment: This will devalue surrounding properties, there is poor access due to a small narrow lane which frequently floods and is poorly maintained. Any development would overshadow houses at mill down and privacy will be compromised.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr Simon Holding

Address: 22 Briery Dean, St Abbs, Scottish Borders TD14 5PQ

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment
- Fire Safety
- Inadequate access
- Inadequate screening
- Increased traffic
- Litter
- Loss of view
- Noise nuisance
- Road safety
- Smell
- Trees/landscape affected

Comment: Dear Sir,

My wife and I are appalled at the potential destruction to another outstandingly beautiful natural environment in the Coldingham area.

Having walked the proposed route on a regular basis over several years it strikes me that there is already significant first class holiday accommodation throughout Coldingham, with far safer thoroughfare for both public and emergency services alike.

Above all else the destruction to the wildlife and fauna in this location is simply unthinkable.

The stress caused to Milldown residents, so genuinely respectful of their woodland location, must be immense.



I respectfully request that my view be added to those of others who are seriously concerned at this proposed development.

Thank you so much.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Miss Stefanie Vanjo

Address: 48 Buttermere Drive, Camberley GU15 1RB

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Density of site
- Detrimental to environment
- Fire Safety
- Health Issues
- Inadequate access
- Inadequate drainage
- Inadequate screening
- Increased traffic
- Litter
- Loss of view
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Poor design
- Privacy of neighbouring properties affected
- Smell
- Value of property

Comment: I regularly visit Coldingham from the London area. This planning application does not make any sense, most notably when considered with respect to the existing attractions and accommodation in Coldingham and the surrounding area. The plans will result in a degradation of the natural beauty of the area, namely the presence of inappropriately sited and unnecessary holiday accommodation that can be seen from several of the footpaths in the immediate area and those farther afield.

The site will also result in more traffic in the village and Milldown area which will result in a greater

risk of traffic and pedestrian related issues.

Full planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham, Scottish Borders

ENVIRONMENT & INFRASTRUCTURE

Personal Data: Your Title.....

Your first name.....

Your Surname.....

Your address..... South Penmanshiel Farm

Grantshouse, Duns, TD11 3RT

21 MAY 2013

To.....  
Ackn.....  
File.....  
Comment/Complaint   
Ref No.....

Your telephone number.....

Your Email address.....

Comment Details: Commentator type ( Please circle)

Neighbour Local Member Member of the public

Stance: (Please circle)

Object Support Neutral

Reason for comment: (Please circle)

- Alterations/Demolition of wall Comments about play area Contrary to local plan
- Density of site Designated conservation area Detrimental to environment
- Detrimental to residential Amenity Fire safety Flood plain risk Health Issues
- Height of..... Inadequate access Inadequate Boundary/Fencing
- Inadequate drainage Inadequate screening Increased traffic Land affected
- Legal issues Listed building Litter Loss of light Loss of view
- No sufficient parking space Noise Nuisance Overprovision of facility in area
- Overlooking Poor design Privacy of neighbouring properties affected
- Road safety Smell Subsidence Trees/landscape affected Water supply

Please write any comments you wish to make here: (use the other side of the paper if you need to)

Signature.....

Date..... 30<sup>th</sup> April '13

Now send to: Planning and Regulatory Services, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6 0SA. Please send it recorded delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr Stephen Hearn

Address: 2 Willan Street, Prenton, Cheshire CH43 5ST

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Over Provision of facility in area
- Overlooking
- Privacy of neighbouring properties affected

Comment: the building of these cabins will be a blot on the landscape and there is no need for more of these dwellings

these also overlook the properties across the stream

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mrs Susan Barron

Address: 1 St Abbs Haven U135/6 U136/6 East Of Coldingham To The Shieling At Coldingham Sands, Scottish Borders, Scottish Borders TD14 5NZ

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment
- Detrimental to Residential Amenity
- Fire Safety
- Health Issues
- Height of .....
- Inadequate access
- Inadequate Boundary/Fencing
- Inadequate drainage
- Inadequate screening
- Increased traffic
- Land affected
- Legal issues
- Litter
- Loss of view
- No sufficient parking space
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Poor design
- Privacy of neighbouring properties affected
- Road safety
- Smell

- Subsidence
- Trees/landscape affected

Comment:Comment Request that the application is refused as being contrary to the development plan.

It would appear, from recent planning applications, that the Coldingham Bay area is being targeted by developers. The recent Holiday Pavilion development at Coldingham Bay has had a significant detrimental impact on an unspoilt rural area designated as an Area of Great Landscape Value. Does SBC have a plan to develop this area?

The proposed development, adjacent to the Coastal Path, can be seen from a really beautiful, unspoilt part of Britains coastline. Any benefits achieved from its economic impact can never outweigh the impact on the landscape. Walkers, birdwatchers and cyclists have enjoyed the amenity of the road past Milldown Cottages for generations. Rather than being a gain in economic terms, this development will have a negative impact on Green Tourism.

There is already more than sufficient comparable accommodation available locally. There will be no overall gain to the area in economic terms.

There is no public footpath from Coldingham past Scoutscroft to the development. This is a significant issue of road/public safety, particularly during the summer months .The development will have an increased impact on road safety with increased visitors negotiating the SINGLE TRACK, BOTTLE NECK through Coldingham.

Coldingham Bay lost its highly prized Blue Flag status last year. This development could further increase the risk of pollution to the stream which could compromise the bays future Blue Flag status. There could also be a detrimental impact on the marine reserve.

Milldown Cottages privacy will be severely impaired as they will be overlooked by the proposed development.

I am aware that planning is not a democratic process but I hope that with this application the planning committee will consider the public comments on the portal and the unanimous decision of Coldingham Community Council when making their decision regarding this development. Most of the visitors to Coldingham Sands are aghast at the impact of size and height of the Holiday Pavilion development. The general statement is How on earth did that get through planning? Hopefully the same will not happen with this opportunistic development!

Comment Request that the application is refused as being contrary to the development plan.

It would appear, from recent planning applications, that the Coldingham Bay area is being targeted

by developers. The recent Holiday Pavilion development at Coldingham Bay has had a significant detrimental impact on an unspoilt rural area designated as an Area of Great Landscape Value. Does SBC have a plan to develop this area?

The proposed development, adjacent to the Coastal Path, can be seen from a really beautiful, unspoilt part of Britains coastline. Any benefits achieved from its economic impact can never outweigh the impact on the landscape. Walkers, birdwatchers and cyclists have enjoyed the amenity of the road past Milldown Cottages for generations. Rather than being a gain in economic terms, this development will have a negative impact on Green Tourism.

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**Planning application 13/00401/FUL.**

**Erection of 12 holiday cabins and associated works. Land south west of Milldown farmhouse, Coldingham, Scottish Borders.**

Mr. Tim Carnell,  
Milldown Cottages,  
Coldingham,  
Eyemouth,  
Berwickshire.  
TD14 5QD.



Commentator type: neighbour  
Stance: OBJECT

T.N.Carnell 19<sup>th</sup> August 2014.



Sheet 1 of 2

ENCLOSURE  
NEEDS  
20 APR  
SS  
13/00401/FUL  
Mr Carnell  
Milldown Cottages  
Coldingham  
Berwickshire

I refer to the access road upgrade plans posted on 5<sup>th</sup> August 2014 for planning application 13/00401/FUL as ACCESS UPGRADE SHEETS 1,2 & 3.

These plans destroy the character of the road completely and ignore its present role as a pedestrian, equestrian and cycle route frequently used as a bridleway by residents and visitors alike. They offer no environmental improvement for the great majority of users of the road.

The construction, with its excessively sized passing places and smooth surface, will encourage drivers to drive faster along the road. Why are the passing places so large? Normally passing places are 2 car lengths, even on a single track major road. No thought has been given to the safety and convenience of the vast majority of users of this road. By far the largest group using the road are, and will no doubt continue to be, pedestrians. In some cases the road surface is being widened towards the stream, reducing the area available where a person or group can stand to look at the flora and fauna in and around the stream, and to where people can move to avoid vehicles. Certainly no separation of traffic is evident, and nothing is proposed to keep vehicle speeds down on a road on which drivers are subject only to the national speed limits.

It is disappointing to see that the issue of flooding, which has been presented to the SBC Flood Prevention Officer, has not been addressed either. Water runs off the road going from the St Abbs road to the beach and flows into the Milldown road. Seepage from the adjacent field is almost constant at this point. It accumulates at the first set of bends at the western end of the Milldown road and sits as puddles and a muddy mess unless there is a long dry spell. Constructing drainage ditches and cambering the road surface could stop this problem, but it would appear that this is not being considered.

Further downstream I note that some rocks are being placed in the area where the stream is undercutting the road. It is at this point that the stream overflows directly onto the road at times of high or persistent rainfall. The stream floods the road and runs down it for 100 – 110 metres before finding its way back into the main flow. This overflow is by no means benign. It is sufficient to knock a pedestrian over, and can lift a car enough for steering and drive to be lost.

The erection of a wall at this erosion point could be used to deflect the stream away from the road, and if it was made 300 – 500 mm. taller than the road surface, it would stop the water flooding the road in the first place and act as a safety edge. Drainage culverts built into it would easily ensure adequate run off for rainwater falling on the road as soon as flood water in the stream ebbed.

The size of the bridge culvert should be sufficient to allow the flood water through in most situations. However, the flood water carries debris. When this meets the proposed grille placed upstream of the bridge it will restrict the flow of water which will then back up along the road where it presently floods. A greater length of the road will be impassable, and this increased flooding will take longer to dissipate. Why is a grille needed? If the stream has an unrestricted flow it takes the debris with it. That is the principle Scottish Water rely on to clear sewage that spills into the stream from the pumping station adjacent to the road.

The concrete wings of the bridge will stand out magnificently against the stunning red sandstone outcrops on either side of the proposed site. I note that the bridge is to have impact barriers installed. Would stone walls not serve the same purpose and be more in keeping in an AGLV?

Tim Carnell 19<sup>th</sup> August 2014.

Sheet 2 of 2

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr Tim Carnell

Address: Milldown Farm Cottage Milldown Road U136/6 U135/6 East Of Coldingham To West Of Milldown, Scottish Borders, Scottish Borders TD14 5QD

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment
- Detrimental to Residential Amenity
- Fire Safety
- Health Issues
- Height of .....
- Inadequate access
- Inadequate Boundary/Fencing
- Inadequate drainage
- Inadequate screening
- Increased traffic
- Land affected
- Legal issues
- Litter
- Loss of view
- No sufficient parking space
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Poor design
- Privacy of neighbouring properties affected
- Road safety
- Smell

- Subsidence
- Trees/landscape affected

Comment: I object to this development which will be to the detriment of a significant residential and tourist amenity.

The developer's supporting statement suggests targeted user groups include affluent active devotees and affluent southern explorers. The access they have to air travel will no doubt make the choice between going to Italy, Spain, France, Eastern Europe, the Red Sea or other destinations for the same cost and similar travel time, and coming to a glass and wood hut in a field in Coldingham a difficult one. This development offers nothing new or original to encourage visitors to come to Coldingham.

Operators of existing holiday sites and self catering accommodation are struggling to fill spaces. I searched on Google for Coldingham self catering holiday accommodation and found about 20,900 results in 0.28 seconds so there would seem to be adequate provision without this development, even allowing for duplicate entries.

Visitors that do come to this particular part of Coldingham come because there are quiet, easy walks that they can do with their children, dogs or just on their own, in the knowledge that the children can run or cycle free, the dogs can be off the lead or the mind can be on the wildlife. Its sheltered and there are few vehicles. There is a danger we might lose the regular visitors who have come here for years. More adventurous ramblers, who come to walk around St. Abbs Head and along the coastal path, value the wild unspoilt countryside. It will be a loss if they go away with the impression that this area is under threat from this and other unsuitable, unnecessary developments.

The statement from SBC Economic Development section, unsupported by any evidence, is contrary to comments made to me by those people currently offering accommodation of varying categories. Current accommodation levels are not filled, in or out of season, they tell me. If the development offers no new incentive for visitors (which it doesn't), and there are only the same visitor numbers as usual going to different venues, this does not equate to an increase in overnight expenditure in real terms or an improvement in occupancy levels.

To suggest that the application meets Scottish Borders Tourism Strategy to Ensure the regions accommodation offerings are in direct relation to consumer demands and where opportunities are available can act as an attractor or demand in themselves is quite clearly not reinforced by statements made by local operators when they are asked for their opinion. In short, there is no economic justification to support this development and no reason to suggest that it will increase the overall number of tourists in the area. It will merely re-locate them to different venues, and, by doing so, make it difficult for existing providers to justify any financial provisions for new developments to attract additional tourists. The proximity to a long distance footpath will not attract long distance walkers to the development. These walkers do not stay for a week in the same place.

The access to the development, through the main street of Coldingham, has severe congestion problems at all times of the year. Pedestrian safety is already compromised in this area. To add extra construction traffic, and later the visitor and delivery traffic to this existing traffic, shows great insensitivity towards pedestrian and traffic safety, and towards the integrity of the structure of

houses in this area. Rather than waste activity time shopping, people in self catering accommodation are increasingly using the internet to order groceries in advance from an on line store and have them delivered at a specified date and time. I have seen the Asda, Tesco and Sainsbury delivery vans at the doors of holiday letting accommodation. The result is no addition made to the local economy, but a significant one to the local traffic problems.

The development supporting statement states that the access road to the site has been adopted. It has, and it is widely used by ramblers, ornithologists, dog walkers, families and local horse riders as it is the only sheltered route to the beach. It is a hive of avian activity (see note 1), with many species of birds diving from hedge to stream and back. The numerous species of wild flowers growing in the verges provide seeds for some birds, and encourage the insect life which other birds depend on. It is relatively traffic free right down to the beach paths. It was first used by the monks who developed Col Mill, and was well established when Milldown Cottages were built in 1851. A map of the area dated 1858 shows the road on its present track, and the existing hedging is clearly shown. In the last 25 years another road to the farm was developed from St Vedas. The lack of traffic on the adopted access road and the track past Milldown Cottages has given the wildlife the peace and quiet it needs to fully establish itself. It is a nature reserve in its own right. No mention is made of preserving this amenity which visitors and local people enjoy. It is proposed to destroy this piece of history in 2013 for a project of questionable benefit. Reference to access widening and improvement shown on the plan are annotated to a private farm track. The developer has not sought permission from the landowners to develop and widen this track.

The development is targeting active visitors, and the developers supporting statement lists the activities it will service. Only two are catered for at the development site. The rest will involve car journeys. One will add to St Abbs existing problems of limited parking and difficult access to the harbour.

The track from the proposed bridge to the site runs over a sewer for much of its length. This sewer carries untreated sewage and overflow from the pumping station at Milldown in times of spate. It is not disused.

The adopted road floods significantly in times of heavy or prolonged rain sufficient to make it impassable for cars and light goods vehicles. The area where the track joins the adopted road also floods. The descent, bridge and junction are in an area shaded from the south which, in winter, can be a significant and prolonged frost trap.

The development site is clay and sand strata. This is not a stable mix, particularly when wet. Unspecified excavations are mentioned, and no details are given, to suggest how the road construction or its surface, foundations for cabins, or the surface and construction of the shared area, are going to overcome this instability problem. Run off from surfaced areas will change the current soil structure and could well lead to significant erosion between the site and the stream and subsequently pollute the stream.

The supporting statement suggests that the development is designed to turn an agricultural field into low impact sustainable holiday accommodation. It is sited between three footpaths well used by locals and visitors alike. It can be seen from seven local footpaths, a viewpoint layby and can be clearly seen when one walks south along the Berwickshire Coastal Path from St. Abbs Head

Nature Reserve.

The existing woodland is deciduous, leafless seven months of the year and provides little screening during this period. In the area of this development there is a single row of deciduous trees, the largest of which are old and dying. It is not heavily wooded as suggested. The cabins are not individually screened on this steeply rising site. The numerous current animal inhabitants of the dene at Milldown include voles, bats and shrews which will be subject to considerable disturbance during the development of the site and afterwards when it is occupied. The site is on an animal highway used by brown hares (classified as a priority species in the UK Biodiversity Action Plan and beginning to populate the area), deer, foxes and badgers, to avoid the human habitation at Milldown, Coldingham and Coldingham Sands. Stoats and weasels thrive on the resident rabbit population. All this indicates that the effect of the development on the natural environment will be far from the low impact claimed.

The whole development site overlooks Milldown Cottages. Every public room and bedroom will be open to view and no part of the gardens will have any privacy. Most of the cabins are on a level with the bedroom windows. Security for this residence is a very real concern. Overlooked too are all the houses at Milldown farm to the north east, and the property to the south west of the development.

Plantings on the north facing site will take a considerable time before they provide any screening effect at all, if the deer, rabbits and hares don't eat them first. An existing hedge shown on the southern boundary of the site is not a hedge but a few widely spaced scrub hawthorn trees.

The smell from the sewage treatment systems, the rubbish collection, recycling and composting area and inevitable barbecues are going to be an intrusion. It seems odd to site a waste collection area at the nearest point to a stream with a resident rat population.

This is an area of very little noise or light pollution. Any increase will be easily noticed. It will not be stopped by a barrier of a few trees and bushes. As drivers enter or leave the site at night, the beams from the car headlights will illuminate the area. When the cars climb or descend the access road and turn into or out of the car park, the sweeping beams of light from car headlights will be a significant disturbance for humans and wildlife alike over a wide area.

At present the eastern boundary of Coldingham village stops at Scoutscroft. The new development is a further 0.9 kilometres further east towards the beach with green fields between them. If this application is approved it will set a precedent for further applications, the end result of which will probably be a ribbon development between the village and the beach.

The Berwickshire coastline extends a mere 30 kilometres or so. It is the only coastal asset in the Scottish Borders. It is a great attraction for year round visitors from the Edinburgh area with easy access from the A1. Unlike the Northumbrian, East Lothian or Fife coastlines, it is unspoilt, rugged and of great natural beauty. It will not remain this way for long if new tourist accommodation developments are sited within 350 metres of the coastal path, as this one is.

Note1: some bird species seen in the area to be affected by development.

Recent arrivals: Mallard

Regular visitors: Heron; Sparrowhawk; Kestrel; Barn Owl; Yellowhammer; Blackcap; Yellow Wagtail; Wren; Buzzard; Tree creeper; Blue Tit; Great Tit; Coal Tit; Long Tailed Tit; Blackbird; Greenfinch; Goldfinch; Greater Spotted Woodpecker; Chaffinch; Chiffchaff;

Pheasant; Partridge; Robin; Pigeon; Crow; Siskin; Magpie; Swallow; Swift;  
Housemartin;

Declining Species regularly seen (all on red or amber alert): Skylark; Willow Warbler;  
Whitethroat; Tree Sparrow; Mistle Thrush; Song Thrush; Grey Wagtail; Tawny Owl; Dipper;  
Dunnock; Bullfinch;

Unusual visitors: Kingfisher

**From:** Tim Carnell [REDACTED]  
**Sent:** 07 May 2013 20:58  
**To:** Planning & Regulatory Services  
**Subject:** Planning application 13/00401/FUL

f.o.a. Head of Planning and Regulatory Services.  
Dear Sir,

Please find enclosed some photographs to support my comments about flooding in my objection statement to planning application 13/00401/FUL.

The road D135/6 from Scoutscroft to Milldown Farm floods to a depth of 300mm and more in places. This is getting to happen more frequently in recent years. The flow of water is sufficient to lift a car off the ground or knock a person off their feet. As can be seen from the photos, it is not just something that happens in the winter months. These photos were taken about three years ago and is a regular occurrence.

IMG\_0099.JPG



IMG\_0098.JPG



IMG\_0097.JPG





IMG\_0096.JPG



IMG\_0095.JPG



IMG\_0094.JPG



IMG\_0093.JPG



IMG\_0092.JPG

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr Tom Carnell

Address: 10 Ollney Road, Minchinhampton gl6 9bx

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Density of site
- Detrimental to environment
- Flood plain risk
- Inadequate access
- Inadequate drainage
- Inadequate screening
- Increased traffic
- Loss of view
- Noise nuisance
- Overlooking
- Privacy of neighbouring properties affected
- Trees/landscape affected
- Value of property

Comment: This development will spoil an area of scenic beauty. It will increase the noise and light pollution in the area with Mill down Cottages being particularly affected with car lights being shone into the property. There is an abundance of wildlife and wildflowers in the area which will be destroyed by this development and natural habitats for species such as barn owls will be destroyed.

The access road to the site will have more traffic - it is not wide enough or safe enough for this and as it is also a footpath there will be an increased safety risk to any walkers and children on the footpath. The access road regularly floods in the winter and becomes impassible. There is a ford to traverse to get to the site which will suffer pollution from any oil leaks from passing vehicles and erosion to the access route that they provide. The access route is also not suitable for any heavy construction services and is not suitable for access by the emergency services in particular

the ambulance and fire services.

The development will overlook Milldown Cottages destroying any privacy the inhabitants of Milldown Cottages have.

This development will affect the property prices in the area.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr Tom Gillie

Address: Eyecliffe Cottage Brown's Bank, Eyemouth, Scottish Borders TD14 5DQ

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Increased traffic
- Litter
- Loss of view
- Noise nuisance
- Road safety

Comment: Although we are not against all developments to increase tourism in the area we do not feel that they should go ahead at the cost of people who live and work in the area. We regularly walk the road along Milldown cottages and believe that the proposed development would spoil this for us and many others. The increased traffic would increase the risk of the walk and the view would be completely spoilt. We are no experts on the 'environment' but going by other areas where tourist accommodation is present the increase in pollution and general litter would also cause us great concern.

There is already plenty of accommodation available in the area and we fail to see the real need for an increase.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr W & S powner

Address: St Veda's Hotel Coldingham Sands Road U135/6 U136/6 East Of Coldingham To The Shieling At Coldingham Sands, Scottish Borders, Scottish Borders TD14 5PA

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Inadequate access
- Increased traffic
- Privacy of neighbouring properties affected

Comment: Inadequate road access prone to flooding after heavy rain, will destroy a beautiful walk both for tourists and locals alike, it will also destroy wildlife habitat, it is a strange and inappropriate place to build holiday cabins.

Personal Data: Your Title..... MR.  
 Your first name..... W. BARRY  
 Your Surname..... CRAWFORD  
 Your address..... 1 BOGAN GREEN COTTAGES  
COLDINGHAM, EYEMOUTH  
BERWICKSHIRE TD4 5UB  
 Your telephone number..... [REDACTED]  
 Your Email address..... [REDACTED]

**ENVIRONMENT & INFRASTRUCTURE**  
 24 APR 2013  
 To..... SS(e)  
 Ackn.....  
 File..... 13/00401/FUL  
 Comment/Complaint   
 Ref No.....

Comment Details: Commentator type ( Please circle)  
**Neighbour** Local **Member of the public**

Stance: (Please circle)  
Object **Support** **Neutral**

Reason for comment: (Please circle)  
 Alterations/Demolition of wall  
Density of site Designated conservation area Contrary to local plan  
Detrimental to residential Amenity Fire safety Flood plain risk Health Issues  
 Height of..... Inadequate access Inadequate Boundary/Fencing  
Inadequate drainage Inadequate screening Increased traffic Land affected  
 Legal issues Listed building Litter Loss of light Loss of view  
No sufficient parking space Noise Nuisance Overprovision of facility in area  
 Overlooking Poor design Privacy of neighbouring properties affected  
Road safety Smell Subsidence Trees/landscape affected Water supply

Please write any comments you wish to make here:  
*This is completely not in keeping with the local area.  
 There is no economic reason for this development*

Signature..... [REDACTED] Date..... 23/4/2013  
 Now send to: Planning and Regulatory Services, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose TD6 OSA. Please send it recorded delivery to arrive by 6<sup>th</sup> May or return the form to the person who gave it to you by 5<sup>th</sup> May 2013 if possible. Thank you.

# Application Comments for 13/00401/FUL

## Application Summary

Application Number: 13/00401/FUL

Address: Land South West Of Milldown Farmhouse Coldingham Scottish Borders

Proposal: Erection of 12 holiday cabins, office/laundry block and associated works

Case Officer: Scott Shearer

## Customer Details

Name: Mr William Longden

Address: St Ebba 1 Abbey Court, Coldingham, Scottish Borders TD14 5PD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate access
- Increased traffic
- Litter
- Noise nuisance
- Over Provision of facility in area
- Overlooking
- Road safety
- Trees/landscape affected

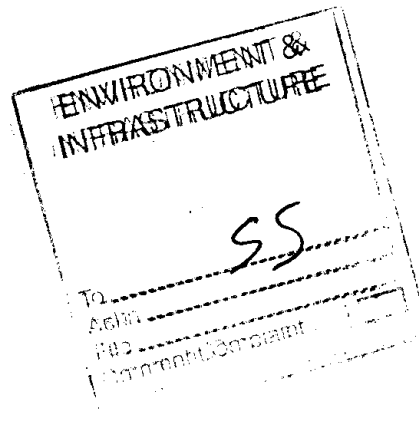
Comment: I wish to object to this proposed development on the basis of:-

1. Existing facilities at Pease Bay, Crosslaw, Scoutscroft and Eyemouth are always advertising spaces for mobile homes as well as mobiles for sale and for rent. This seems to imply that there is already adequate capacity available.
2. The above 'parks' are already contained within carefully restricted areas. This proposal would open up a whole new area.
3. If permission were granted for this proposal it would likely lead to eventual development of the whole headland.
4. People are attracted to visit the area because of the relatively unspoiled nature.
5. The proposed access would be a potential issue as the road is a well used walking path.



Additional traffic through the Coldingham village would also create further bottlenecks.

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Milldown Cottages,  
Coldingham,  
Eyemouth,  
Berwickshire.  
TD14 5QD

24<sup>th</sup> February 2015.

The Director,  
Planning and Regulatory Services,  
Scottish Borders Council Headquarters,  
Newtown St. Boswells,  
Melrose,  
TD6 0SA.

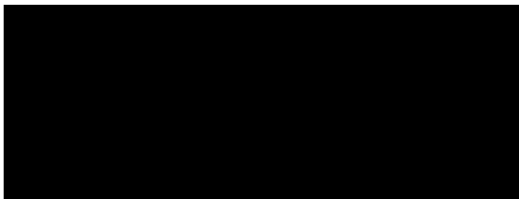
Dear Sir,

Planning application 13/00401/FUL Erection of 12 holiday cabins and associated works. Land south west of Milldown Farmhouse, Coldingham.

I enclose two photographs which show the view people walking on the coastal path will see as they descend from St Abbs Head. Both are taken from the same spot.

Paddockmyre and Milldown Cottages can clearly be seen on the right hand side of the picture. The grass field between them is area where the intended development is to take place.

Yours faithfully,



Tim Carnell



Shaded  
area =  
develop-  
ment  
site

St Abbs  
Haven

Paddock-  
myre

Mildown  
Cottages



Planning application 13/00401/FUL

Photograph taken on 24/02/2015 from the coastal footpath at Starney Bay, St Abbs

T.N.Carnell



24. 2. 15



Planning application 13/00401/FUL

Photograph taken on 24/02/2015 from the coastal footpath at Starney Bay, St Abbs

T.N.Carnell



24.2.15



List of Policies

**Local Review Reference: 15/00013/RREF**  
**Planning Application Reference: 13/00401/FUL**  
**Development Proposal: Erection of 12 holiday cabins, office/laundry block and associated works**  
**Location: Land South West of Milldown Farmhouse , Coldingham**  
**Applicant: Mr Ewen Brown**

**SESPLAN**

None applicable.

**CONSOLIDATED SCOTTISH BORDERS LOCAL PLAN 2011:**

POLICY EP4 - COASTLINE

Development proposals at a coastal location will be required to comply with Structure Plan policy N12.

***Structure Plan Policy N12***

*Development proposals at a coastal location will only be permitted where:*

- (i) the proposal is located within a defined settlement boundary or related to an existing building group; or*
- (ii) the development requires a coastal location; and*
- (iii) the benefits of the proposal clearly outweigh any damage to the landscape character or to the nature conservation value of the site as assessed under other relevant Plan policies.*

The 'defined settlement boundary' referred to in that policy refers to the Eyemouth development boundary comprising 'developed coast' in terms of National Planning Policy Guideline 13- Coastal Planning (NPPG13). The area outwith the Eyemouth development boundary comprises 'undeveloped coast' in terms of NPPG13.

POLICY EP2 – AREAS OF GREAT LANDSCAPE VALUE

Where development proposals impact on an Area of Great Landscape Value (AGLV), developers will be required to comply with Structure Plan policy N11.

***Structure Plan Policy N11***

*In assessing proposals for development in Areas of Great Landscape Value, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development. Proposals that have a significant adverse impact will only be permitted where the impact is clearly outweighed by social or economic benefits of national or local importance.*

POLICY INF11 – DEVELOPMENTS THAT GENERATE TRAVEL DEMAND

1. The Council is committed to guiding development to locations which are accessible to existing or proposed bus corridors and train stations and which maximise the opportunities for walking and cycling.

2. Transport Assessments and Green Travel Plans will be required for significant travel generating developments guided by Scottish Government thresholds which may include large housing developments, schools, offices and retail developments.
3. Significant travel generating developments which are inaccessible to public transport nodes and/or are likely to lead to increased reliance on the private car will be refused where Transport Assessments and Travel Plans do not provide satisfactory sustainable solutions.
4. For other types of developments under the thresholds, where considered appropriate, planning agreements will be sought with developers to produce Green Travel Plans.
5. Developer contributions may be required to assist in making developments acceptable under Sustainability Principle 1.

#### POLICY INF6 – SUSTAINABLE URBAN DRAINAGE

1. Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on Sustainable Urban Drainage Systems (SUDS) to the satisfaction of the Council, Scottish Environment Protection Agency, Scottish Natural Heritage and other interested parties.
2. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses.
3. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

#### POLICY INF5 – WASTE WATER TREATMENT STANDARDS

The Council's preferred method of dealing with waste water associated with new development will be, in order of priority:

1. direct connection to the public sewerage system, including pumping if necessary, or failing that:
2. negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:
3. agreement with Scottish Water to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
4. for development in the countryside i.e. not within or immediately adjacent to publicly seweraged areas, the use of private sewerage providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

In settlements served by the public foul sewer, permission for an individual private septic tank will normally be refused unless exceptional circumstances prevail and the conditions in criterion 4 can be satisfied,

Development will be refused if:

5. it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,
6. it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

**POLICY INF4 – PARKING PROVISIONS AND STANDARDS**

Development proposals should provide for car and cycle parking in accordance with the Council's published adopted standards, or any subsequent standards which may subsequently be adopted by the Council (see Appendix D).

Relaxation of standards will be considered where the Council determines that a relaxation is required owing to the nature of the development and/or positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

**POLICY INF3 – ROAD ADOPTION STANDARDS**

New roads, footways, footpaths and cycleways, and/or extensions thereto, to be adopted by the Council will require road construction consent and must also be constructed to the Council's published adopted standards, or any subsequent standards which may subsequently be adopted by the Council (see Appendix D).

Satisfactory provision must be made for pedestrians and cyclists within all new developments in accordance with these standards.

Relaxation of standards will be considered where the Council determines that a relaxation is required owing to the nature of the development and/or positive amenity gains can be demonstrated that do not compromise road safety.

**POLICY INF2 – PROTECTION OF ACCESS ROUTES**

1. When determining planning applications and preparing development briefs and in accordance with the Scottish Borders Access Strategy, the Council will seek to uphold access rights by protecting existing access routes including: statutorily designated long distance routes; Rights of Way; walking paths; cycle ways; equestrian routes; waterways; identified Safe Routes to School and in due course, Core Paths.
2. Where development would have a significant adverse effect on the continued access to or enjoyment of an access route or asserted Right of Way, alternative access provision will be sought at the developer's cost either by diverting the route or incorporating it into the proposed development in a way that is no less attractive and is safe and convenient for public use. Unless such appropriate provision can be made, the development will be refused.

**POLICY H2 – PROTECTION OF RESIDENTIAL AMENITY**

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

1. The principle of the development, including where relevant, any open space that would be lost; and
2. The details of the development itself particularly in terms of:

- (i) the scale, form and type of development in terms of its fit within a residential area,
- (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking and loss of privacy. These considerations apply especially in relation to garden ground or 'backland' development,
- (iii) the generation of traffic or noise,
- (iv) the level of visual impact.

#### POLICY NE4 – TREES, WOODLANDS AND HEDGEROWS

The Council supports the maintenance and management of trees, woodlands, including ancient woodlands and ancient woodland pastures, and hedgerows, (hereafter referred to as the 'woodland resource') and requires developers to incorporate, wherever feasible, the existing woodland resource into their schemes.

1. Development that would cause the loss of, or serious damage to the woodland resource, will be refused unless the public benefits of the development at the local level clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value. Decision making will be informed by the Scottish Borders Woodland Strategy, expert advice from external agencies, the existing condition of the woodland resource and BS5837: Trees in Relation to Construction;
2. The siting and design of the development should aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability;
3. Where there is an unavoidable loss of the woodland resource, appropriate replacement planting will normally be a condition of planning permission. In some locations planning agreements will be sought to enhance the woodland resource;
4. Development proposals should demonstrate how the protection of the woodland resource will be carried out during construction, adopting British Standard 5837.

#### POLICY NE3 - LOCAL BIODIVERSITY

1. The Council will seek to safeguard the integrity of habitats both within and outwith settlements which are of importance for the maintenance and enhancement of local biodiversity. The rationale and detail for this is set out in the Supplementary Planning Guidance for Biodiversity.
2. Where development is proposed on a site for which there is evidence to suggest that a habitat or species of importance exists, the developer may be required, at their own expense, to undertake a survey of the site's natural environment. Major developments, as defined by the categories of development identified in the Council's biannual Scottish Government Planning Application Returns, may require an Ecological Impact Assessment.
3. Development that could impact on local biodiversity through impacts on habitats and species should
  - i) Be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability,
  - ii) Aim to avoid the fragmentation or isolation of habitats,
  - iii) Aim to enhance the biodiversity value of the site through the creation or restoration of habitats and wildlife corridors and provision for their long term management and maintenance.
4. Development that would have an unacceptable adverse effect on habitats or species of Conservation Concern as identified in the regional listings in the Local Biodiversity Action Plan (LBAP) will be refused unless it can be demonstrated that the public

benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.

5. Where the reasons in favour of development clearly outweigh the desirability of retaining particular habitat features, mitigation measures aimed at ensuring no net loss of LBAP habitats will be sought, including the creation of new habitats or the enhancement of existing habitats, in accordance with Policy G5 Developer Contributions and the associated Supplementary Planning Guidance.

#### POLICY G4 - FLOODING

As a general principle, new development should be located in areas free from significant flood risk. Development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. The ability of floodplains to convey and store floodwater should be protected.

Proposals for the development of land where there is evidence of flood risk that has been the result of unanticipated planning applications, historical land use allocations or the emergence of new information on flood risk, must give consideration to ensure any such risk is managed in accordance with the principles set out in the Risk Framework provided in the Scottish Planning Policy (SPP) or any subsequent government guidance which supersedes it.

In particular, within certain defined risk categories, particularly where the risk is greater than 0.5% annual flooding probability or 1 in 200 year flood risk, which will normally be the case for functional flood plains, some forms of development will generally not be acceptable. These include:

1. Development comprising essential civil infrastructure including schools, emergency services and telecommunications;
2. Additional built development in sparsely developed areas.

Other forms of development will be subject to an assessment of the risk and mitigation measures.

Developers will be required to provide, including if necessary at outline stage:

1. A competent flood risk assessment and/or drainage assessment in support of the application; and
2. A report of the measures that are proposed to prevent and minimise the flood risk.

The information used to assess the acceptability of development will include:

1. Information and advice from consultation with SEPA and where appropriate, the Flood Liaison and Advice Group;
2. Flood risk maps provided by SEPA including, when available, the second generation flood maps which will indicate the extent of the flood plain;
3. Historical records and flood studies held by the Council and other agencies, including past flood risk assessment reports carried out by consultants and associated comments from SEPA, held by the Council.

#### POLICY D1 – BUSINESS, TOURISM AND LEISURE DEVELOPMENT IN THE COUNTRYSIDE

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

1. the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area, or
2. the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and is in accordance with the Scottish Borders Tourism Strategy, or
3. the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot reasonably be accommodated within the Development Boundary of a settlement.

**IN ALL CASES:**

4. the development must respect the amenity and character of the surrounding area,
5. the development must have no significant adverse impact on nearby uses, particularly housing,
6. where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
7. the expansion or intensification of uses will be approved, in principle, where the use and scale of development are appropriate to the rural character of the area,
8. the development must take account of accessibility considerations in accordance with Policy Inf11.

**POLICY G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT**

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
6. it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
7. it provides open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,

8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
9. it provides for linkages with adjoining built up areas including public transport connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will be encouraged to support more sustainable travel patterns,
10. it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
11. it provides for recycling, re-using and composting waste where appropriate,
12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
13. it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
14. it incorporates, where required, access for those with mobility difficulties,
15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Developers may be required to provide design statements, design briefs or landscape plans as appropriate.

**Other Material Considerations**

- Supplementary Planning Guidance on Local Landscape Designations 2011
- Supplementary Planning Guidance on Trees and Development 2008
- Supplementary Planning Guidance on Biodiversity 2005
- Local Biodiversity Action Plan 2001
- Scottish Borders Tourism Strategy 2013-2020
- Scottish Borders Proposed Local Development Plan 2013







*Regulatory Services*

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**Application for Planning Permission**

**Reference: 14/00934/FUL**

**To: Mr Fred Millar per Keppie Planning & Development Per Laura English 160 West Regent Street Glasgow G2 4RI**

With reference to your application validated on **20th August 2014** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal: Erection of dwellinghouse and detached garage**

**at: Land West Of 3 Nethermains Cottage Duns Scottish Borders**

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 18th March 2015  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**



**Signed .....**  
**Service Director Regulatory Services**

**APPLICATION REFERENCE : 14/00934/FUL****Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
P291/LOCA	Location Plan	Refused
P291/SK1B	Floor Plans	Refused
P291/SK2	Floor Plans	Refused
P291/SK3	Elevations	Refused
P291/SK4A	Block Plans	Refused
P291/SK5	Floor Plans	Refused

**REASON FOR REFUSAL**

- 1 The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group. Furthermore, no suitable economic or agricultural justification for a further dwelling house in this location has been provided.

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.



Newtown St Boswells Melrose TD6 0SA

Tel: 01835 825251

Fax: 01835 825071

Email: itsystemadmin@scotborders.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE                      000097463-002

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

### Applicant or Agent Details

Are you an applicant, or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

### Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Keppie Planning &amp; Development"/>
Ref. Number:	<input type="text"/>
First Name: *	<input type="text" value="Laura"/>
Last Name: *	<input type="text" value="English"/>
Telephone Number: *	<input type="text" value="01412040066"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text" value="01412250210"/>
Email Address: *	<input type="text" value="lenglish@keppiedesign.co.uk"/>

You must enter a Building Name or Number, or both:\*

Building Name:	<input type="text"/>
Building Number:	<input type="text" value="160"/>
Address 1 (Street): *	<input type="text" value="West Regent Street"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Glasgow"/>
Country: *	<input type="text" value="UK"/>
Postcode: *	<input type="text" value="G2 4RL"/>

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="Fred"/>
Last Name: *	<input type="text" value="Millar"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:\*

Building Name:	<input type="text" value="Nethermains Farm Cottage"/>
Building Number:	<input type="text" value="3"/>
Address 1 (Street): *	<input type="text" value="Chilinside"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Duns"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="TD11 3LD"/>

## Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
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Full postal address of the site (including postcode where available):

Address 1:	<input type="text"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

<input type="text" value="Land at Nethermains Farm, Chilinside, TD11 3LD"/>
---

Northing	<input type="text"/>	Easting	<input type="text"/>
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## Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

<input type="text" value="Erection of dwellinghouse and detached garage"/>
--

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to accompanying grounds for appeal letter

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review: \* (Max 500 characters)

It is noted to the panel members that there has been a change in personal circumstances in relation to the appellant. Whilst the occupant of the house should not be a material consideration in determining the appeal in relation to Policy D2(a), it is noted that the appellant no longer intends to occupy the house and his grandson who works on the farm will be the future occupant. The appellant has recently moved into one of the existing farm cottages. This is noted for information only.

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Grounds for appeal letter; Appendix 1 application package consisting of block plan, design statement, elevations, first floor plan + cross section, garage floor plan + roof plan, ground floor plan, location plan, application forms + certificates and supporting planning statement; Appendix 2 Decision Notice and Appendix 3 Case officer report of handling.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

14/00934/FUL

What date was the application submitted to the planning authority? \*

01/09/14

What date was the decision issued by the planning authority? \*

18/03/15

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be conducted by a combination of procedures.

Please select a further procedure \*

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? \* (Max 500 characters)

It would be beneficial to the panel members to experience the character and setting of the farm and the relationship of the existing residential properties.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

panel members should be able to visit the site without any barriers. It is noted that the appeal site is located within a working farm and advance warning of a site visit may be beneficial to the farm owners to ensure there are no barriers to the panel members.

## Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*  Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*  Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*  Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review \*  Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Laura English

Declaration Date: 16/06/2015

Submission Date: 16/06/2015

16<sup>th</sup> June 2015;

Our Ref: 213455/LE

**Scottish Borders Council  
Local Review Body**

**\*\*sent via e-planning only\*\***

Dear Sirs,

**LOCAL REVIEW BODY APPEAL  
ERECTION OF A DWELLINGHOUSE AND DETACHED GARAGE  
AT LAND WEST OF 3 NETHERMAINS COTTAGE, DUNS, SCOTTISH BORDERS**

**INTRODUCTION**

Keppie Planning have been instructed to prepare this statement in support of the appellant's (Mr F Millar) Notice of Review appeal against Scottish Borders Council's refusal of Planning Permission (Ref: 14/00934/FUL) for the proposed erection of dwellinghouse and detached garage at land to the west of 3 Nethermains Cottage, Duns, Scottish Borders.

The application for Planning Permission was submitted to the Council on 1<sup>st</sup> September 2014. The application was refused via delegated powers on 18<sup>th</sup> March 2015. The required course of action required to appeal the refused application is to the Local Review Body (LRB). The appeal has been submitted to Scottish Borders Council LRB within the prescribed 3 month period for consideration.

This Grounds for Appeal Statement provides a critique of, and response to, the Reasons for Refusal provided by the Council, and outlines the manner in which the proposed development accords with the development plan and is also supported by other material considerations (please refer to the previously submitted application information). This is provided in the three Grounds for Appeal offered. This appeal statement should be read in conjunction with the originally submitted planning application package (appendix 1).

For clarification purposes, Appendix 1 contains the following information and should be considered alongside this appeal statement:

- Planning application forms and associated land ownership certificates;
- Supporting Planning Statement dated August 2014;
- Drawing No. P291/SK4A: Block Plan;
- Drawing No. P291/SK3: Elevations



- Drawing No. P291/SK2: Floor Plan and Cross Section;
- Drawing No. P291/SK5: Garage Floor Plan and Roof Plan;
- Drawing No. P291/SK1B: Ground Floor Plan;
- Drawing No. P291/LOCA: Location Plan;
- Design Statement

It is important to note that the Supporting Planning Statement provides the main basis for the justification of the new dwellinghouse and this Grounds of Appeal statement seeks to supplement the previous document. It is respectfully suggested that the panel members give full consideration to the application package documents/justification.

In terms of decision making procedures for this appeal to the Local Review Body, the appellant has suggested that a **Site Visit** would be an appropriate determination route for this particular proposal. It is considered that a site visit is of great importance to allow the Local Review Body members to see the site in context of its surrounding environment.

#### **REFUSAL OF PLANNING PERMISSION**

The planning permission application (ref: 14/00934/FUL) was refused via delegated powers on 18<sup>th</sup> March 2015 on the following grounds:

1. **The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group. Furthermore, no suitable economic or agricultural justification for a further dwelling house in this location has been provided"**

A copy of the decision notice dated 18<sup>th</sup> March 2015 is included within Appendix 2 of this appeal submission for your review.

The above reason for refusal will be discussed in greater detail within the following section of this statement.

#### **GROUND FOR APPEAL**

In response to the Reason for Refusal given by Scottish Borders Council in refusing Planning Permission for dwellinghouse and detached garage at land to the west of 3 Nethermains Cottage, Duns, Scottish Borders, this appeal is being made on the basis of three Grounds for Appeal.

In summary, the Grounds for Appeal are as follows:

1. The proposed dwellinghouse would break into a previously undeveloped field: It is considered that the proposed alteration to the boundary would not negatively impact upon the business operations of the farm or the setting/character/appearance of the building group. The landowner could change the field boundary at any time without the need for planning consent;
2. The proposed dwellinghouse would give rise to an adverse visual impact on the setting, appearance and character of the building group: It is submitted that the proposed dwellinghouse would not negatively impact the setting, appearance or character of the building group;
3. No suitable economic or agricultural justification has been provided: It is submitted that there is no requirement for the appellant to submit economic or agricultural justification under the provision of Policy D2(a).

The above-noted three Grounds for Appeal are discussed in greater detail, in turn, below.

#### GROUND FOR APPEAL 1

It is submitted that the proposed field boundary alterations are not substantial or significant and would not negatively impact upon the operation of the farm business. The loss of this small area of land to accommodate the proposed dwellinghouse would not impact the farm operations and the appellants are happy to alter the boundary within their land to accommodate the proposals.

The proposals include new mixed tree planting along the newly formed boundaries in addition to the new fence line planted with mixed berry/beechness hedge, both of which would enhance and strengthen the natural field boundary which is there at present. It is noted in the case officers report of handling (Appendix 3) that the Council's landscape team had no objections to the proposals subject to the inclusion of a planning condition which would cover the submission of a detailed planting plan and schedule for approval. It is submitted to the LRB panel that the appellant is happy to accept a suitably worded condition in this regard.

It is considered important to note to the panel members that the landowner is quite within his rights to change the field boundary within his land at any time, without the need to apply for planning consent or without the need to seek prior approval from the Planning Authority. It is considered unreasonable for the Council to restrict development of this nature due to the minimal alterations that will be undertaken in relation to the existing field boundary. There are no indications that there are any issues with the scale or design of the proposed dwellinghouse and the case officer has confirmed in the report of handling that the proposed development site would form part of a building group which includes the main farmhouse and the two cottages. It is submitted to the panel members that there

are no alternative suitable locations within the extents of the building group which would not require the proposals to break a field boundary in order to accommodate a new dwelling. The proposed house would not fit comfortably and serve its purpose satisfactorily (i.e. in terms of private amenity space) if the field boundary at this location was not altered.

It is submitted that the alteration of the field boundary at this location is not significant and would not adversely impact the character, setting or appearance of the building group. The proposals can be viewed positively in terms of Local Plan Policy G1 and D2(a).

#### GROUNDS FOR APPEAL 2

As noted previously in the supporting planning statement which accompanied the planning application (Appendix 1), the proposed development is compliant with the provisions of Policy D2(a) which relates to new housing in the countryside which can be justified in terms of its association with a building group where it does not adversely affect the character of the building group or the surrounding area. It is considered that the proposed dwellinghouse would not adversely affect the character of the building group.

With regard to the relationship of the proposed new house and the existing building group, it is submitted that there are 3 residential properties located within the farm complex at Nethermains farm. There are two cottage properties, which the proposed new house will be located directly adjacent to, and the farm house which is located to the east of the proposed development site. All existing properties are currently in residential use. The existence of these properties within the farm complex, which is well defined by both natural and man made boundaries, creates a building group within which there is scope to introduce a further property without detriment to the character of the building group. The case officer has confirmed in the report of handling that there is an established building group at this location.

The farm complex, due to its layout creates a sense of place which is typical of a rural farm business. The location of the new dwelling adjacent to the existing cottages allows for existing garden ground to be utilised and thus minimising the land take from the agricultural land. The proposals require the slight realignment of one of the field boundaries; however as noted previously, the loss of agricultural land will be minimal and will certainly not impact negatively upon the viability of the farm business.

The design of the new build property has taken cognisance of the character of the existing residential dwellings and created a modern complimentary design which will enhance the overall character of the farm complex (please refer to the design statement in Appendix 1). The proposed house will not adversely affect the character of the surrounding area as the modern rural design will successfully integrate modern living with a rural location. The 1 ¾ storey property will not dominate the landscape and a level of landscape planting has been proposed to mitigate any potential visual impact.

The style of the proposed dwelling has been designed to compliment the surrounding rural area and the existing properties within the farm complex. It is considered that the design proposed will enhance the existing environment without detriment to the character of the rural landscape.

The proposals are considered acceptable in terms of Policies G1 and D2(a) where the development will not adversely impact the setting, appearance or character of the building group.

**GROUNDNS FOR APPEAL 3**

The application sought to justify the proposed new dwellinghouse in relation to Policy D2(a) of the adopted Local Plan which relates to building groups. There is no policy requirement for the appellant to submit economic or agricultural justification in this regard.

It is also noted that in relation to Policy D2(a) there is no requirement for the landowner to enter into a Section 75 agreement with the planning authority to tie the proposed house to the business or restrict the occupancy of the house and therefore there should be no need for a legal agreement of this nature. In any case, it is submitted that Government guidance directs planning authorities away from the use of such obligations. With regard to Circular 3/2012: Planning Obligations and Good Neighbour Agreements formalises the Scottish Governments advice on these matters it is stated that *"imposing restrictions on use are rarely appropriate and so should generally be avoided. They can be intrusive, resource-intensive, difficult to monitor and enforce and can introduce unnecessary burdens or constraints"*.

It is considered that the proposed dwellinghouse is compliant with the provisions of Policy D2(a) and that there is no requirement for the appellant to submit economical or agricultural justification where the house has been satisfactorily justified in terms of its contribution to the existing building group.

**NEW INFORMATION**

As previously noted, the new dwellinghouse has been justified in terms of its association and extension to an existing building group and the occupation of the house should not be given undue weighting in this regard. It was however noted during the processing of the application that it was the intention of the appellant to move into the new house as he wished to return to the farm to work on a semi-retired basis. This information was provided as a supplementary note to advise the planning authority of the background to the application.

We would like to advise the panel members that there has been a change in personal circumstances in relation to the appellant. It is noted that the appellant no longer intends to occupy the house and it is now the intention that his grandson, who works on the farm, will be the future occupant. The appellant has recently moved into one of the existing farm cottages and will continue his work on the farm on a semi retired basis from this property.

Again this is provided for information only and should not be given unnecessary weighting in relation to the justification of the assessment of the proposals in relation to Policy D2(a).

### CONCLUSIONS

To summarise, we would highlight that the proposals before the Local Review Body:

- Are compliant with the adopted Scottish Borders Local Plan and the Scottish Borders Local Development Plan Proposed Plan;
- Specifically they can be justified in terms of the Council's building groups Policy D2(a) and new developments quality standards Policy G1;
- Include new mixed tree planting along the newly formed boundaries in addition to the new fence line planted with mixed berry/beechn hedge, both of which would enhance and strengthen the natural field boundary which is there at present;
- The proposed field boundary alterations are not substantial or significant and would not negatively impact upon the operation of the farm business;
- Received **no objections** from any statutory consultees or third parties;
- Chirnside Community Council had no issues with the proposals as they identified that there was already an existing building group on site;
- Are appropriate in terms of scale, massing and design;
- Won't detrimentally impact upon the surrounding rural landscape or negatively impact upon the setting, character or appearance of the building group;
- Can be viewed positively with regard to Scottish Planning Policy (SPP) 2014;

Accordingly, this application is commended to the Local Review Body and we trust the proposals will receive approval.

If you require any further clarification regarding any of the matters raised in this statement or with any of the information contained within the Appendices, please do not hesitate to contact me.

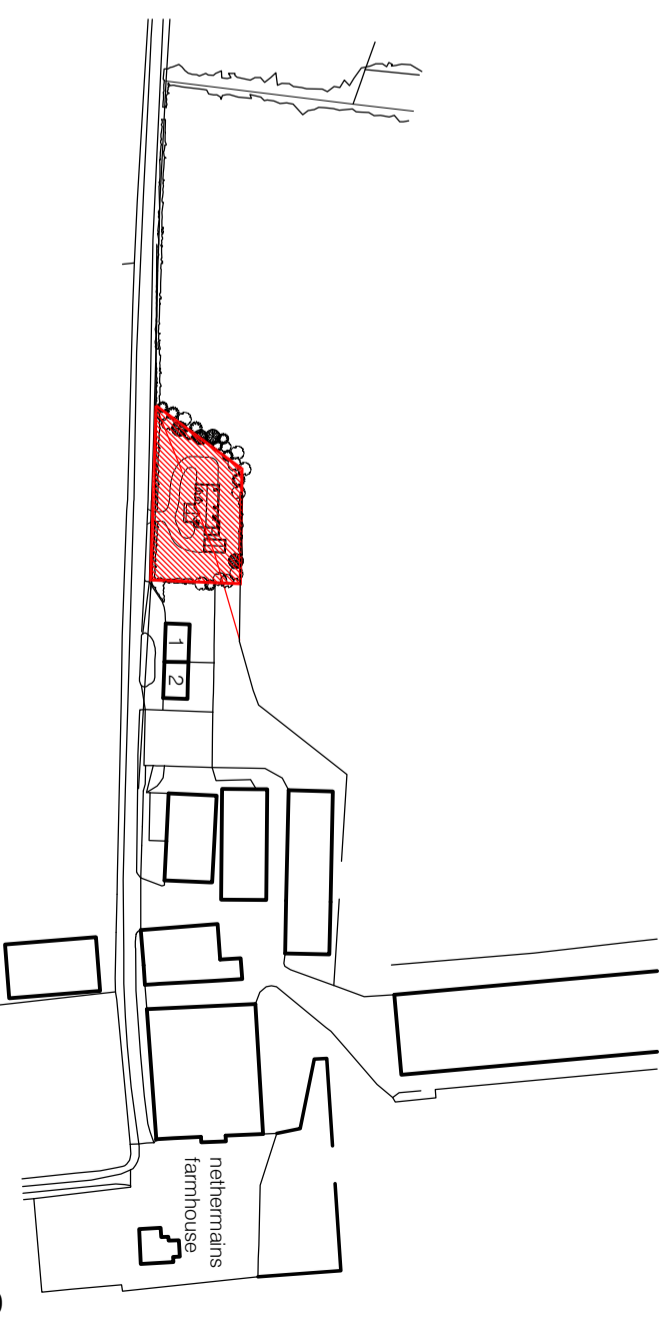
Yours faithfully,



Laura English  
**Senior Planner**  
[lenglish@keppiedesign.co.uk](mailto:lenglish@keppiedesign.co.uk)

## outline specification

planting - mixed local species tree planting to planning dept approval  
 hedgerows - mixed berry/beech hedgerow fenced either side with timber post + stock fence wire  
 access drive - farmac wearing surface to SBC roads dept approval to 1st 5m  
 access drive - 80mm gravel finish over hardcore base to main drive  
 drainage - new dwelling foul drainage served by upgraded septic tank system  
 drainage - rainwater taken to existing field tile system



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## schematic block plan

proposed dwelling house  
 for mr + mrs millar

drawing no: P291/SK4A scale: 1:500/1:2500 @ A3

## DESIGN STATEMENT IN SUPPORT OF:

### PROPOSED DWELLING AT NETHERMAINS FARM, CHIRNSIDE

---

#### Introduction

- We have created the design not only in conjunction with the Design + access statement guides within the Scottish Borders Local Plan “New Housing in the Borders Countryside” document but also that of the Joseph Rowantree Foundation “Lifetime Homes” document.

---

#### Site Locality + Background Appraisal

- The design statement is submitted as part of the full application for the formation of a new dwelling house designed to sympathetically be constructed as an addition to the existing building grouping of Nethermains Farm, consisting of 3 existing dwelling houses + varying farm buildings.

---

#### Access + Topography

- It is proposed to create a new dedicated vehicular access from the existing farm access drive formed with minimal disturbance through the existing site hedgerow.
- The driveway will be created to fully comply with SUDS formed with porous tarmacadam to the 1<sup>st</sup> 5m at the junction with the main drive, with a transition to the new driveway + parking areas formed from hardcore base + 80mm loose gravel wearing course
- Existing fencing will be retained or replaced with new timber post + wire fencing formed to encompass the site with mixed berry + beech hedgerow planted to all boundaries integrating the site into the existing landscape.

---

#### Physical + Aesthetics

- The design ethos has been taken from the traditional heights, lines + gable forms of the existing dwellings located within the surrounding area, the aim of the property is to create a contemporary vision of the traditional t shaped farm cottage.
- The focus of the proposed development is to create a building that is created from high quality local materials creating a continuous external aesthetic.
- It is proposed that the building will be maximum 1¼ storey height with abutting roofscapes stepping with traditional forms.
- The building has been designed with sustainability at the heart of the project with the structure formed from an oversized timber structure incorporating “super insulation” throughout ensuring that cold bridging is removed from every junction with airtight sealing to the internal to surpass airtightness standards.
- The mixture of the above provides a highly sustainable envelope for the building Which will require very low energy consumption, causing minimal disturbance to the existing topography, this will be complimented by a single multi fuel stove + heat recovery system.

- The proposed floor level has also been set to allow views from the new dwelling whilst also nestling into the existing building lines + inset within the traditional boundaries along with the introduction of local mixed species tree planting groupings to integrate the site into the mature surroundings.
- The dwelling has been designed as a contemporary twist on traditional structure forms this is reflected in the apertures of windows + angles of roof. The material choice is specific to blend blocks of material colour + also mixing the material finishes with smooth render complimenting the undulations of natural stone + timber.
- Each area not just room within the building has been designed in a way to utilise natural light throughout the daylight hours reducing any reliance on artificial lighting.
- The internal spaces have been created to extenuate the feeling of volume with central hub points for each of the main areas with interlinking spaces all with specific uses creating little or no unused service corridors.
- The pallet of materials proposed for the dwelling on the approval of the Planning Department reflect the natural surroundings + traditional materials of the area with natural random stonework with plumbed stone corners with no dressed stone or precast, to the main feature areas, natural slate roofing to reflect the traditional roofscapes of the area, highly insulated aluminium clad timber windows pre finished in dark grey with the remainder of walls finished in scraped finish render + larch cladding utilised to set the building + its detached garage into its natural environment

---

### Structure + Sustainability

- The dwelling will be constructed from low VOC, sustainable materials taking advantage of modern methods creating a highly insulated airtight construction, which in turn will reduce the energy needs of the building.
- It is proposed to finish the new access driveway in a fully permeable surface to encourage SUDS + also ensure that the surrounding visual area is not impacted.
- All drainage will be sustainably disposed via land drainage following treatment in a controlled manner.

---

### Supporting Information



Fig 1 Proposed whinstone feature walling



Fig 2 Proposed timber cladding + rainwater goods

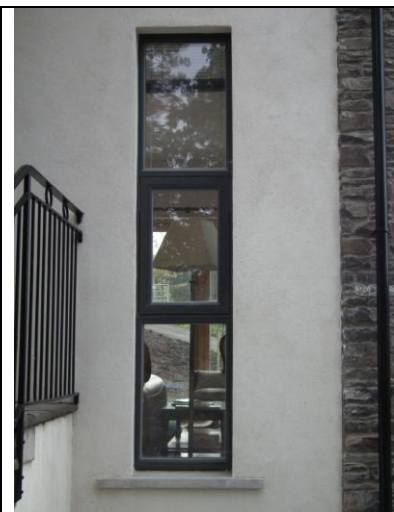
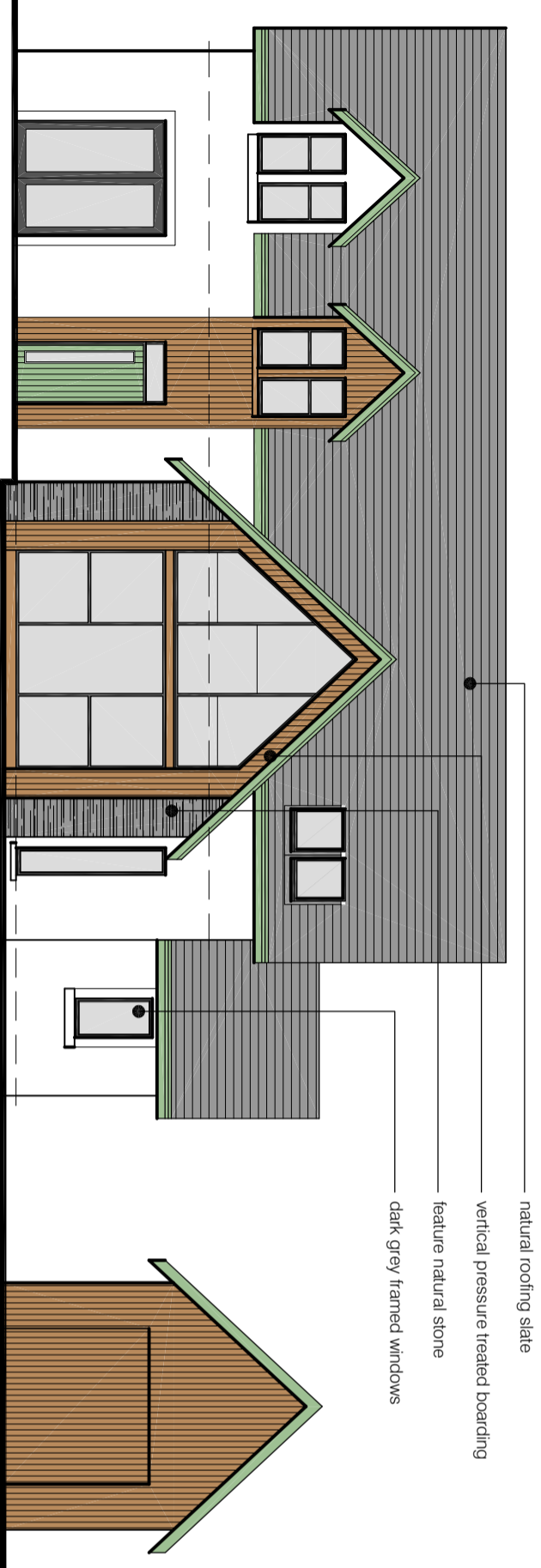


Fig 3 Proposed aluminium clad timber window style + colour

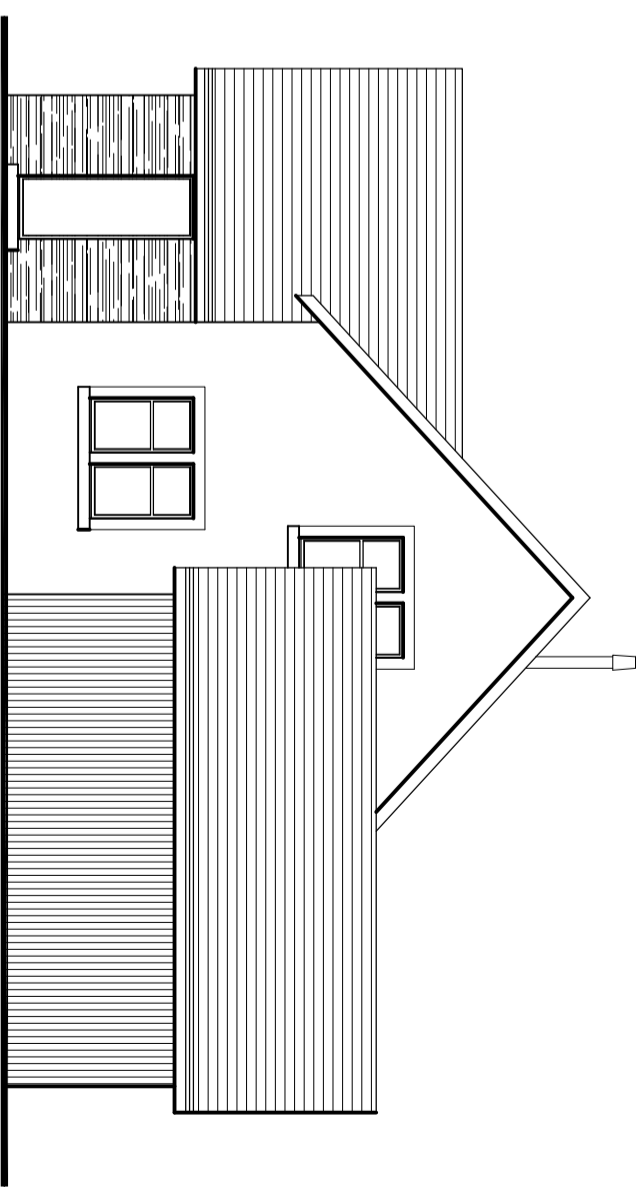
- Please refer to all drawings associated with the application.



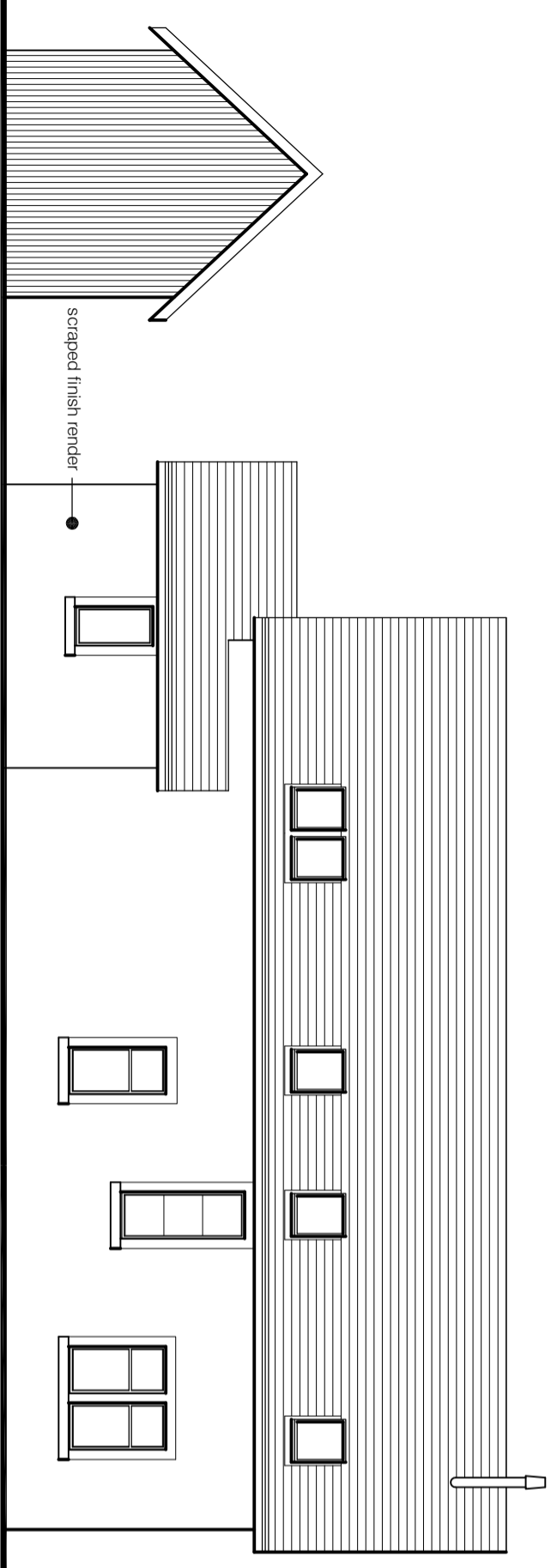


natural roofing slate  
 vertical pressure treated boarding  
 feature natural stone  
 dark grey framed windows

proposed front elevation  
 scale 1:100

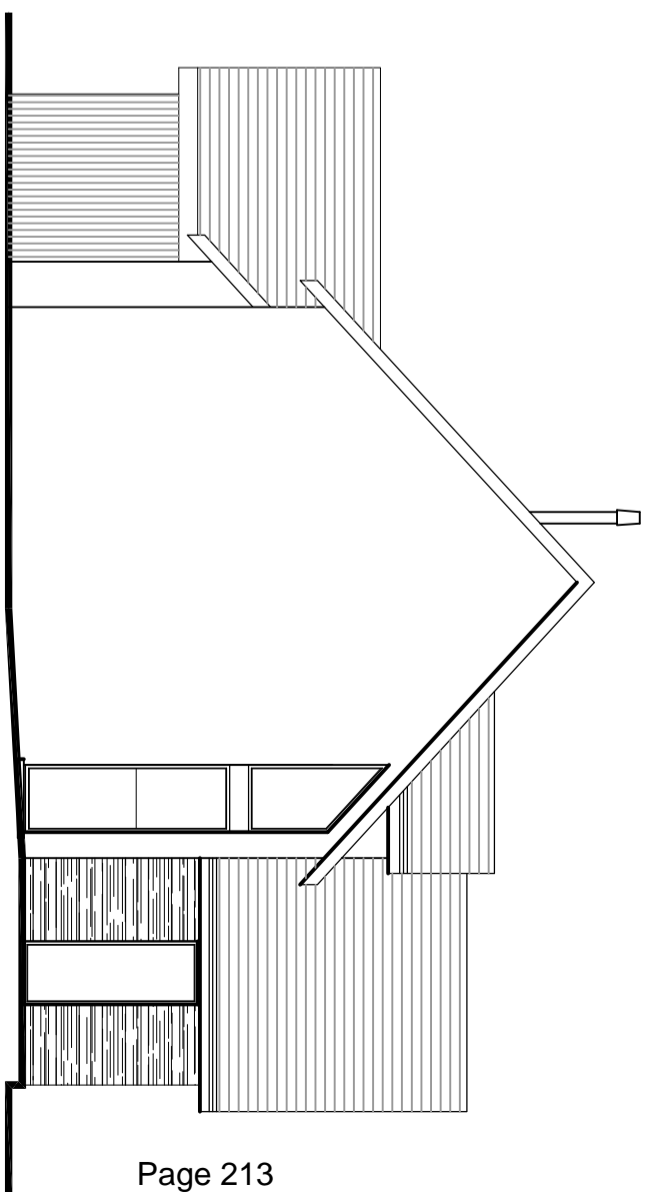


proposed side elevation  
 scale 1:100



scraped finish render

proposed rear elevation  
 scale 1:100

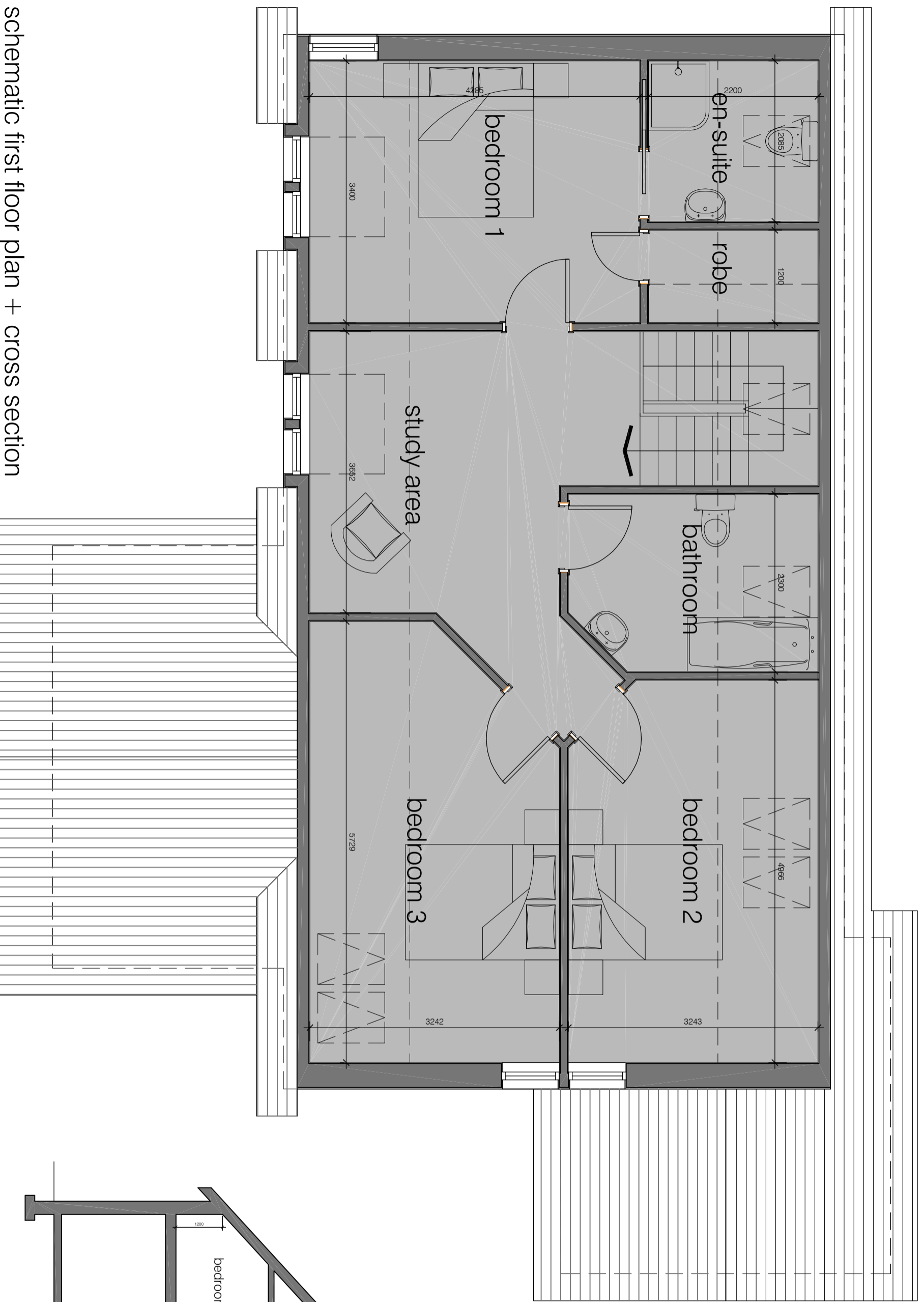


proposed side elevation  
 scale 1:100

schematic elevations

proposed dwelling house at nethermains farm, chirnside  
 for mr + mrs millar

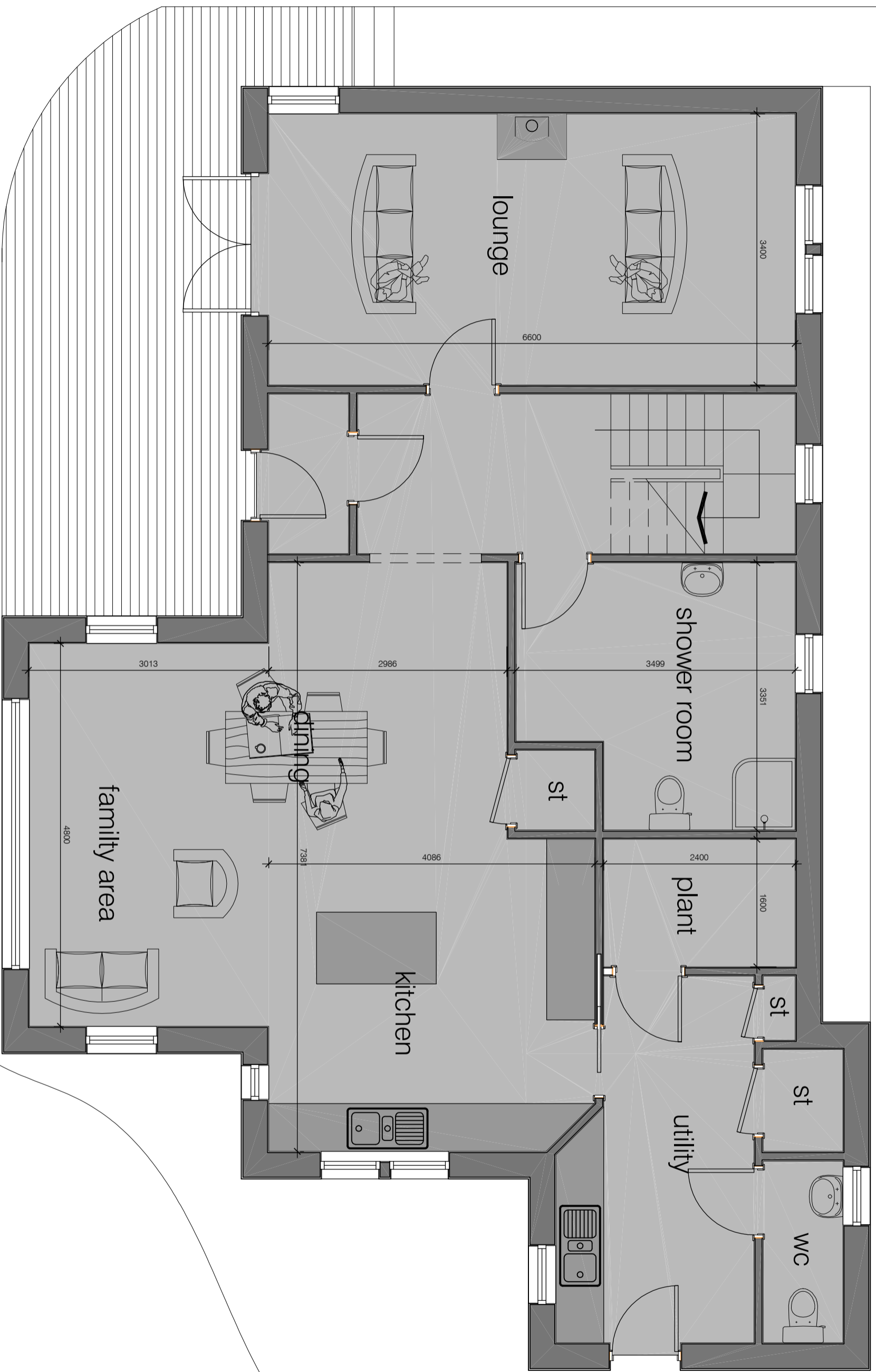
STUART DAVIDSON ARCHITECTURE



schematic first floor plan + cross section

proposed dwelling house at nethermain's farm, chirinside  
for mr + mrs millar

STUART DAVIDSON ARCHITECTURE

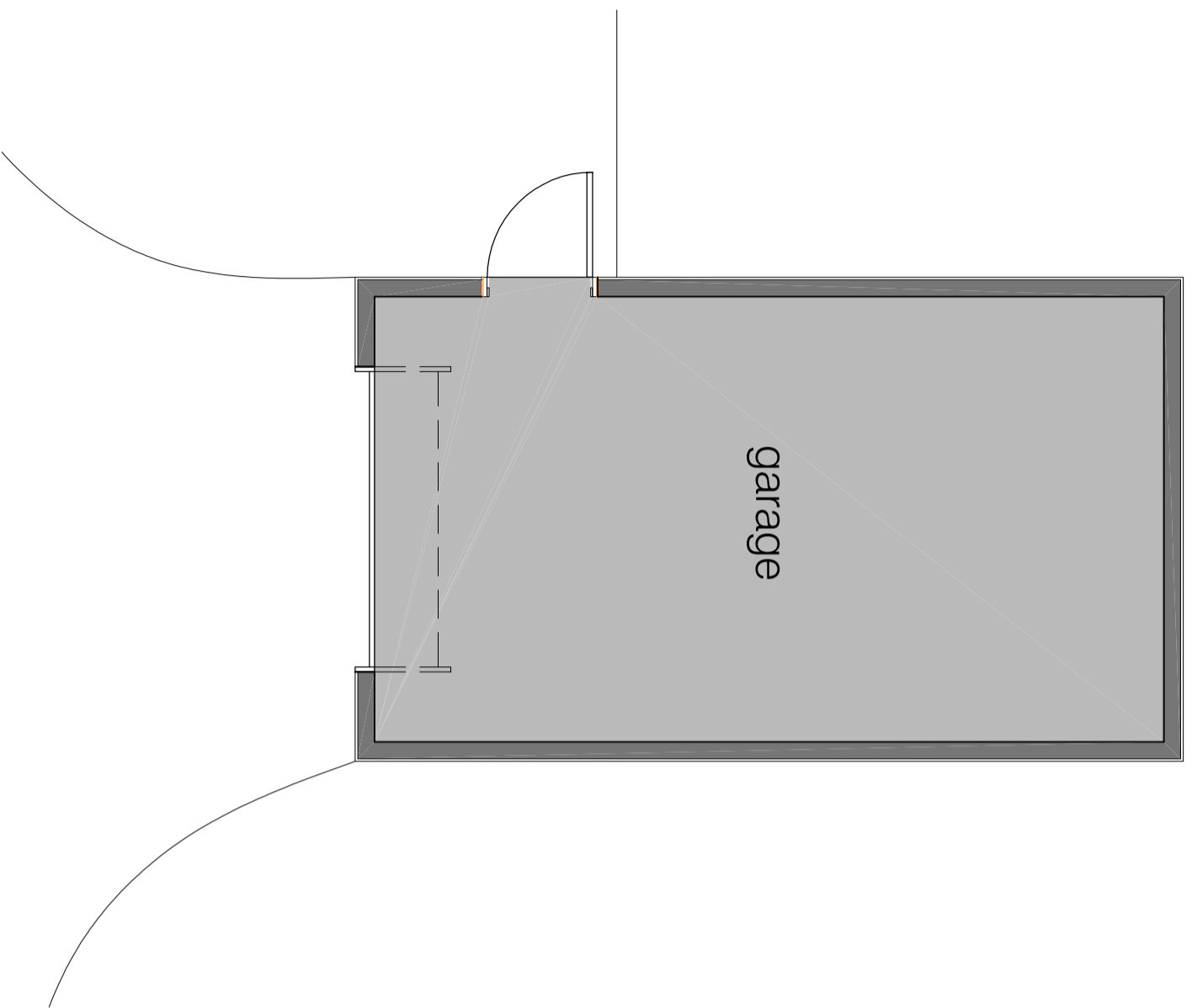


schematic ground floor plan

proposed dwelling house at nethermains farm, chirnside  
for mr + mrs millar

drawing no: P291/SK1B scale: 1:50 @ A3

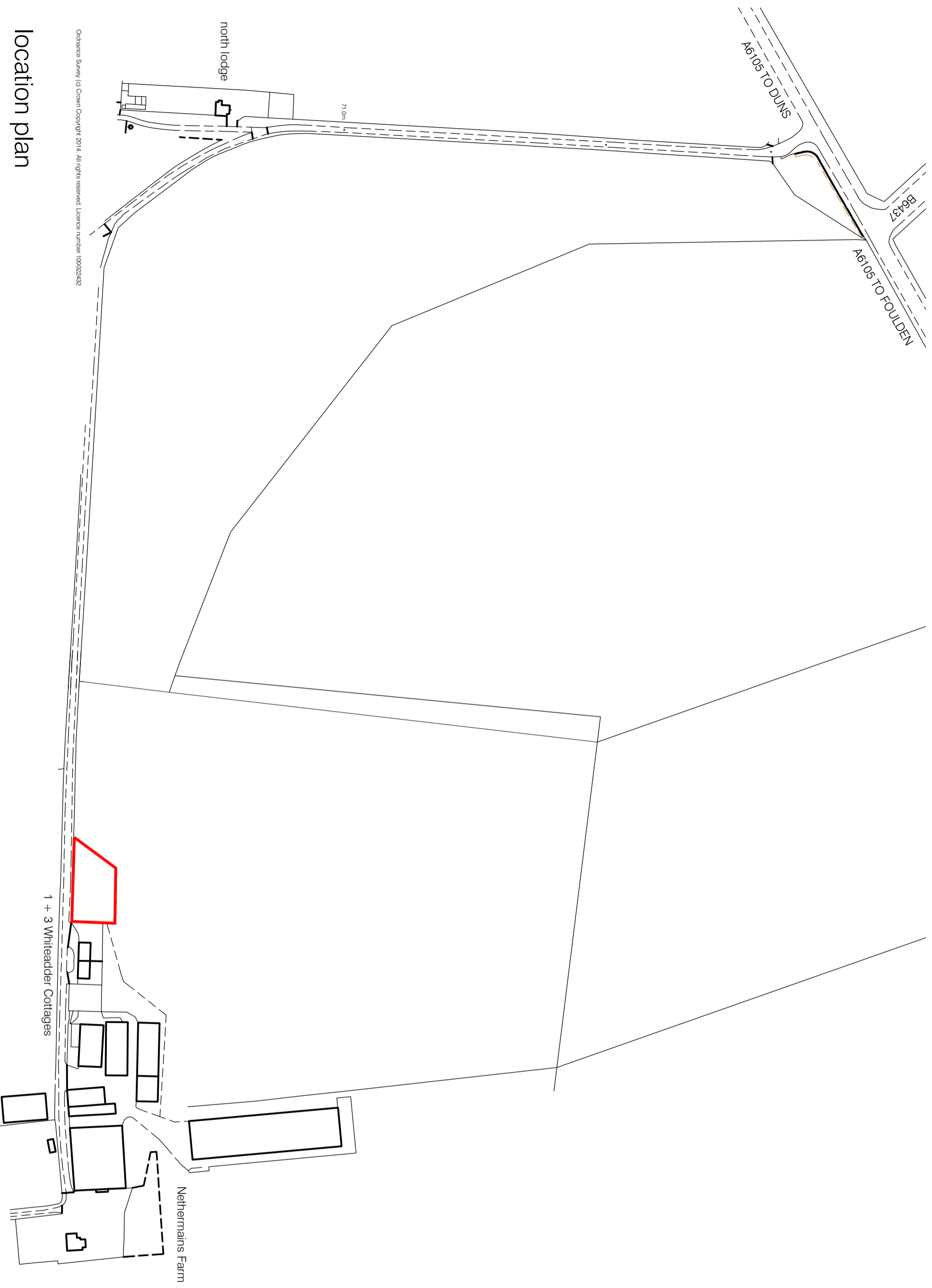
STUART DAVIDSON ARCHITECTURE



schematic garage floor plan + roof plan

proposed dwelling house at nethermaines farm, chirnside  
for mr + mrs millar

STUART DAVIDSON ARCHITECTURE



location plan

proposed dwelling house at nethermains farm, chirinside  
for mr + mrs millar

STUART DAVIDSON ARCHITECTURE



Newtown St Boswells Melrose TD6 0SA

Tel: 01835 825251

Fax: 01835 825071

Email: itsystemadmin@scotborders.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE                      000097463-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

We strongly recommend that you refer to the help text before you complete this section.

- Application for Planning Permission (including changes of use and surface mineral working)
- Application for Planning Permission in Principle
- Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Erection of a single dwellinghouse with associated access, infrastructure, landscaping and miscellaneous works

Is this a temporary permission? \*                       Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*                       Yes  No

Have the works already been started or completed? \*

- No     Yes - Started     Yes - Completed

## Applicant or Agent Details

Are you an applicant, or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)                       Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Keppie Planning & Development
Ref. Number:	
First Name: *	Laura
Last Name: *	English
Telephone Number: *	01412040066
Extension Number:	
Mobile Number:	
Fax Number:	01412250210
Email Address: *	lenglish@keppiedesign.co.uk

You must enter a Building Name or Number, or both:\*

Building Name:	
Building Number:	160
Address 1 (Street): *	West Regent Street
Address 2:	
Town/City: *	Glasgow
Country: *	UK
Postcode: *	G2 4RL

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: *	Mr
Other Title:	
First Name: *	Fred
Last Name: *	Millar
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

You must enter a Building Name or Number, or both:\*

Building Name:	Oaklea
Building Number:	
Address 1 (Street): *	Broomdykes
Address 2:	Allanton
Town/City: *	Duns
Country: *	Scotland
Postcode: *	TD11 3LZ

## Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Land at Nethermains Farm, Chilinside, TD11 3LD

Northing

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

1402.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: (Max 500 characters)

part garden ground and part agricultural land

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? \*

Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? \*

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? \*

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).



## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network
- No – proposing to make private drainage arrangements
- Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) \*

Yes  No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- Yes
- No, using a private water supply
- No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details:(Max 500 characters)

there will be adequate space for private waste and recycling areas

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

Are you able to identify and give appropriate notice to ALL the other owners? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

## Certificates

The certificate you have selected requires you to distribute copies of the Notice 1 document below to all of the Owners/Agricultural tenants that you have provided, before you can complete your certificate.

Notice 1 is Required

I understand my obligations to provide the above notice(s) before I can complete the certificates. \*

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that -

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or -

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Address:

Date of Service of Notice: \*

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or -

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Laura English

On behalf of: Mr Fred Millar

Date: 15/08/2014

## Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan. \*

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement \*

Yes  N/A

Other Statements (please specify). (Max 500 characters)

## Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Laura English

Declaration Date: 19/08/2014

Submission Date: 19/08/2014

## Payment Details

Cheque: Nethermains Farms, 103229

Created: 19/08/2014 13:56

Supporting Planning Statement  
Nethermain Farm, Chirside



Mr & Mrs F Millar

August 2014

213455/LE

## **Supporting Planning Statement**

**In respect of**

**Erection of a single dwellhouse with associated  
access, infrastructure, landscaping and miscellaneous  
works**

**at**

**Nethermains Farm, Chirside, Duns, TD11 3LD**

**for  
Mr & Mrs F Millar**

August 2014

Ref: 213455/LE

## Contents

## Page

1.0	Introduction	1
2.0	Site and Surrounding Environs	2
3.0	The Proposed Development	4
4.0	Development Plan Position	6
5.0	Other Material Considerations	12
6.0	Conclusions	14



## **1.0 INTRODUCTION**

- 1.1** Keppie Planning and Development have been instructed by our clients, Mr and Mrs F Millar to submit a planning application and associated supporting documents for the proposed erection of a single dwellinghouse with associated access, infrastructure, landscaping and miscellaneous works. This document should be read in conjunction with the accompanying architectural drawings and design statement prepared by Stuart Davidson Architecture.
- 1.2** The proposed development site is located within an existing farm complex to the south east of Duns. The application site area extends to 1402sqm. The new residential dwelling will be located to the west of the two existing cottages which are located off the existing access track into the farm.
- 1.3** The purpose of this document is to assess the appropriateness of our client's proposals in the current policy context. As such, an in-depth analysis of the site, local area and relevant planning background will be provided, before the specifics of the proposals are discussed. An examination of the proposals against the adopted Scottish Borders Consolidated Local Plan 2011 shall then be provided, followed by an analysis of other relevant material considerations, such as the Scottish Borders Proposed Local Development Plan and the recently published Scottish Planning Policy 2014 and Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The document concludes with our recommendations for determination.

### **Background**

- 1.4** Prior to the submission of this current application, the applicants had sought advice from the Planning Authority relating to the potential development of a new home/retirement home to be built within the grounds of the existing farm. At that time, the Council advised that the applicants would not be able to secure planning consent for a new home without the burden of a Section 75 agreement/condition which would place an agricultural tie upon the land (including all other existing farm residences). Following that advice, the applicants moved from the farm building at Nethermains to Oaklea, Allanton, Duns.
- 1.5** Following the departure of Mr & Mrs F Millar (the applicants), the farm house is now occupied by Mr N Millar (the son of the applicant). The applicant has since decided to come out of full retirement and go back to work on the farm on a part time basis (semi retired) and as they are part owners of the farm, they would like to move back onto the farm to allow for ease of access to their employment.

## 2.0 SITE AND SURROUNDING ENVIRONS

- 2.1 Figure 1 provides locational details of the site by way of an aerial photograph. The application site covers an area of 1402sqm. The farm has been in existence for a considerable number of years and it continues to operate successfully. The farm is family run with the employment of a small number of casual workers; however the main bulk of the work is carried out by Mr. N Millar (the applicant's son) and also Mr. F Millar (the applicant). The application site is currently used partly as garden ground of the existing cottages and partly agricultural land. The proposals will seek a slight realignment of the field boundary without the detriment to the function of the agricultural use which exists.

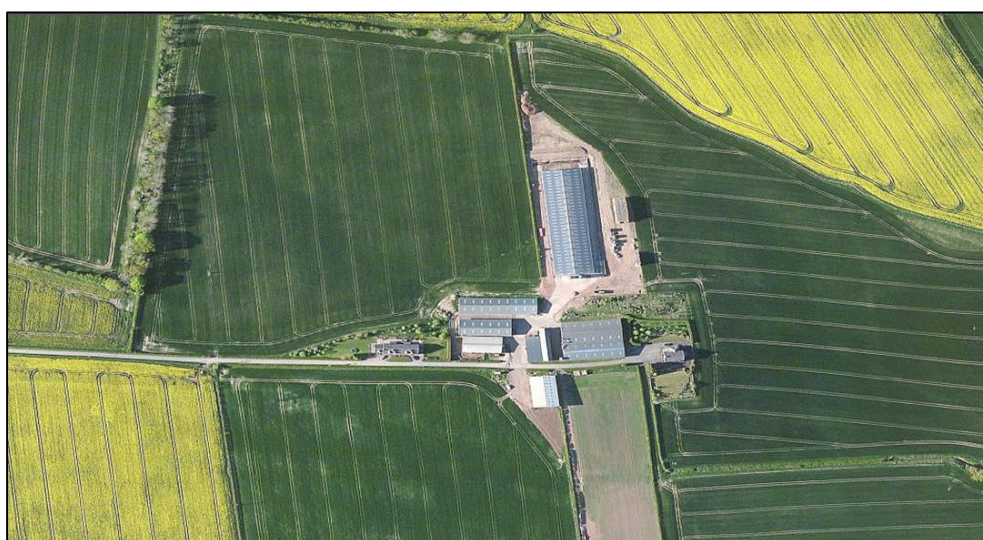


Figure 1: Aerial view of site and surrounding environs

- 2.2 There are a number of existing farm buildings and associated residential properties on the farm; figure 2 below illustrates the existing farmhouse and cottages which are present on site. The farm house and cottages are all currently occupied.



Figure 2: photographs of existing Nethermains Farm house and existing cottages on the farm

- 2.3 The land is bounded on the north and west by agricultural fields which are currently used for crops, to the east by the gardens of the existing cottage properties and to the south by the existing farm track access road.

- 2.4** In terms of built heritage, the site is not located within or near to a listed structure nor is it located within a Conservation Area, and there are no Scheduled Ancient Monuments in or in the immediate vicinity of the site.
- 2.5** From an examination of the SEPA Flood Risk map (sourced from the SEPA website), the site can be considered to be outwith the areas at risk of flooding.
- 2.6** From review of the SNH interactive mapping system (web based) and the Council Local Plan, the site has no national, regional or local ecological designations within the site or within the surrounding areas. The closest designation is the SSSI and SAC of the River Tweed which is located some distance to the south of the proposed development site. It is considered that the proposed development of an additional house on the farm will not directly impact upon either the SSSI or the SAC of the River Tweed.
- 2.7** The proposal intends to utilise existing access which is taken off the A6105 onto the private access road into the farm.

### 3.0 THE PROPOSED DEVELOPMENT

- 3.1 This current application seeks planning permission for the erection of a single dwellinghouse with associated access, infrastructure, landscaping and miscellaneous works at Nethermains Farm, Chirnside.

#### Layout and Proposals

- 3.2 As noted previously, the farm consists of a number of large agricultural buildings and 3 residential properties (one farm house and two cottages). There are seven farm buildings which are currently used for the operational purposes of the farm and all three residential properties are currently occupied. Figure 3 illustrates the relationship of the application site and the existing buildings.
- 3.3 The proposed development seeks the erection of a 1 3/4 storey, three bedroom house. Internally the house will consist of a lounge, kitchen and family area, shower room, utility room, three bedrooms (one with an ensuite), a bathroom and a study area. Externally the house will have a detached single garage.

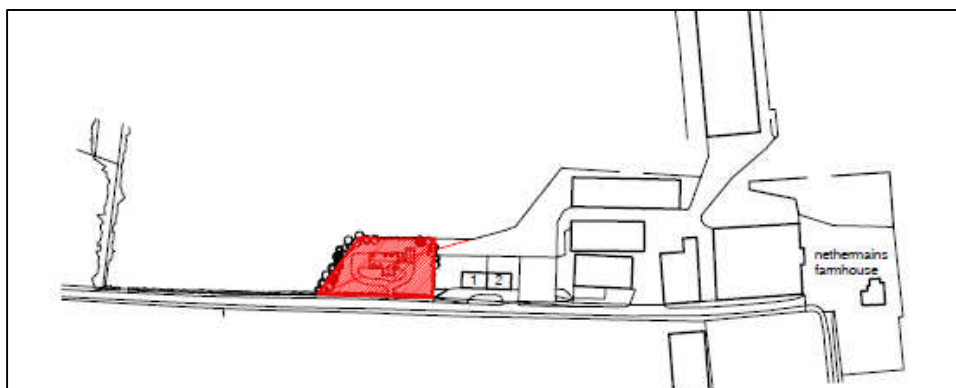


Figure 3: Site plan illustrating the relationship of the proposed dwellinghouse with the existing farm buildings and residential properties

- 3.4 In terms of external appearance of the dwelling house, the full details are provided in the submitted drawings and design statement, though for the avoidance of doubt, the following materials will be used: traditional materials of the area with natural random stonework with plumbed stone corners with no dressed stone or precast, to the main feature areas, natural slate roofing to reflect the traditional roofscapes of the area, highly insulated aluminium clad timber windows pre finished in dark grey with the remainder of walls finished in scraped finish render and larch cladding utilised to set the building and its detached garage into its natural environment. Figure 4 below provides an illustrative image of the proposed front and side elevations of the house.



Figure 4: Elevation of the proposed dwelling at Nethermains Farm

- 3.5** The proposed dwelling will have access to private amenity space to the front and rear of the property and there will be an element of proposed planting along the newly created northern and western boundaries.

#### **Parking/Access Arrangements**

- 3.6** The proposed development seeks to take access off the existing farm track which runs to the south of the application site and will form a sweeping driveway to the proposed house. There will be adequate space for onsite parking of vehicles and a detached single garage.

#### 4.0 DEVELOPMENT PLAN POSITION

4.1 Sections 25 and 37 (2) of the Town & Country Planning (Scotland) Act 1997, require that planning decisions be made in accordance with the Development Plan, unless material considerations indicate otherwise.

4.2 The adopted Development Plan, in this instance, comprises the South East Scotland (SES) Strategic Development Plan (2013) and the Scottish Borders Local Plan (2010). The Scottish Borders Local Development Plan (2014) is currently at Proposed Plan stage and should be considered as a material consideration in this regard.

##### **South East Scotland (SES) Strategic Development Plan (2013)**

4.3 With regard to the Strategic Development Plan (SDP), it is considered that there are no significant strategic issues which directly relate to these proposals, however the site is located within one of the 13 Strategic Development Areas; the Eastern Borders, where future growth should be directed. It is noted that in terms of the SDP spatial strategy *“aims to respond to the diverse needs and locational requirements of different sectors and sizes of businesses whilst being flexible to changing circumstances”* (SDP page 12, paragraph 21). In this regard it is considered that the proposals before the council are in response to the changing circumstances of the applicant and the need to be located in close proximity to the operation of the farm business. The proposals seek the erection of a modest sized property to allow the applicant to resume his employment on the farm with ease. The location of the property within the farm premises will also reduce the need for travel which promotes sustainability. It is also noted however that the proposals would contribute 1 additional property to the local housing supply in terms of windfall contribution. The increase of 1 additional property is not considered to be strategic in nature.

##### **Scottish Borders Local Plan 2010**

4.4 The relevant Local Development Plan for the area is the Scottish Borders Local Plan, and it is considered that the following Local Plan policies and issues would be relevant to the proposal;

- Policy G8: Development Outwith Development Boundaries;
- Policy D2: Housing in the Countryside;
- Policy G1: Quality Standards for New Development

4.5 As the proposed development site is located outwith a settlement boundary it is relevant to consider **Policy G8: Development Outwith Development Boundaries** which states that development outwith settlement boundaries will only be approved in exceptional circumstances, one of which is that *“1. it is a job generating development in the countryside that has an economic justification under Policy D1 or D2”*. It is submitted that the current proposals will be assessed against Policy D2 below. Where the proposals can be justified

in this manner, Policy D8 requires that the proposals comply with the following criteria:

*5. Represents a logical extension of the built up area; and*

**Comment** – The proposed development is not located directly adjacent to the nearest settlement of Chirnside and therefore wouldn't be considered as an extension to the settlement in this regard. There is however a locational need for the development to be located outwith the settlement boundary due to the rural nature of the farm business, it is more appropriate for the development to be proposed outwith the settlement boundary and within the existing farm confounds.

*6. Is of an appropriate scale in relation to the size of the settlement; and*

**Comment** – Again, as the proposals are located directly adjacent to the settlement, there isn't a need for the proposed new house to relate in scale to the urban properties, it would be more appropriate for the new house to relate in scale to the existing residential and farm properties on the site. In this regard, it is submitted that the proposed new house has been designed with due consideration to the scale of the immediately surrounding properties.

*7. Does not prejudice the character, visual cohesion or natural built up edge of the settlement; and*

**Comment** – The proposed scale is considered to be complimentary to the surrounding properties and that the new house will not negatively impact upon the character or visual cohesion of the existing building group in this location. The proposals will not prejudice the character, visual cohesion or natural built edge of the nearby settlement due to its rural location.

*8. Does not cause a significant adverse effect on the landscape setting of the settlement or the natural heritage of the surrounding area.*

**Comment** – As noted previously, the site has no national, regional or local ecological designations within the site or within the surrounding areas. The closest designation is the SSSI and SAC of the River Tweed which is located some distance to the south of the proposed development site. It is considered that the proposed development of an additional house on the farm will not directly impact upon either the SSSI or the SAC of the River Tweed. Due to the topography of the site, and proposals to enhance the landscape planting around the property, it is considered that the proposals will not have a significant adverse effect on the landscape setting of the surrounding area.

**4.6** In addition to the criterion above, the Council will also consider:

- 1. any indicators regarding restrictions on, or encouragement of, development in the longer term that may be set out in the settlement profile in Section 5;*
- 2. The cumulative effect of any other developments outwith the Development Boundary within the current Local Plan period;*
- 3. The infrastructure and service capacity of the settlement*

**4.7** In response to the above criteria, we are unaware of any indicators or other developments which would create a negative cumulative impact as a result of the current proposals for a new house within an existing farm complex. The infrastructure and service capacity of the nearby settlement is not relevant in this instance and it is submitted that the appropriate infrastructure and services can be accommodated within the site without the need for any major works.

**4.8** It is considered that the design of the proposed development has given due consideration of its context and setting and is therefore acceptable in terms of the provisions of Policy G8.

**4.9** **Policy D2: Housing in the Countryside** has been referenced in Policy G8 above and is directly relevant to the current proposals for the new house within the farm. The policy seeks to demonstrate instances when rural housing will be appropriate which includes in village locations; housing associated with an existing building group or in dispersed communities. In relation to this policy, the proposals will seek to justify approval in terms of the (a) building groups element of the policy which states the following:

*“Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:*

- 1. The Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented;*
- 2. Any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted;*
- 3. The cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts”*

**4.10** It is firstly noted that the proposals seek the erection of a single dwelling house which is compliant with the initial wording of the policy in terms of no more than 2 houses will be permitted.

**4.11** With regard to the relationship of the proposed new house and the existing building group, it is submitted that there are 3 residential properties located within the farm complex at Nethermains farm. There are two cottage properties, which the proposed new house will be located directly adjacent to, and the farm house which is located to the west of the proposed development site. All existing properties are currently in residential use. The existence of



these properties within the farm complex, which is well defined by both natural and man made boundaries, creates a building group within which there is scope to introduce a further property without detriment to the character of the building group.

- 4.12** The farm complex, due to its layout creates a sense of place which is typical of a rural farm business. The location of the new dwelling adjacent to the existing cottages allows for existing garden ground to be utilised and thus minimising the land take from the agricultural land. The proposals require the slight realignment of one of the field boundaries; however the loss of agricultural land will be minimal and will certainly not impact negatively upon the viability of the farm business.
- 4.13** The design of the new build property has taken cognisance of the character of the existing residential dwellings and created a modern complimentary design which will enhance the overall character of the farm complex. The proposed house will not adversely affect the character of the surrounding area as the modern rural design will successfully integrate modern living with a rural location. The 1 ¾ storey property will not dominate the landscape and a level of landscape planting has been proposed to mitigate any potential visual impact.
- 4.14** With regard to criterion no.2 it is noted that the Council will not permit more than 2 houses to be built within the plan period. The current proposals only seek permission for a single dwelling at this time.
- 4.15** In response to criterion no.3, we are unaware of any developments in the surrounding area which, when combined with the current proposals, would result in a negative cumulative impact upon the landscape and amenity of the surrounding area.
- 4.16** Given the above, it is submitted that the proposed development can be viewed positively in terms of its contribution to the existing building group at Nethermains Farm and is compliant with Policy D2.
- 4.17** With regard to the design standards associated with the proposals, **Policy G1: Quality Standards for New Development** is relevant in this regard. This policy seeks to ensure high quality development in accordance with sustainability principles and it sets 15 different criteria against which new development should be assessed against. The main aspects of this policy will be covered within the submitted design statement, but for the avoidance of doubt, a few of the key aspects of the policy are detailed below with commentary.

- 1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form.*

**Comment** – The style of the proposed dwelling has been designed to compliment the surrounding rural area and the existing properties within the farm complex. It is considered that the design proposed will enhance the existing environment without detriment to the character of the rural landscape.

2. *It can satisfactorily be accommodated within the site.*

**Comment** – The applicant and his son own vast amounts of land which are associated with Nethermains Farm and the proposed location of the new dwelling can be easily accommodated within the building group without causing over development of the site. As noted previously, existing garden ground can be utilised and thus minimising the land take from the agricultural land. The proposals require the slight realignment of one of the field boundaries; however the loss of agricultural land will be minimal and will certainly not impact negatively upon the viability of the farm business.

8. *It provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings.*

**Comment** – With the slight realignment of the existing field boundary, the proposals seek to introduce a new fence line to the rear of the property which will be planted with mixed berry/beechness hedge and mixed tree planting along the eastern and western boundaries. The building will integrate well with its surroundings through its design and location, and the proposed planting will assist with screening.

12. *It is of a scale, massing, height and density appropriate to its surroundings.*

**Comment** – The design of the property has taken into account the character of the surrounding area, and in terms of the scale and massing of the surrounding farm buildings; it is considered that the proposed 1 ¾ storey house will be appropriate in this regard. There are a number of taller and larger buildings within the farm complex; it is considered that the proposed new dwelling will not appear to dominate in the surrounding environment.

13. *It is finished externally in materials, the colours and textures of which complement the highest quality architecture in the locality*

**Comment** – The more modern design of the building incorporates a pallet of materials which will compliment the rural environment and enhance the area. The design ethos has been taken from the traditional heights, lines + gable forms of the existing dwellings located within the surrounding area, the aim of the property is to create a contemporary vision of the traditional t shaped farm cottage. Traditional materials of the area have been incorporated, with natural random stonework with plumbed stone corners with no dressed stone or precast to the main feature areas; natural slate roofing to reflect the traditional roofscapes of the area; highly insulated aluminium clad timber windows pre finished in dark grey; with the remainder of walls finished in scraped finish render and larch cladding utilised to set the building and its detached garage into its natural rural environment.

**4.18** It is considered that the proposals can be viewed positively in terms of Policy G1 and that the quality of the new house proposed is well designed for the rural farming location.

### **Scottish Borders Local Development Plan (2014)**

**4.19** The Local Development Plan is currently at Proposed Plan stage, and as such, should be given weight in the assessment of this application. With regard to the policies which will be for consideration, the following are thought to be relevant:

- Policy PMD4: Development Outwith Development Boundaries;
- Policy HD2: Housing in the Countryside;
- Policy DMD2: Quality Standards

**4.20** The policies contained within the Proposed Plan LDP are largely the same as those contained within the adopted Local Plan and the guidance and principles sought by the LDP are the same as those detailed above. Given the similarity between the two sets of policies, and to save repetition, the responses provided above in paragraphs 4.4 – 4.18 should be taken to respond to the associated policies of the Proposed Plan LDP also. In this regard it is considered that the proposals can be viewed positively in terms of the introduction of a new dwelling house within an existing building group.

### **Summary**

**4.21** It is considered that the above has provided a clear and concise comment on all policies of the Scottish Borders Local Plan 2010 which are relevant to the current application which seeks planning permission for the proposed erection of a single dwellinghouse with associated access, infrastructure, landscaping and miscellaneous works. Following this analysis, we consider that the current proposals can be viewed positively against the relevant Local Plan policies as detailed above.

## 5.0 MATERIAL CONSIDERATIONS

- 5.1 This section shall supplement the previous by assessing the development proposals in relation to other material considerations deemed relevant, i.e. the applicant's employment situation and Scottish Planning Policy (SPP) 2014.

### **Applicant's Employment/Ownership**

- 5.2 The applicant is the joint owner of Nethermains Farm and had previously moved away as his role in terms of the operation of the land/farm had lessened. The applicant now wishes to resume his employment on the farm on a semi retired basis and would like to move back to the farm. There are currently no properties available on the farm as the three existing properties are occupied and there is a need for a new house to accommodate the owner at his place of employment. The development of a house on the farm will aid the principles of sustainability and reduce car journeys to and from his place of employment.

### **Scottish Planning Policy 2014**

- 5.3 The new SPP sets out four outcomes which detail how planning should support the 'vision'. The four outcomes seek to create a *"successful, sustainable place; a low carbon place; a natural, resilient place and a more connected place"* (SPP pages 6-7). The SPP expects development plans and new development to contribute to achieving these outcomes. The SPP then provides a host of principle policies and specific subject policies aiming to guide development.
- 5.4 With regard to the promotion of rural development the SPP states that *"the planning system should: in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces; and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality"* (SPP page 21, paragraph 75).
- 5.5 In order to promote rural development, the SPP advises that Development Plans should:
- "make provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities"* (SPP page 22, para 79);
- "development on prime agricultural land, or land of lesser quality that is locally important should not be permitted except where it is essential for small scale development directly linked to a rural business"* (SPP page 22, para 80);
- "in accessible or pressured rural areas...plans and decision making should generally set out circumstances in which new housing outwith settlements maybe appropriate avoiding use of occupancy restrictions"* (SPP page 22, para 81)

- 5.6** With regard to the above policy guidance from the SPP, it is noted that the proposal for the new house, whilst it is considered that the proposals comply with the Council's policies in relation to groupings, in addition to this, it is also noted that the applicant has a locational need for a house in order to allow for ease of access to his place of employment. As detailed in paragraph 5.2, the applicant is the joint owner of Nethermains Farm and now wishes to resume his employment on the farm on a semi retired basis and would like to move back to the farm to facilitate the continued operation of the farm business.
- 5.7** With regard to the SPP's guidance in relation to development of prime or locally important land, it is noted that the land associated with the proposed development site is partly garden ground and part agricultural land. The land to be removed from agricultural use is only a very small portion of the owners overall landholdings and the removal of the land from its current use would not detrimentally impact upon the viability of the farm operations. The proposals would also comply with the guidance of the SPP in that the proposals relate to a small scale development which is directly linked to a rural business as the house would be used by a farm worker/owner.
- 5.8** Whilst the proposals are considered compliant with the Council's groupings policy and wouldn't therefore require the need for an occupancy restriction to be attached to any consent, it is important to note that the use of such restrictions in any case is to be avoided as per the SPP guidance. The house can be justified on two fronts; where the house forms part of a grouping and is required for the use of a farm worker/owner. It is considered however, in line with SPP guidance and Circular 3/2012: Planning Obligations and Good Neighbour Agreements (to be discussed below) that there should be no requirement placed upon the applicant to have any consent unduly restricted by an occupancy condition or Section 75 agreement.
- 5.9** Circular 3/2012: Planning Obligations and Good Neighbour Agreements formalises the Scottish Government's advice in relation to the use of occupancy conditions and agreements. It states that *"imposing restrictions on use are rarely appropriate and so should generally be avoided. They can be intrusive, resource-intensive, difficult to monitor and enforce and can introduce unnecessary burdens or constraints"*. In this regard it is emphasised again that as the proposed new dwelling has been justified in terms of the Council's building groups policy (Policies D2 and HD2: Housing in the Countryside cat A), there should be no requirement for the proposals to be subject of an occupancy condition, should the Council approve the proposals.
- 5.10** The proposed development is considered to comply with the principles of the newly published Scottish Planning Policy, and the proposals should be recognised by the Council as appropriate in this context.

## **6.0 CONCLUSIONS**

**6.1** To summarise, we would highlight that the proposals before the Council:

- Seek planning permission for the erection of a single dwellinghouse with associated access, infrastructure, landscaping and miscellaneous works;
- are compliant with the adopted Scottish Borders Local Plan and the Scottish Borders Local Development Plan Proposed Plan;
- Can be justified in terms of the Council's building groups policies;
- Are appropriate in terms of scale, massing and design;
- Wont detrimentally impact upon the surrounding rural landscape;
- Will allow for the joint farm owner to relocate back to the farm and resume his employment;
- Can be viewed positively with regard to Scottish Planning Policy (SPP) 2014;

**6.2** Accordingly, this application is commended to Scottish Borders Council and we trust the proposals will receive the support of the planning department and the Council as a whole.

## **Keppie Design**

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**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**Application for Planning Permission**

**Reference: 14/00934/FUL**

**To: Mr Fred Millar per Keppie Planning & Development Per Laura English 160 West Regent Street Glasgow G2 4RI**

With reference to your application validated on **20th August 2014** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal: Erection of dwellinghouse and detached garage**

**at: Land West Of 3 Nethermains Cottage Duns Scottish Borders**

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule.**

**Dated 18th March 2015  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**



**Signed .....**  
**Service Director Regulatory Services**

D	A	Action By:
RECEIVED KEPPIE ARCHITECTS		Seen By:
31 MAR 2015		FILE:
ANS: .....		



**APPLICATION REFERENCE: 14/00934/FUL**

**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
P291/LOCA	Location Plan	Refused
P291/SK1B	Floor Plans	Refused
P291/SK2	Floor Plans	Refused
P291/SK3	Elevations	Refused
P291/SK4A	Block Plans	Refused
P291/SK5	Floor Plans	Refused

**REASON FOR REFUSAL**

- 1 The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group. Furthermore, no suitable economic or agricultural justification for a further dwelling house in this location has been provided.

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
SERVICE DIRECTOR REGULATORY SERVICES**

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

**REF :** 14/00934/FUL

**APPLICANT :** Mr Fred Millar

**AGENT :** Keppie Planning & Development

**DEVELOPMENT :** Erection of dwellinghouse and detached garage

**LOCATION:** Land West Of 3 Nethermains Cottage  
Duns  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:** Negotiation

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
P291/LOCA	Location Plan	Refused
P291/SK1B	Floor Plans	Refused
P291/SK2	Floor Plans	Refused
P291/SK3	Elevations	Refused
P291/SK4A	Block Plans	Refused
P291/SK5	Floor Plans	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Roads: No objection subject to conditions as follows:

New private access must be constructed to the following specification "75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.

Parking and turning for two vehicles, not including garages, must be provided within the curtilage of the plot and retained in perpetuity.

1 No. passing place as per my specification (DC-1) to be constructed at an agreed location on the single track private road serving the site.

Visibility splays shown on the schematic block plan (Dwg No. P291/SK4A) to be provided prior to occupation of the dwelling and thereafter maintained as such in perpetuity.

Environmental Health: No objection subject to informative with regard to the siting and design of the flue and use of fuel. The plans lodged with this Application indicate the presence of a stove or solid fuel appliance. These installations can cause smoke and odour problems if not properly installed or used.

Landscape: There is no landscape based objection to the proposal. New tree and hedgerow planting is indicated on the applicant's Schematic Block Plan, drawing P291/SK4A. This should be covered by

condition and a detailed planting plan and schedule submitted for approval. Landscape Guidance notes 3 and 7 are relevant.

Education: The development is located within the catchment area for Chirnside Primary School and Berwickshire High School. A contribution of £2990 is sought for the Primary school and £4205 is sought for the High School, making a total contribution of £7195.

Community Council: No objections. There is already a building group of houses on the site.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Council Consolidated Local Plan 2011

G1 Quality Standards for New Development  
G5 Developers Contributions  
D2 Housing in the Countryside  
H2 Protection of Residential Amenity  
NE3 Local Biodiversity  
NE4 Trees, Woodlands and Hedgerows  
Inf4 Parking Standards

Supplementary Planning Guidance  
New Housing in the Borders Countryside

#### **Recommendation by** - Lucy Hoad (Planning Officer) on 9th March 2015

Nethermains Farm lies to the south east of the village of Chirnside and is accessed via minor roads from the A6105. The farm complex comprises the main farmhouse located at the east end of the farm access track, with a mixture of traditional and modern sheds immediately adjacent and central to the group, with 2 semi-detached farm cottages positioned at the west end of the building group.

This application seeks planning consent in full for the erection of a dwellinghouse with detached garage on land to the west of cottage No1. The site (1402 sqm ) is square in shape and roughly half of the site comprises part of the garden ground area of Cottage No1 and, the other, an area of arable grassland to the north. It is proposed to create a new access into the site.

The application is accompanied by plans, elevations and design statement. The layout plan illustrates the footprint of a house, set back within the plot, with provision of a new access and parking area, garage and amenity space. The design statement depicts a 1.75 storey house (pitched roof) with 1.5 storey projection (front elevation) and single storey side extension, set back to wrap around rear corner. External materials include a mixture of render, timber and stone with slate roof. The garage is single story with pitched roof (timber/slate).

The agent has submitted a planning statement to accompany the application in order to set out the case that the house is justified on two grounds.

1 The house is required for an agricultural worker under policy D2E (farmer coming out of retirement to help his son on a part time basis).

2 there is an existing building group at this location, and the proposed dwelling would be a suitable addition to the group under Policy D2A.

Under Policy D2 Housing in the Countryside, housing with a location essential for business needs may be acceptable if the Council is satisfied that

1 the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominately employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the

enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement or,

2 it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside and

3 the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing and

4 no appropriate sites exists within a building group and

5 there is no suitable existing house or other building capable of conversion for the required residential use

The submitted planning statement explains that the dwelling is for Mr F Miller (joint owner) who has come out of retirement to help his son Mr N Miller who manages and lives on the farm. Mr F Miller lives in Duns and wants to return to live and work on the farm on a part time basis only. No economic justification has been submitted for assessment in relation to the application. The submitted planning statement requests that there should be no requirement placed upon the applicant to have any consent unduly restricted by an occupancy condition or S75 agreement. The agent has confirmed that the existing farm cottages at Nethermain are occupied by non-farm workers.

In terms of the criteria of policy D2E, it is not considered that a sufficient case has been made to demonstrate that a house is justified at this location in terms of the applicant's employment. Nor has it been demonstrated that another dwelling on the farm could not be utilised for his accommodation.

Policy D2 aims to support new housing in the countryside that is associated with existing building groups. The Councils Housing in the Countryside policy requires the existence of a building group of at least 3 houses or buildings capable of conversion to residential use. It is accepted that there is an established building group at this location to include the main farmhouse and 2 cottages.

Policy allows for a 30% addition to the building group or an additional two dwellings. The calculations on building group size are based on the existing number of housing units within the group at the start of the local plan period, including those units under construction or nearing completion. For this group the base line figure is considered to be 3 units.

Supplementary Planning Guidance requires that any new development should be limited to the area contained by the sense of place of the grouping. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

The proposed site lies to the west of the existing farm cottages which would extend/enlarge the group along the roadway. The applicant was requested to demonstrate that there were no more suitable sites within the group for the proposed dwelling. The agent advised the current site was preferred.

In considering the extent of the site, and the footprint of the proposed development, it was felt that the site and footprint of the house extended beyond the limits of the group, comprising the boundary of the mature planting encircling the existing garden ground of the farm cottages. The applicant was requested to consider a smaller development footprint to reflect the neighbouring cottages and to pull the footprint of the house forward to match the front building line of the adjacent dwellings in order ensure the new house would sit comfortably within the limits of the group.

The agent advised that it was preferred to maintain a curtilage boundary to the new plot to the north that would extend in line with the adjacent cottages, this would allow the dwelling (same footprint) to shift forward but the plot would still require alteration to the field boundary/break into the undeveloped field.

Taking into account the advice provided in the supplementary planning guidance relating to sense of place, whilst the garden ground area was accepted to related well to the existing grouping, and could provide for a modest dwelling in proportion with the existing cottages, consideration has to be given to the existing natural and man made boundaries that exist, the principle of extending into the adjacent field was not considered to be necessary/acceptable on this occasion.

#### Amenity

The agent advised that the farm business comprised pigs and cattle (not dairy) and details on livestock numbers were sought. However no details of livestock numbers or management procedures have been provided to date. Without this information the issues of odour/noise cannot be formally assessed. Policy advises that sites within 400m of existing intensive livestock units will not normally be permitted unless required in connection with the farm or business itself. No business case has been provided to date and the planning statement advises that the applicant does not wish the house to be tied to the farm.

There are no issues of loss of privacy or light stemming from the proposals. In respect of the proposed heating system, the Environmental Health Officer has advised an informative with regard to flue siting and appliance maintenance is required.

#### Services

It is proposed to connect to the public water supply and public drainage with private Suds provision.

#### Access and parking

It is noted that the Roads Officer has not raised an objection to the principle of the proposal, provided certain road works are undertaken, to include provision of visibility splays, a single passing place (location to be agreed), in line with his specification for private access, and the provision of parking and turning for 2 vehicles within the plot.

#### Landscaping

New fencing and landscaping is proposed in order to screen the development within wider views into the site. This includes planting between the proposed dwelling and existing cottages which creates a separation effect.

The Landscape Architect does not object to the proposals but advises a condition be used to ensure a planting plan and schedule is agreed for any new planting in connection with the development.

#### Developer Contributions

The Education Department seek developer contributions in respect of Lifelong Learning (Chirnside Primary School and Eyemouth High School) totalling £7195.

The community council were consulted on the application and raised no objections. No third party representations have been received in respect of the application.

#### **REASON FOR DECISION :**

The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that:

No suitable economic or agricultural justification for a further dwelling house in this location has been provided.

The site would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group.

#### **Recommendation: Refused**

- 1 The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance

and character of the building group. Furthermore, no suitable economic or agricultural justification for a further dwelling house in this location has been provided.

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

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
SERVICE DIRECTOR REGULATORY SERVICES**

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

**REF :** 14/00934/FUL

**APPLICANT :** Mr Fred Millar

**AGENT :** Keppie Planning & Development

**DEVELOPMENT :** Erection of dwellinghouse and detached garage

**LOCATION:** Land West Of 3 Nethermains Cottage  
Duns  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:** Negotiation

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
P291/LOCA	Location Plan	Refused
P291/SK1B	Floor Plans	Refused
P291/SK2	Floor Plans	Refused
P291/SK3	Elevations	Refused
P291/SK4A	Block Plans	Refused
P291/SK5	Floor Plans	Refused

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

Roads: No objection subject to conditions as follows:

New private access must be constructed to the following specification "75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.

Parking and turning for two vehicles, not including garages, must be provided within the curtilage of the plot and retained in perpetuity.

1 No. passing place as per my specification (DC-1) to be constructed at an agreed location on the single track private road serving the site.

Visibility splays shown on the schematic block plan (Dwg No. P291/SK4A) to be provided prior to occupation of the dwelling and thereafter maintained as such in perpetuity.

Environmental Health: No objection subject to informative with regard to the siting and design of the flue and use of fuel. The plans lodged with this Application indicate the presence of a stove or solid fuel appliance. These installations can cause smoke and odour problems if not properly installed or used.

Landscape: There is no landscape based objection to the proposal. New tree and hedgerow planting is indicated on the applicant's Schematic Block Plan, drawing P291/SK4A. This should be covered by

condition and a detailed planting plan and schedule submitted for approval. Landscape Guidance notes 3 and 7 are relevant.

Education: The development is located within the catchment area for Chirnside Primary School and Berwickshire High School. A contribution of £2990 is sought for the Primary school and £4205 is sought for the High School, making a total contribution of £7195.

Community Council: No objections. There is already a building group of houses on the site.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Council Consolidated Local Plan 2011

G1 Quality Standards for New Development  
G5 Developers Contributions  
D2 Housing in the Countryside  
H2 Protection of Residential Amenity  
NE3 Local Biodiversity  
NE4 Trees, Woodlands and Hedgerows  
Inf4 Parking Standards

Supplementary Planning Guidance  
New Housing in the Borders Countryside

### **Recommendation by** - Lucy Hoad (Planning Officer) on 9th March 2015

Nethermains Farm lies to the south east of the village of Chirnside and is accessed via minor roads from the A6105. The farm complex comprises the main farmhouse located at the east end of the farm access track, with a mixture of traditional and modern sheds immediately adjacent and central to the group, with 2 semi-detached farm cottages positioned at the west end of the building group.

This application seeks planning consent in full for the erection of a dwellinghouse with detached garage on land to the west of cottage No1. The site (1402 sqm ) is square in shape and roughly half of the site comprises part of the garden ground area of Cottage No1 and, the other, an area of arable grassland to the north. It is proposed to create a new access into the site.

The application is accompanied by plans, elevations and design statement. The layout plan illustrates the footprint of a house, set back within the plot, with provision of a new access and parking area, garage and amenity space. The design statement depicts a 1.75 storey house (pitched roof) with 1.5 storey projection (front elevation) and single storey side extension, set back to wrap around rear corner. External materials include a mixture of render, timber and stone with slate roof. The garage is single story with pitched roof (timber/slate).

The agent has submitted a planning statement to accompany the application in order to set out the case that the house is justified on two grounds.

1 The house is required for an agricultural worker under policy D2E (farmer coming out of retirement to help his son on a part time basis).

2 there is an existing building group at this location, and the proposed dwelling would be a suitable addition to the group under Policy D2A.

Under Policy D2 Housing in the Countryside, housing with a location essential for business needs may be acceptable if the Council is satisfied that

1 the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominately employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the



enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement or,

2 it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside and

3 the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing and

4 no appropriate sites exists within a building group and

5 there is no suitable existing house or other building capable of conversion for the required residential use

The submitted planning statement explains that the dwelling is for Mr F Miller (joint owner) who has come out of retirement to help his son Mr N Miller who manages and lives on the farm. Mr F Miller lives in Duns and wants to return to live and work on the farm on a part time basis only. No economic justification has been submitted for assessment in relation to the application. The submitted planning statement requests that there should be no requirement placed upon the applicant to have any consent unduly restricted by an occupancy condition or S75 agreement. The agent has confirmed that the existing farm cottages at Nethermains are occupied by non-farm workers.

In terms of the criteria of policy D2E, it is not considered that a sufficient case has been made to demonstrate that a house is justified at this location in terms of the applicant's employment. Nor has it been demonstrated that another dwelling on the farm could not be utilised for his accommodation.

Policy D2 aims to support new housing in the countryside that is associated with existing building groups. The Councils Housing in the Countryside policy requires the existence of a building group of at least 3 houses or buildings capable of conversion to residential use. It is accepted that there is an established building group at this location to include the main farmhouse and 2 cottages.

Policy allows for a 30% addition to the building group or an additional two dwellings. The calculations on building group size are based on the existing number of housing units within the group at the start of the local plan period, including those units under construction or nearing completion. For this group the base line figure is considered to be 3 units.

Supplementary Planning Guidance requires that any new development should be limited to the area contained by the sense of place of the grouping. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

The proposed site lies to the west of the existing farm cottages which would extend/enlarge the group along the roadway. The applicant was requested to demonstrate that there were no more suitable sites within the group for the proposed dwelling. The agent advised the current site was preferred.

In considering the extent of the site, and the footprint of the proposed development, it was felt that the site and footprint of the house extended beyond the limits of the group, comprising the boundary of the mature planting encircling the existing garden ground of the farm cottages. The applicant was requested to consider a smaller development footprint to reflect the neighbouring cottages and to pull the footprint of the house forward to match the front building line of the adjacent dwellings in order ensure the new house would sit comfortably within the limits of the group.

The agent advised that it was preferred to maintain a curtilage boundary to the new plot to the north that would extend in line with the adjacent cottages, this would allow the dwelling (same footprint) to shift forward but the plot would still require alteration to the field boundary/break into the undeveloped field.

Taking into account the advice provided in the supplementary planning guidance relating to sense of place, whilst the garden ground area was accepted to related well to the existing grouping, and could provide for a modest dwelling in proportion with the existing cottages, consideration has to be given to the existing natural and man made boundaries that exist, the principle of extending into the adjacent field was not considered to be necessary/acceptable on this occasion.

#### Amenity

The agent advised that the farm business comprised pigs and cattle (not dairy) and details on livestock numbers were sought. However no details of livestock numbers or management procedures have been provided to date. Without this information the issues of odour/noise cannot be formally assessed. Policy advises that sites within 400m of existing intensive livestock units will not normally be permitted unless required in connection with the farm or business itself. No business case has been provided to date and the planning statement advises that the applicant does not wish the house to be tied to the farm.

There are no issues of loss of privacy or light stemming from the proposals. In respect of the proposed heating system, the Environmental Health Officer has advised an informative with regard to flue siting and appliance maintenance is required.

#### Services

It is proposed to connect to the public water supply and public drainage with private Suds provision.

#### Access and parking

It is noted that the Roads Officer has not raised an objection to the principle of the proposal, provided certain road works are undertaken, to include provision of visibility splays, a single passing place (location to be agreed), in line with his specification for private access, and the provision of parking and turning for 2 vehicles within the plot.

#### Landscaping

New fencing and landscaping is proposed in order to screen the development within wider views into the site. This includes planting between the proposed dwelling and existing cottages which creates a separation effect.

The Landscape Architect does not object to the proposals but advises a condition be used to ensure a planting plan and schedule is agreed for any new planting in connection with the development.

#### Developer Contributions

The Education Department seek developer contributions in respect of Lifelong Learning (Chirnside Primary School and Eyemouth High School) totalling £7195.

The community council were consulted on the application and raised no objections. No third party representations have been received in respect of the application.

#### **REASON FOR DECISION :**

The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that:

No suitable economic or agricultural justification for a further dwelling house in this location has been provided.

The site would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group.

#### **Recommendation:** Refused

- 1 The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance

and character of the building group. Furthermore, no suitable economic or agricultural justification for a further dwelling house in this location has been provided.

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

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Officer Lucy Hoad  
☎ 01835 825113  
Our Ref : 14/00934/FUL  
Date : 26th August 2014

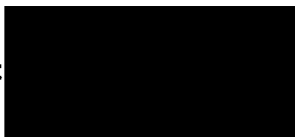
**NAME OF APPLICANT:** Mr Fred Millar  
**NATURE OF PROPOSAL:** Erection of dwellinghouse and detached garage  
**SITE:** Land West Of 3 Nethermains Cottage Duris Scottish Borders

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**REQUEST FOR OBSERVATIONS OF: Chirside Community Council**

NO ISSUES WITH THIS APPLICATION ALREADY A BUILDING  
GROUP OF HOUSES ON THE SITE

Signed:



Reply Date: 21-9-14

**PLEASE RETURN TO PRS@SCOTBORDERS.GOV.UK OR REGULATORY SERVICES, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, MELROSE, TD6 0SA**

ENVIRONMENT & INFRASTRUCTURE

24 SEP 2014  
LHO

To \_\_\_\_\_  
Ackn \_\_\_\_\_  
File \_\_\_\_\_  
Comment/Complaint   
Flat No \_\_\_\_\_

## **PLANNING CONSULTATION**

On behalf of: Director of Education & Lifelong Learning

From: Head of Property & Facilities Management  
Contact: Marc Bedwell, ext 5242

To: Head of Planning & Building Standards  
Contact: Lucy Hoad ☎ 0300 100 1800 Ext. 5375

Date: 23 June 2015  
Ref: 14/00934/FUL

### **PLANNING CONSULTATION**

**Name of Applicant:** Mr Fred Millar

**Agent:** Keppie Planning & Development

**Nature of Proposal:** Erection of dwellinghouse and detached garage

**Site:** Land West Of 3 Nethermains Cottage Duns Scottish Borders

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### **OBSERVATIONS ON BEHALF OF: Director of Education & Lifelong Learning**

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## **CONSULTATION REPLY**

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

A contribution of £2990 is sought for the Primary school and £4205 is sought for the High School, making a total contribution of £7195.

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.

The new Berwickshire High School replaces a previous building that was under severe capacity pressure and with facilities unsuitable for further expansion. Following consultation, the decision was made to replace it and two others in the Borders under the 3 High Schools project with the three new modern schools opened on time for the 2009-10 academic years. Developer contributions for Berwickshire, Earlston and Eyemouth high schools will apply in their respective catchment areas, supplementing Scottish Borders Council's investment in the new facilities.

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 2015.

If you require any further information, please do not hesitate to contact me.

**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	<b>14/00934/FUL</b>
<b>Uniform Ref</b>	<b>14/01716/PLANCO</b>
<b>Proposal</b>	<b>Erection of dwellinghouse and detached garage</b>
<b>Address</b>	<b>Land West Of 3 Nethermains Cottage Duns Scottish Borders</b>
<b>Date</b>	<b>18/9/14</b>
<b>Amenity and Pollution Officer</b>	<b>David A. Brown</b>
<b>Contaminated Land Officer</b>	<b>Reviewed – no comments</b>

**Amenity and Pollution**

Assessment of Application

*Air quality  
Noise*

The plans lodged with this Application indicate the presence of a stove or solid fuel appliance. These installations can cause smoke and odour problems if not properly installed or used.

**Recommendation**

Delete as appropriate – Agree with application in principle, subject to Informative.
--

**Informative**

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify you in respect of Nuisance action.

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.

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



## PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 26th August 2014

Contact: Lucy Hoad ☎ 01835 825113

Ref: 14/00934/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 16th September 2014, if further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 16th September 2014, it will be assumed that you have no observations and a decision may be taken on the application.

**Name of Applicant:** Mr Fred Millar

**Agent:** Keppie Planning & Development

**Nature of Proposal:** Erection of dwellinghouse and detached garage

**Site:** Land West Of 3 Nethermain's Cottage Duns Scottish Borders

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**OBSERVATIONS OF:** Landscape Architect, J. Knight

## CONSULTATION REPLY dated 27 October 2014

*It is recognised that a formal recommendation can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Control service in respect of landscape related issues.*

**There is no landscape based objection to the proposal.**

New tree and hedgerow planting is indicated on the applicant's Schematic Block Plan, drawing P291/SK4A. This should be covered by condition and a detailed planting plan and schedule submitted for approval. Landscape Guidance notes 3 and 7 are relevant.

# REGULATORY SERVICES



To: **Development Management Service**  
**FAO Lucy Hoad**

Date: **16 Sept 2014**

From: **Roads Planning Service**  
Contact: **Paul Grigor**

Ext: **6663**

Ref: **14/00934/FUL**

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**Subject: Erection of Dwellinghouse and Detached Garage**  
**Land West of 3 Nethermains Cottage, Duns**

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Should the planning department be minded to support this application, I will require the following points to be incorporated in the design;

- New private access must be constructed to the following specification “*75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.*”
- Parking and turning for two vehicles, not including garages, must be provided within the curtilage of the plot and retained in perpetuity.
- 1 No. passing place as per my specification (DC-1) to be constructed at an agreed location on the single track private road serving the site.
- Visibility splays shown on the schematic block plan (Dwg No. P291/SK4A) to be provided prior to occupation of the dwelling and thereafter maintained as such in perpetuity.

Providing the above points are satisfactorily addressed, I will not object to this application.

**Forms to be included DC-1.**

DJI

**List of Policies**

**Local Review Reference: 15/00012/RREF**  
**Planning Application Reference: 14/00934/FUL**  
**Development Proposal: Erection of dwellinghouse and detached garage**  
**Location: Land West of 3 Nethermains Cottage, Duns**  
**Applicant: Mr Fred Millar**

**SESPLAN**

None applicable.

**CONSOLIDATED SCOTTISH BORDERS LOCAL PLAN 2011:**

POLICY INF4 – PARKING PROVISIONS AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with the Council's published adopted standards, or any subsequent standards which may subsequently be adopted by the Council (see Appendix D).

Relaxation of standards will be considered where the Council determines that a relaxation is required owing to the nature of the development and/or positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

POLICY NE4 – TREES, WOODLANDS AND HEDGEROWS

The Council supports the maintenance and management of trees, woodlands, including ancient woodlands and ancient woodland pastures, and hedgerows, (hereafter referred to as the 'woodland resource') and requires developers to incorporate, wherever feasible, the existing woodland resource into their schemes.

1. Development that would cause the loss of, or serious damage to the woodland resource, will be refused unless the public benefits of the development at the local level clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value. Decision making will be informed by the Scottish Borders Woodland Strategy, expert advice from external agencies, the existing condition of the woodland resource and BS5837: Trees in Relation to Construction;
2. The siting and design of the development should aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability;
3. Where there is an unavoidable loss of the woodland resource, appropriate replacement planting will normally be a condition of planning permission. In some locations planning agreements will be sought to enhance the woodland resource;
4. Development proposals should demonstrate how the protection of the woodland resource will be carried out during construction, adopting British Standard 5837.

POLICY NE3 - LOCAL BIODIVERSITY

1. The Council will seek to safeguard the integrity of habitats both within and outwith settlements which are of importance for the maintenance and enhancement of local biodiversity. The rationale and detail for this is set out in the Supplementary Planning Guidance for Biodiversity.

2. Where development is proposed on a site for which there is evidence to suggest that a habitat or species of importance exists, the developer may be required, at their own expense, to undertake a survey of the site's natural environment. Major developments, as defined by the categories of development identified in the Council's biannual Scottish Government Planning Application Returns, may require an Ecological Impact Assessment.
3. Development that could impact on local biodiversity through impacts on habitats and species should
  - i) Be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability,
  - ii) Aim to avoid the fragmentation or isolation of habitats,
  - iii) Aim to enhance the biodiversity value of the site through the creation or restoration of habitats and wildlife corridors and provision for their long term management and maintenance.
4. Development that would have an unacceptable adverse effect on habitats or species of Conservation Concern as identified in the regional listings in the Local Biodiversity Action Plan (LBAP) will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.
5. Where the reasons in favour of development clearly outweigh the desirability of retaining particular habitat features, mitigation measures aimed at ensuring no net loss of LBAP habitats will be sought, including the creation of new habitats or the enhancement of existing habitats, in accordance with Policy G5 Developer Contributions and the associated Supplementary Planning Guidance.

#### POLICY H2 – PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

1. The principle of the development, including where relevant, any open space that would be lost; and
2. The details of the development itself particularly in terms of:
  - (i) the scale, form and type of development in terms of its fit within a residential area,
  - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking and loss of privacy. These considerations apply especially in relation to garden ground or 'backland' development,
  - (iii) the generation of traffic or noise,
  - (iv) the level of visual impact.

#### POLICY D2 – HOUSING IN THE COUNTRYSIDE

The Council wishes to promote appropriate rural housing development:

1. in village locations in preference to the open countryside,
2. associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
3. in dispersed communities in the Southern Borders housing market area.

These general principles will be the starting point for the consideration of applications for housing in the countryside which will be supplemented by Supplementary Planning Policy Guidance on siting, design and interpretation.

#### **POLICY D2 (A) BUILDING GROUPS**

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

1. The Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
2. Any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted,
3. The cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Plan period. This will include those units under construction or nearing completion at that point.

#### **POLICY D2 (B) DISPERSED BUILDING GROUPS**

In the Southern Housing Market area there are few building groups comprising 3 houses or more, and a more dispersed pattern is the norm. In this area a lower threshold may be appropriate, particularly where this would result in tangible community, economic or environmental benefits. In these cases the existence of a sense of place will be the primary consideration.

Housing of up to 2 additional dwellings associated with dispersed building groups acting as anchor points may be approved provided that:

1. The Council is satisfied that the site lies within a recognised dispersed community that functions effectively as an anchor point in the Southern Borders housing market area,
2. Any consents for new build granted under this part of this policy should not exceed two housing dwellings in addition to the group during the Plan period. No further development above this threshold will be permitted,
3. The design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

#### **POLICY D2 (C) CONVERSIONS**

Development that is a change of use of a building to a house may be acceptable provided that:

1. the Council is satisfied that the building has architectural or historic merit or is physically suited for residential use,
2. the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and
3. the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

#### **POLICY D2 (D) REBUILDING**

The proposed rebuilding or restoration of a house may be acceptable provided that either:

1. the existing building makes a positive contribution to the landscape,
2. the walls of the former residential property stand substantially intact (normally at least to wallhead height),
3. no significant demolition is required (a structural survey will be required where it is proposed to fully demolish the building, showing that it is incapable of being restored),
4. the restoration/rebuilding and any proposed extension or alteration is in keeping with the scale, form and architectural character of the existing or original building,
5. significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a more sustainable and energy efficient design, or
6. there is evidence of the existence of the building in terms of criteria (a)-(c) immediately above, or, alternatively, sufficient documentary evidence exists relating to the siting and form of the previous house and this evidence is provided to the satisfaction of the Council, and
7. the siting and design of new buildings reflects and respects the historical building pattern and the character of the landscape setting, and
8. the extent of new building does not exceed what is to be replaced.

#### **POLICY D2 (E) ECONOMIC REQUIREMENT**

Housing with a location essential for business needs may be acceptable if the Council is satisfied that:

1. the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or

2. it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
3. the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
4. no appropriate site exists within a building group, and
5. there is no suitable existing house or other building capable of conversion for the required residential use.

The applicant and, where different, the landowner, may be required to enter into a Section 75 agreement with the planning authority to tie the proposed house or any existing house to the business for which it is justified and to restrict the occupancy of the house to a person solely or mainly employed, or last employed, in that specific business, and their dependants. A Business Plan, supported by referees or independent business adjudication, may be required in some cases.

In **ALL** instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning Policy Guidance where it meets the terms of this policy and development must not negatively impact on landscape and existing communities. The cumulative effect of applications under this policy will be taken into account when determining impact.

#### POLICY G5 – DEVELOPER CONTRIBUTIONS

Where a site is otherwise acceptable but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or part contribution through S.75 or alternative Legal Agreements towards the cost of addressing such deficiencies.

Each application will be assessed to determine the appropriate level of contribution guided by: the requirements identified in the Council's Supplementary Planning Guidance on developer contributions; planning or development briefs; outputs from community or agency liaison; information in settlement profiles; other research and studies such as Transport Assessments; the cumulative impact of development in a locality; provisions of Circular 12/96 in respect of the relationship of the contribution in scale and kind to the development. Contributions will be required at the time that they become necessary to ensure timely provision of the improvement in question. The Council will pursue a pragmatic approach, taking account of the importance in securing necessary developments, and exceptional development costs that may arise. Contributions are intended to address matters resulting from new proposals, not existing deficiencies. In general, the Council does not intend to require contributions arising from the needs of affordable housing. Contributions towards maintenance will generally be commuted payments covering a 10 year period.

Contributions may be required for one or more of the following:

1. Treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);

2. Provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
3. Off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways and other access routes, subsidy to public transport operators; all in accordance with the Council's standards and the provisions of any Green Travel Plan;
4. Leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
5. Landscape, open space, trees and woodlands, including costs of future management and maintenance;
6. Protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
7. Provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; and provision of street furniture.

#### POLICY G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
6. it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
7. it provides open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
9. it provides for linkages with adjoining built up areas including public transport connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will be encouraged to support more sustainable travel patterns,



10. it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
11. it provides for recycling, re-using and composting waste where appropriate,
12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
13. it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
14. it incorporates, where required, access for those with mobility difficulties,
15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Developers may be required to provide design statements, design briefs or landscape plans as appropriate.

**Other Material Considerations**

- Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- Supplementary Planning Guidance on Placemaking & Design 2010
- Supplementary Planning Guidance on Trees and Development 2008
- Supplementary Planning Guidance on Development Contributions 2011
- Supplementary Planning Guidance on Biodiversity 2005
- Scottish Borders Local Development Plan 2013





*Regulatory Services*

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**Application for Planning Permission**

**Reference : 14/01182/FUL**

**To : Mr And Mrs D Thomson per Fred Walker Associates 19 Biggar Road Silverburn Penicuik EH26 9LQ**

With reference to your application validated on **20th October 2014** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of dwellinghouse with integral garage and incorporating granny flat**

**at : Land South Of Bogsbank Bogsbank Road West Linton Scottish Borders**

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 1st April 2015  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

Signed .....  
**Service Director Regulatory Services**



**APPLICATION REFERENCE : 14/01182/FUL****Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
645 - LP	Location Plan	Approved
645 -10	General	Approved
645-11	General	Approved
645-PH	Photos	Approved

**REASON FOR REFUSAL**

The proposals are contrary to Policy D2 of the Scottish Borders Consolidated Local Plan 2011 as there is no existing building group of at least three house at the location on Bogbank Road.

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.



**NOTICE OF REVIEW**

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

**Applicant(s)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

**Agent (if any)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

Mark this box to confirm all contact should be through this representative:

Yes  No

\* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review**

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

**Statement**

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please refer to separate Grounds of Appeal statement.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes  No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

Considerable time was spent in pre-application discussion with Planning Officers. At no stage was the eventual reason for refusal mentioned. The positive nature of dialogue throughout was summed up within the Officer's Report, "...in terms of scale, massing, design and siting the proposals are acceptable," so there was apparently no need for further planning statements or background information to support the application. The Applicants would now appreciate the opportunity to put forward representations & supporting information to the Review Body.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

- Grounds of Appeal Statement  
 - 2004 Planning Appeal Decision  
 - 645/AP Annotated Plan of Local Area

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

**FRED WALKER ASSOCIATES**

Date

25th June 2015

**The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.**



## **Planning Application 14/01182/FUL**

### **Erection of dwelling house with integral garage and incorporating granny flat on land south of Boggsbank, Boggsbank Road, West Linton.**

#### **Grounds of Appeal Statement**

The Planning Officer's Report states, "It is considered that the current Local Plan policy takes precedent over previous planning decisions for this site, there is no established building group at this location and for this reason, the application cannot be supported."

In every other respect, the application has met with the approval of those consulted: No objections were received, the local Community Council wrote in support, whilst the form & location of the proposed buildings on the site & proposed access from the Boggsbank Road have met with no dissent.

To quote further from the Planning Officer's Report, "The proposals are not acceptable as they do not comply with Scottish Borders Local Plan policy D2 in that there is no existing building group of at least three houses at this location and a case has not been made that would support an exception to this policy." The Applicants wish to take this opportunity to put forward a case which combines three main arguments: Firstly, that there is indeed an established building group of at least three houses & furthermore a long-established & distinct wider built environment at Boggsbank, into the context of which the proposed development would fit seamlessly. Secondly, that justification can be made on economic grounds for this proposed new dwelling house with regard to the adjacent family haulage business. Thirdly, to outline a little of the history of the site which might inform any debate on its suitability as the location for a new dwelling house.

1.) POLICY D2 – HOUSING IN THE COUNTRYSIDE asserts the Council's wish to promote appropriate rural housing development in villages & in dispersed communities in the Southern Borders housing market area but with particular relevance to this application, "associated with existing building groups where this does not adversely affect their character or that of the surrounding area."

The Planning Officer's Report states that the proposed site, "Is an open area located to the south of a clear boundary formed by the line of mature trees along the access road to Westwater House and beyond." An argument can certainly be made that the site is well enclosed by existing trees / landscape. The access road with its avenue of trees forms a natural boundary to the site but not to the wider building group. As plan of local area 645/AP shows, Boggsbank Farm itself & Westwater Cottage lie within 60m of the proposed buildings; a disused Barn with recently approved Planning Permission for conversion into a dwelling house for which preparatory work is now underway lies approximately 100m away while Westwater lies around 200m away. No reference is made by the policy to any particular permissible spacing of an existing group to justify further additions. So, is Boggsbank a distinct place with, perhaps, a more dispersed housing group? In his determination of the Planning Appeal for outline consent dated 13th January 2004, the Reporter states (page 3, paragraph 13) that, "My site visit leaves me in no doubt that a "sense of place" exists, both at the junction of the access serving West Water and Boggsbank Road, and also the extended area to the east up to West Water. Existing development at the junction comprises West Water Cottage and the extended Boggsbank. While apparently only one house, Boggsbank has the appearance of two residential units. In addition there is a further building to the east of West Water Cottage, and West Water itself. While there may in fact only be two houses at the junction, the clear impression given is of a more substantial building group." The Reporter then continues, "Furthermore, the committee report on the application ac Page 2/7 that it could be argued that a "dispersed"

housing group exists if West Water itself is included, and that is a view which I hold, especially as an element of continuity is provided by the semi-derelict barn."

Current Supplementary Planning Guidance on New Housing in the Borders Countryside asserts that, "The Scottish Borders Council's policy is that in the countryside new housing will be encouraged to locate within or adjacent to building groups...Normally a group will consist of residential buildings comprising at least three dwelling units." Furthermore, "In all cases, the existence of a sense of place will be the primary consideration." All of which would appear to support the view expressed in the determination of the Planning Appeal of 2004 that, in the spirit of the legislation, the site is well suited to & appropriate for a new house.

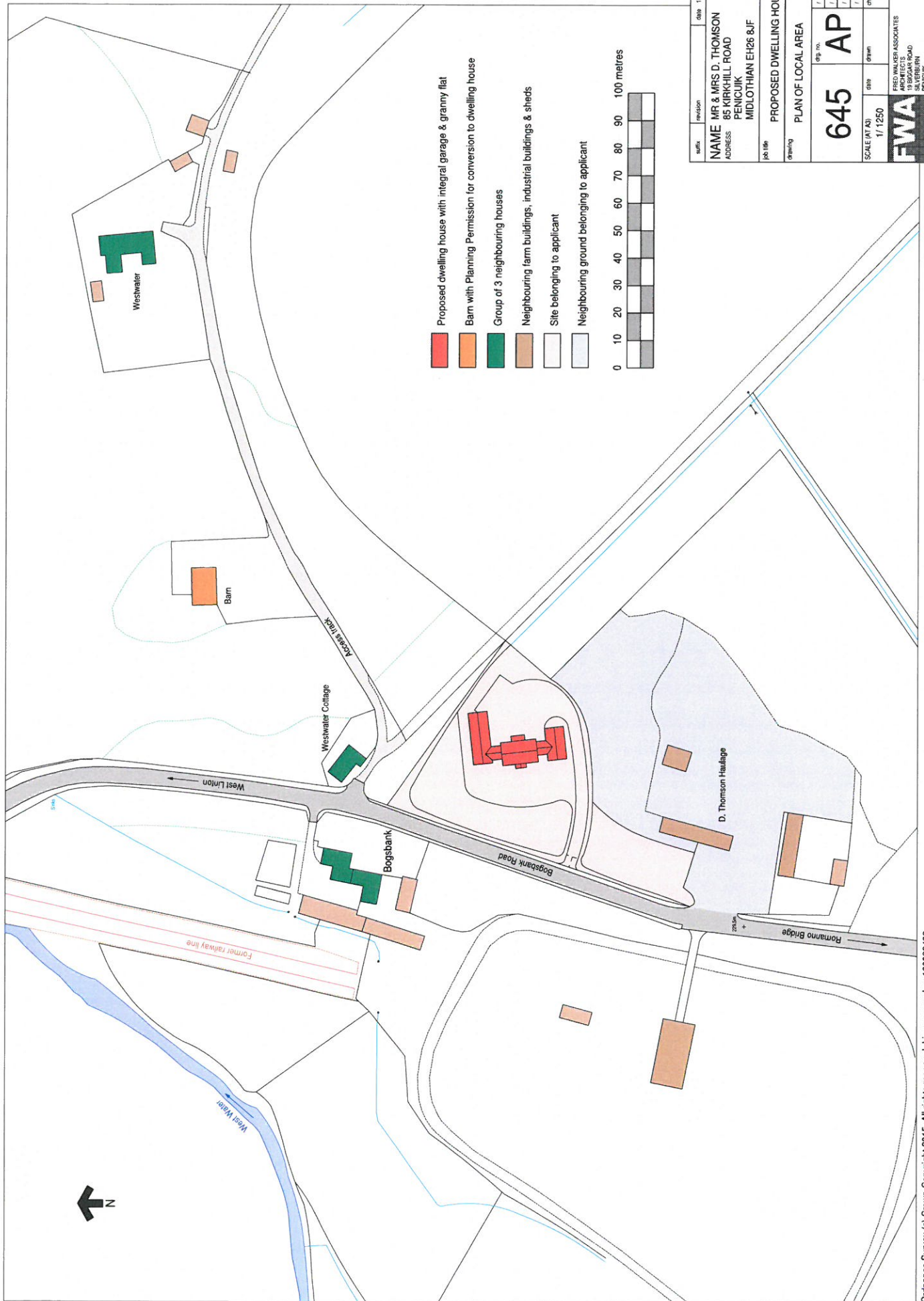
In conclusion, the proposed development would sit well within & be an appropriate addition to this existing building group but would have little wider visual impact.

2.) D. Thomson Haulage has operated from the Boggsbank yard for over 30 years. The business is road haulage, portacabin hire & storage. The yard comprises a generator shed, large garage / workshop & several storage containers. At present a total of 6 people are employed: 2 from West Linton, 1 from Penicuik & 1 from Carnwath together with Mr Douglas Thomson & son Robert.

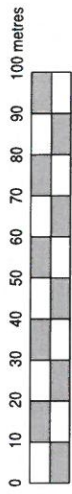
To oversee the continued successful & secure running of the business, the family would benefit from living at Boggsbank.

3.) Boggsbank is signposted from Romanno Bridge & sits adjacent to a long established crossing point of the West Water. The Leadburn, Linton & Dolphinton Railway (remnants of which can be seen) ran close by & there is a considerable history of industrial activity in the immediate area. Research has revealed that in the post war years of the 1940s a Saw Mill was in operation on a part of the proposed site which highlights the point that this is not a previously undeveloped Greenfield area or "open countryside" but should rather be considered a Brownfield site which has been well looked after by the Applicants with a view to possible re-development.





- Proposed dwelling house with integral garage & granny flat
- Barn with Planning Permission for conversion to dwelling house
- Group of 3 neighbouring houses
- Neighbouring farm buildings, industrial buildings & sheds
- Site belonging to applicant
- Neighbouring ground belonging to applicant



ref.	revision	date	15/06/2015
<b>NAME</b> MR & MRS D. THOMSON			
<b>ADDRESS</b> 85 KIRK HILL ROAD			
PENICUIK			
MIDLOTHIAN EH26 8JF			
<b>job title</b> PROPOSED DWELLING HOUSE			
<b>drawing</b> PLAN OF LOCAL AREA			
app. no.	date	drawn	checked
<b>645</b>	<b>AP</b>		
<b>SCALE (AT A3)</b> 1/1250			

**FWA**  
 FERRIS WATERS ASSOCIATES  
 ARCHITECTS  
 19 BODGARD ROAD  
 PENICUIK  
 MIDLOTHIAN EH26 8JF  
 TEL / FAX 01968 67268  
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**SCOTTISH EXECUTIVE**

Development Department  
Inquiry Reporters Unit

2 Greenside Lane  
Edinburgh EH1 3AG  
DX 557005 Edinburgh - 20

Telephone: 0131-244-5673  
Fax: 0131-244-5680

[http://www.scotland.gov.uk/planning\\_appeals/seiru](http://www.scotland.gov.uk/planning_appeals/seiru)

Your ref:  
Our ref: P/PPA/140/195

13 January 2004

Mr & Mrs D Thomson  
82 Kirkhill Road  
Penicuik  
Midlothian  
EH26 8JF

10-30

FAO KEITH RENTON-

Sorry for the delay, meant to  
send this off ages ago  
Brenda

Dear Sir & Madam

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: SECTION 47 AND SCHEDULE 4  
PLANNING APPEAL: LAND AT BOGSBANK ROAD, WEST LINTON**

1. I have been appointed to determine your appeal against the refusal of outline planning permission by the Scottish Borders Council for the erection of a dwellinghouse at the above location. I made an accompanied inspection of the appeal site and the area on 18 November 2003.
2. The 1.3ha appeal site is part of an extensive area of open land on the east side of Bogsbank Road, immediately to the south of the minor access leading to the established property known as West Water. Immediately to the north of this access is West Water Cottage, and facing it from the opposite side of the public road is Bogsbank, a single storey house with a large annex. Substantial outbuildings associated with Bogsbank appear to be used for livery purposes. West Water itself is some 150m to the northwest of the site and between it and West Water Cottage is a semi-derelict barn which seems to be used as an equipment store. Adjoining the south of the site is your haulage business, which comprises a number of large utilitarian buildings and open storage. The appeal site itself is on two levels; a lower area which extends to the south and east of West Water Cottage, and a higher area beyond an artificial earth bund, the top of which is at approximately the same level as the haulage yard. Mature broadleaf trees along the access road to West Water and along Bogsbank Road represent prominent features in the local landscape.
3. The proposal involves a detached dwellinghouse, and an indicative drawing shows this positioned centrally within the lower part of the site, served by a new access to Bogsbank Road.
4. Planning permission was refused because (in summary) the proposal is contrary to the Scottish Borders Structure Plan (SBSP) policies H5 and H6, and to Tweeddale Local Plan (TLP) policies 7 and 8, as the site is outwith any recognised settlement or building group and the need for the house has not been adequately substantiated.



5. **An objection by West Linton Community Council** advises that as there is no recognised building group at this location, the proposal is contrary to TLP policy 7. Since no economic need for the dwelling has been substantiated, the proposal is also contrary to TLP policy 8. **Another objection** by a local resident states that the proposal represents a departure from TLP policy 7.

6. **For the council** it is stated that SBSP policy H5 allows for new houses in the countryside outwith defined settlements, but associated with building groups, where they are in accordance with the terms of the policy guidance in "New Housing in the Borders Countryside". Favourable consideration under this guidance is more likely to be given where proposals are readily accessible to the strategic public transport network, they employ energy efficient and/or innovative design principles, and they incorporate employment generating uses appropriate to a countryside setting. SBSP policy H6 states that new houses in the countryside outwith defined settlements and unrelated to building groups will only be supported where the house can be shown to be essential at the location for the needs of a use that currently occupies or requires an appropriate rural location, and the requirement for a house cannot be satisfied by policy H5. TLP policy 7 allows for new housing development outwith identified settlements, but within or adjacent to building groups, where specified criteria are met, and policy 8 establishes similar criteria for sites that are not within or adjacent to building groups where an economic need can be clearly substantiated. TLP policies 57 and 58 relate to locational, landscape, design and external materials matters.

7. The appeal site clearly lies outwith any recognised settlement boundary and does not form part of any building group as defined in "New Housing in the Borders Countryside". There are presently 2 houses at this locus, West Water Cottage and Bogsbank. A further house, West Water, is about 150m to the east. The council acknowledges in terms of its guidelines that it could be argued that the overall settlement pattern constitutes a "dispersed housing group", but the view is taken that the access to West Water, which is well defined by established trees and shrubs, forms the boundary of the group. In any event, it is argued that the appeal site does not relate well to West Water Cottage and Bogsbank. Accordingly the proposal must be assessed against SBSP policy H6, the first criterion of which requires an applicant to provide evidence that the house is justified on grounds of essential need. It is acknowledged that the appellants' business operates from the adjoining land and that the proposed house would assist the running of this in terms of convenience, but it is not accepted that the erection of a house is essential to the future of the business. There does not appear to be any reason why the appellants could not acquire an existing house in West Linton or move to a location closer than Penicuik. Another possibility would be to erect offices on the site from which to manage the business, and security measures such as fencing and CCTV could be employed.

8. The appellants have questioned whether full details of the case of need were presented to members before the decision was taken to refuse permission. While the statement produced by their agent arrived too late to be incorporated in the committee report, it is confirmed that a summary was read out at the committee meeting. Members were therefore fully aware of all relevant circumstances before they reached their decision.

9. **In support of the appeal** you advise that a supporting statement detailing the need for the house was submitted by your agent, but it was not copied in full to councillors. In your opinion this affected the council's decision. Fundamental points included in the statement of need are as follows:

- your haulage business has operated from Bogsbank Road for over 20 years, during which time it has grown significantly to the extent that it now employs 5 full time drivers, a full time driver/mechanic and a part time bookkeeper;

- future expansion plans include developing the vehicle repairs side of the business, setting up a horse transport service, providing container storage on the site, and setting up a portacabin hire service;
- in addition to providing local employment, the business provides a service for local builders, farmers and gardeners, and it contributes significantly to the local economy;
- the business is presently administered by Mrs Thomson from the family home in Penicuik, but the birth of a third child means that this is no longer practical;
- an increase in sub-contractual work has generated increased paperwork and the need for the business administration to be undertaken on site; and
- the option of providing administrative space in the form of a portacabin has been rejected for personnel safety and security reasons.

10. You emphasise that this is not a case where the proposed house would be sold on for profit. The sole purpose of the application is to centralise your business and domestic arrangements, while continuing to benefit the local economy.

### Conclusions

11. Section 25 of the Act requires my determination to be made in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan policies drawn to my attention as bearing on the appeal are referred to at paragraphs 6-7 above. Other material considerations are the council's "New Housing in the Borders Countryside" guidelines as amended, and your submission of need as outlined at paragraph 10 above. Having regard to the submissions, and my site visit, I consider the determining issues in this case are whether the proposal is consistent with the relevant provisions of the development plan and, whether a decision not in accord with these provisions is justified by other material considerations.

12. It is beyond dispute that the appeal site lies outwith any defined settlement, and so reference must firstly be made to the council's guidelines on "New Housing in the Borders Countryside" to establish whether a building group exists at this locus. The 1993 version of the guidelines defines a building group *inter alia* as being identifiable by a sense of place, which will be contributed to by natural or man-made boundaries, and it will normally consist of at least 3 dwelling units, including buildings capable of conversion to residential use. In assessing the suitability of any particular group to accommodate new houses, account should be taken *inter alia* of: the scale and siting of the proposed development, which should reflect and respect the character of the existing group; the new development should be limited to the area contained by the "sense of place"; and sites should not normally break into a previously undeveloped field. An alteration to the guidelines in 2000 introduced the concept of "dispersed" housing groups; and applied similar criteria to be met, but with an element of flexibility insofar as breaking into a previously undeveloped field is concerned.

13. My site visit leaves me in no doubt that a "sense of place" exists, both at the junction of the access serving West Water and Bogsbank Road, and also the extended area to the east up to West Water. Existing development at the junction comprises West Water Cottage and the extended Bogsbank. While apparently only one house, Bogsbank has the appearance of two residential units. In addition there is a further building to the east of West Water Cottage, and West Water itself. While there may in fact only be two houses at the junction, the clear impression given is of a more substantial building group. I note that the original definition of a building group includes the word "normally" when referring to "at least three dwelling units". This seems to me to be a recognition that exceptions to the standard definition will on occasion be justified. In my opinion the situation at the junction could qualify as such an exception. Furthermore the committee report on the application

acknowledges that it could be argued that a "dispersed" housing group exists if West Water itself is included, and that is a view which I hold, especially as an element of continuity is provided by the semi-derelict barn.

14. I am satisfied that a suitably designed house carefully positioned towards the northwest corner of the site would respect the layout, balance and character of the existing group, whether it be the group at the junction itself, or the dispersed group. Based on my site visit, and given the development at Boggsbank, I am not persuaded that the West Water access road forms an edge to the building group which must be preserved at all costs. While it could be said that the proposed house would break into a presently undeveloped field, I am satisfied that any impact that might produce could be suitably addressed by tree and shrub planting which would satisfactorily integrate it into its setting. Such tree planting would also firmly establish the southern boundary of the building group on the west side of Boggsbank Road. In regard to TLP policy 7, I consider that with the imposition of appropriate conditions on a grant of outline permission, all of the required criteria can be satisfactorily met. I therefore conclude that the proposal does not conflict with the provisions of SBSP policy H5 or TLP policy 7, and in consequence it is not necessary for me to assess the proposal against SBSP policy H6 or TLP policy 8. Given these conclusions, I do not consider that there is any need for a section 75 agreement which would have tied occupancy of the proposed house to your business.

15. I have taken account of all the other matters raised but find none that outweigh the considerations on which my decision is based. I find that the proposal is not in conflict with the relevant provisions of the development plan, and refusal is not justified by other material considerations. Accordingly, and in exercise of the powers delegated to me, I therefore allow your appeal and grant outline planning permission for the erection of a dwellinghouse at Boggsbank Road, West Linton (council ref: 03/00202/OUT), subject to the conditions:

- (1) Before development commences written approval from the planning authority shall be obtained for the details of the layout of the site, the proposed boundary treatment and landscaping, the finished external ground levels, the siting, design, external materials and finishes of the proposed house and any other buildings, the finished floor levels of buildings, the access, proposed on-site vehicle turning and parking facilities, and the arrangements for surface and foul water drainage. No work shall commence on site until all of the above "reserved matters" have been approved, and thereafter the development shall be implemented strictly in accordance with the approved details unless the council gives its written agreement to any variation. *(Reason: to ensure the proper development of the site as details have not yet been submitted.)*
- (2) Application for the approval of the "reserved matters" shall be made within 3 years of the date of this permission. *(Reason: to accord with section 59 of the Act.)*
- (3) The development hereby permitted shall start no later than 5 years from the date of this permission, or within 2 years from the date of approval of the last of the "reserved matters". *(Reason: to accord with section 59 of the Act.)*
- (4) The details submitted in pursuance of condition (1) shall show all existing trees on site retained and protected during the construction period and the proposals for doing so shall be incorporated in the required landscaping details. *(Reason: in the interests of amenity.)*

16. This decision is final, subject to the right of any aggrieved person to apply to the Court of Session within 6 weeks of the date of this letter, as conferred by sections 237 and 239 of the Town



and Country Planning (Scotland) Act 1997; on any such application the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicants' interests have been substantially prejudiced by a failure to comply with any requirement of the Act or of the Tribunals and Inquiries Act 1992 or of any orders, regulations or rules made under these Acts.

17. Copies of this letter have been sent to the Scottish Borders Council and to those who lodged representations.

Yours faithfully



Alan M G Walker  
Principal Reporter



**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
SERVICE DIRECTOR REGULATORY SERVICES**

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

**REF :** 14/01182/FUL

**APPLICANT :** Mr And Mrs D Thomson

**AGENT :** Fred Walker Associates

**DEVELOPMENT :** Erection of dwellinghouse with integral garage and incorporating granny flat

**LOCATION:** Land South Of Bogsbank  
Bogsbank Road  
West Linton  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
645 - LP	Location Plan	Refused
645 -10	General	Refused
645-11	General	Refused
645-PH	Photos	Refused

**NUMBER OF REPRESENTATIONS: 1**  
**SUMMARY OF REPRESENTATIONS:**

Representations

One letter of comment has been received relating to the development of a dwellinghouse on a greenfield site outwith the village development boundary and concerned that if allowed on this site, it would set a precedent for similar developments elsewhere.

Consultation Responses

Roads Planning

No objections provided the following points are included in any consent issued:

- The access must have a 5 metre throat width and 6 metre radii, this will allow two vehicles to pass without affecting the traffic flow.
- The junction bellmouth at the public road is to be surfaced to my specification shown below
- Visibility splays of 2.4 x 160 metres must be provided in both directions and maintained in perpetuity.
- Measures to be put in place to prevent the flow of water onto the public road.

Specification

75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.

It should be borne in mind that only Council approved contractors may work within the public road boundary.

Education

Education and Lifelong Learning Contributions required for West Linton Primary School and Peebles High School.

Access

No response

Community Council

Support the application.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan 2011

G1 - Quality Standards For New Developments

D2- Housing in the Countryside

Inf4 - Parking Provision and Standards

G5 - Developer Contributions

H2 - Protection of Residential Amenity

NE4 - Trees, Woodlands and Hedgerows

Inf2 - Protection of Access Routes

SPG - New Housing in the Borders Countryside

**Recommendation by** - Dorothy Amyes (Planning Officer) on 10th December 2014

The site is located on the eastern side of Bogsbank Road to the south of West Linton, outwith the settlement boundary. To the north of the site is the access road to West Water, a dwelling 150m to the north east. At the junction of this access road and Bogsbank Road is West Water Cottage and on the western side of the public road is Bogsbank, a single storey cottage with a number of farm buildings.

The site is relatively flat and there are a number of mature trees along the boundary. The ground slopes up to the south to form an embankment that separates the site from the haulage yard to the south.

Outline planning consent ( 03/00202/OUT) for a house on this site was originally refused on the following grounds:

'The proposal would be contrary to Policies H5 and H6 of the Scottish Borders Approved Structure Plan 2001-2011 and Policies 7 and 8 of the Tweeddale Local Plan as the site is outwith any recognised settlement or building group and the need for the house has not been adequately substantiated.'

The subsequent appeal was upheld by the reporter who considered that there is a clear sense of place at the junction of the access serving West Water and Bogsbank Road and also the extended area to the east up to West Water. He considered that although there are only two properties at the junction there is a clear impression of a more substantial building group and considered that the site should be treated as an exception. Furthermore, he noted that if West Water and the semi-derelict barn are included then it could be considered as a more dispersed building group.

The appeal decision in January 2004 granted outline planning consent subject to a number of conditions. No further application was made for the reserved matters and the consent lapsed.

The current proposal is for a detached dwellinghouse with an attached granny flat. The building will be J shaped with a two storey, central section and single storey wings of differing lengths. Natural slates will be

used on the roof, with natural stone walling and small sections of timber cladding to first floor level with the walls at first floor level finished in smooth white render. Solar panels will be installed on the south facing roof slopes on the two wings. A new access will be formed to the south of the site and at least 3 parking spaces will be provided within the site. Beech hedging will be planted along the boundary of the site with Boggsbank Road and the access track to the property known as West Water and the semi-derelict barn.

Policy D2 in the Consolidated Local Plan states that additional dwellings associated with a building group may be approved provided that;  
the Council is satisfied that the site is well related to an existing group of at least three houses or buildings currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such a conversion has been implemented.

Supplementary Planning Guidance on New Housing in the Borders Countryside states the following in relation to building groups:

'2.b.1 Definition of a Building Group

The existence of a group will be identifiable by a sense of place which will be contributed to by:

- natural boundaries such as water courses, trees or enclosing landform,

or

-man-made boundaries such as existing buildings, roads, plantations or means of enclosure.

Sites should not normally break into previously undeveloped fields, particularly where there exists a definable natural boundary between the existing group and the field. Natural boundaries should take precedence over man-made boundaries when defining the extent of a building group.

Normally a group will consist of residential buildings comprising at least three dwelling units. Conversions may themselves constitute a complete building group. '

In terms of policy on housing in the countryside, in particular Local Plan policy D2, it was considered by planning officers when assessing the earlier application for a dwellinghouse that there was no established building group of at least three properties at this location. However, the reporter took a different view and considered that there is an established building group, that there is a sense of place created by the two existing dwellings and that the site relates well to this building group.

The questions therefore are whether a precedent has been established and whether an exception to the policy can be made in this instance. It is also noted that there is a valid consent to restore the semi-derelict barn to a single dwellinghouse which, again the reporter considered that this and West Water constituted a more dispersed building group. Normally, only dispersed building groups are considered in the more rural areas in the Southern Housing area.

The earlier application was assessed against the Structure Plan and Tweeddale Local Plan policies. However, the current application must be assessed against the prevailing Local Plan ie the Scottish Borders Consolidated Local Plan 2011. As noted above, the main policy is D2 and this states that there must be an existing building group of at least three residential properties. There are only two residential properties at this location and, as noted by the reporter, they do contribute to the sense of place. Westwater House is too remote for it to be considered as part of the building group and no work has started on the barn conversion. Even if the barn had been converted to residential use, it is some distance from the two existing properties and does not relate well to them. It is unlikely that this would be considered to make a cohesive building group of three. Furthermore, the proposed site is an open area located to the south of a clear boundary formed by the line of mature trees along the access road to Westwater House and beyond.

It is considered that the current Local Plan policy takes precedent over previous planning decisions for this site, there is no established building group at this location and for this reason, the application cannot be supported. No information has been submitted with the application to support an exception to the policy. It is understood that the applicant owns the existing business operating to the south of the site but no information has been submitted to support a new dwellinghouse on economic grounds.

Although the application cannot be supported on policy grounds, the proposals should be fully assessed.

The house is well set back from Boggsbank Road and planting is proposed along the boundary. It can be adequately accommodated on the site. There are no objections to the access subject to the required design being put in place. The existing dwellinghouses will not be affected by the development.

The existing residential properties at this location are single storey, traditional properties but it is noted that there are business premises to the south of the plot with a number of buildings including a large barn style building. The proposed single storey wings of the dwelling house will compliment the existing dwellinghouses in terms of design, materials and massing. The central two storey element will not be overly dominant or be out of place given the location on the plot and the scale of the buildings to the south. The southern elevation, which faces onto Boggsbank Road contains large areas of windows and a balcony. This will be partially screened by the existing trees and the proposed planting. Although beech hedging is proposed it is considered that a hedge of mixed species would be more appropriate in this rural location. This could be made a condition on any consent. Furthermore, it is considered that further consideration is required for the window detailing and the finished materials as few details have been submitted.

The northern wing of the house is located close to the boundary with the access route to West Water. This access route is lined with mature trees which are important landscape features and this has been recognised on recent planning decisions for a replacement house at West Water and the alterations to the barn to form a dwellinghouse. There are conditions on these consents to protect and maintain these trees. The application form indicates that no trees will be felled but there is potential for damage to tree roots by the northern wing but it is considered that the trees would require extra protection through a planning condition.

There are no objections to the proposed annex provided that it is ancillary accommodation for the main house and not used as a separate dwelling unit. An appropriately worded condition can be placed on the consent.

Developer contributions are required for Education and Lifelong Learning and the applicant has agreed to enter into a section 75 agreement to secure the payment.

In conclusion, whilst in terms of scale, massing, design and siting the proposals are acceptable, the application cannot be supported as there is no building group of at least three houses currently existing at the location.

#### **REASON FOR DECISION :**

The proposals are not acceptable as they do not comply with Scottish Borders Local Plan policy D2 in that there is no existing building group of at least three houses at this location and a case has not been made that would support an exception to this policy.

#### **Recommendation: Refused**

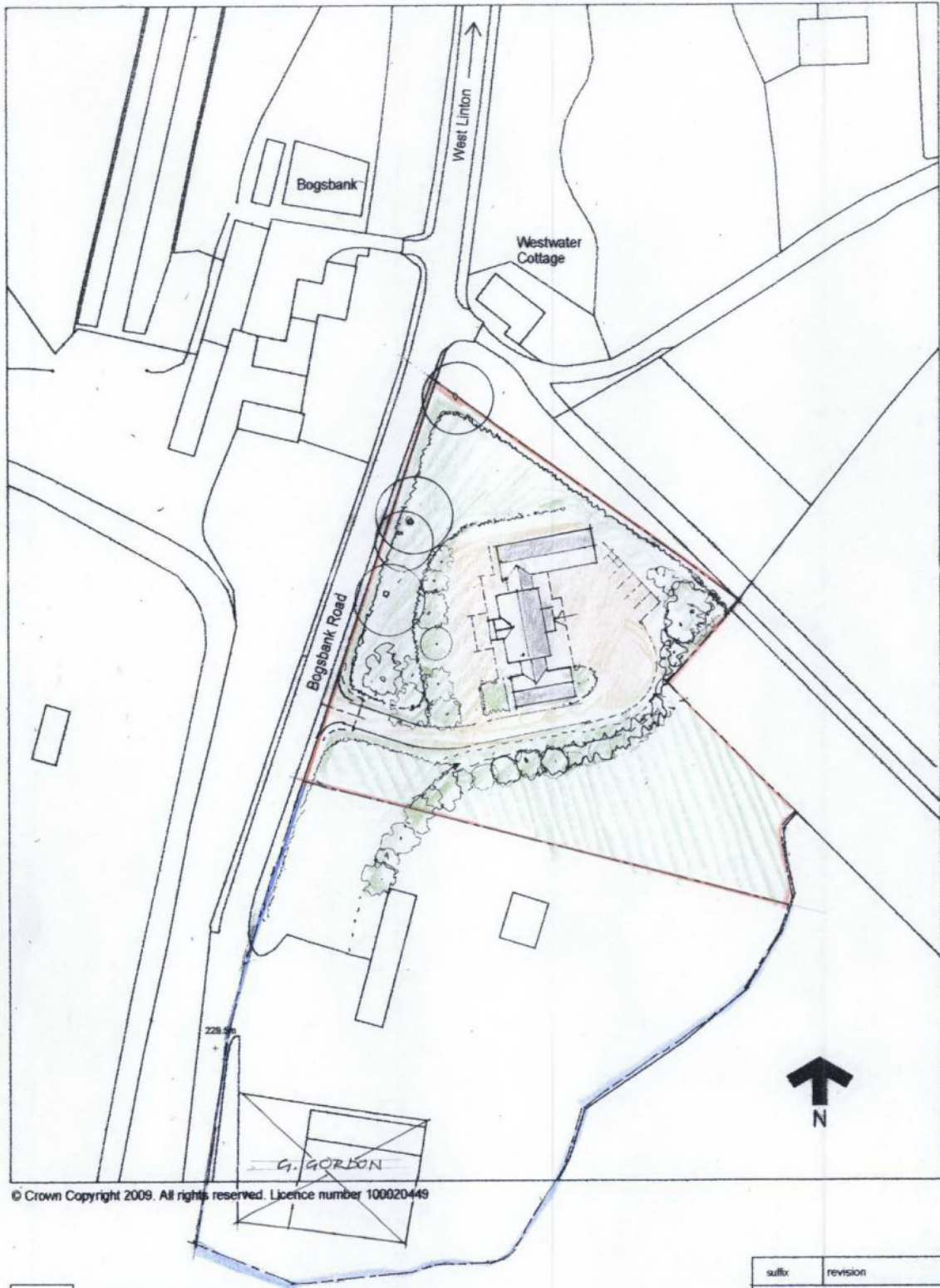
- 0 The proposals are contrary to Policy D2 of the Scottish Borders Consolidated Local Plan 2011 as there is no existing building group of at least three house at the location on Boggsbank Road.

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

Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice



© Crown Copyright 2009. All rights reserved. Licence number 100020449

- Site belonging to applicant
- Neighbouring ground belonging to applicant

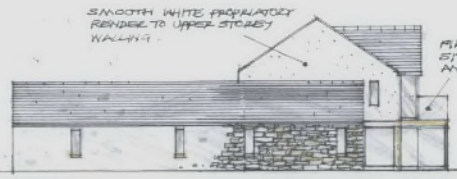
0 10 20 30 40 50 metres



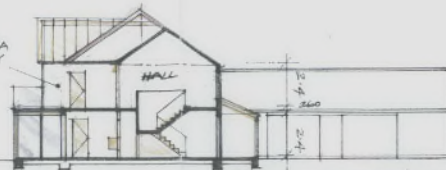
G. GORDON

suffix	revision	date 15/10/2014	
<b>NAME</b>	MR & MRS D. THOMSON		
<b>ADDRESS</b>	85 KIRK HILL ROAD PENICUIK MIDLOTHIAN EH26 6JF		
<b>job title</b>	PROPOSED DWELLING HOUSE		
<b>drawing</b>	LOCATION PLAN		
<b>645</b>	<b>LP</b>	diag. no.	/ / /
SCALE (AT A4)		date	checked
1/1250			
<b>FWA</b>		FRED WALKER ASSOCIATES ARCHITECTS 19-BIGGAR ROAD SILVERBURN PENICUIK MIDLOTHIAN EH26 9LQ TEL / FAX : 01905 672568 INFO@FREDWALKERASSOCIATES.CO.UK	

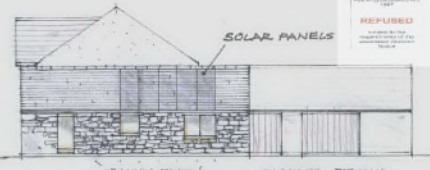
REFUSED



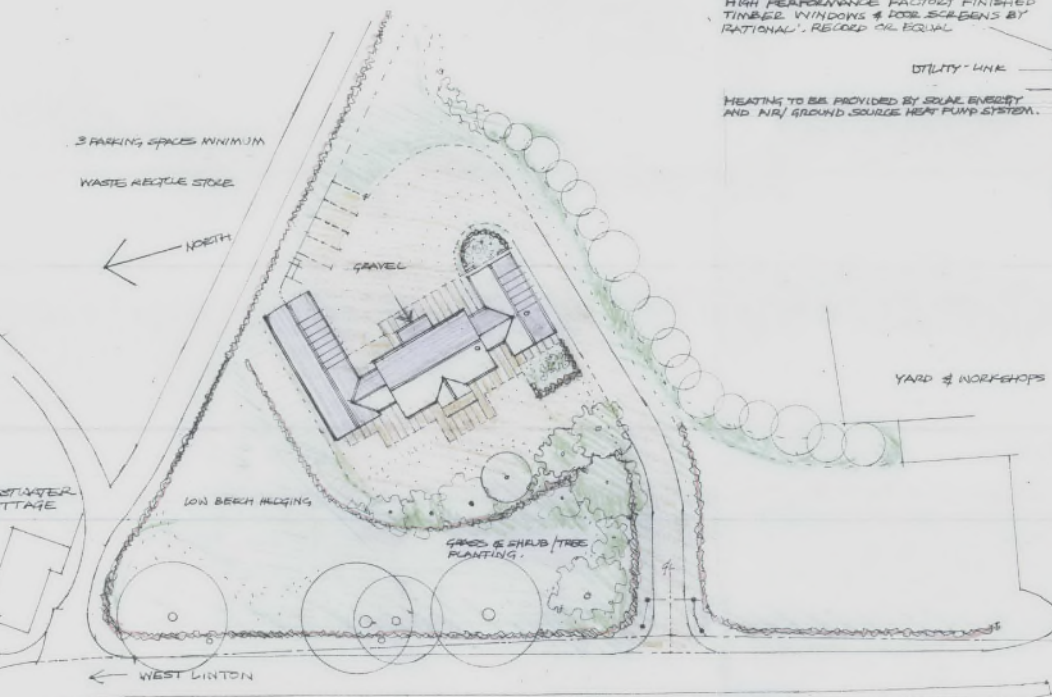
WEST ELEVATION 1:200



SECTION A-A 1:200



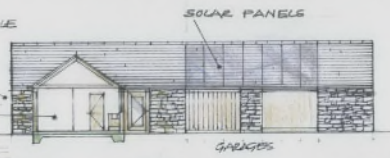
EAST ELEVATION 1:200



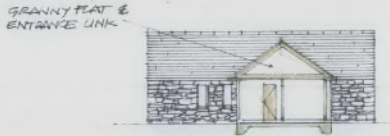
SITE PLAN / ROOF PLAN 1:500

NATURAL SLATE ROOFING, BOURNED RUBIE STONE WALLING - HIGH PERFORMANCE FACTORY FINISHED TIMBER WINDOWS & DOOR SCREENS BY 'RATIONAL', RECORDED OR EQUAL

HEATING TO BE PROVIDED BY SOLAR ENERGY AND MR/ GROUND SOURCE HEAT PUMP SYSTEM.



SECTION D-D 1:200

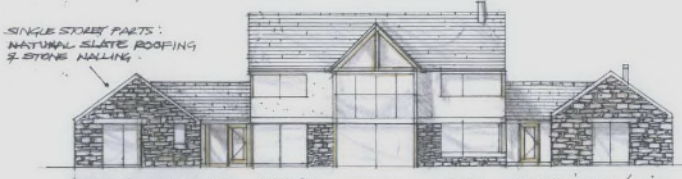


SECTION E-E 1:200

DATE	REVISION	DATE	15/10/2014
<b>NAME</b> MR & MRS D. THOMSON			
<b>ADDRESS</b> 85 KIRKILL ROAD PENICUK MIDLOTHIAN EH26 8JF			
<b>JOB NO</b> PROPOSED DWELLING HOUSE			
<b>DRAWING</b> SITE PLAN, SECTIONS & ELEVATIONS			
<b>645</b>		<b>10</b>	
<b>SCALE (AT A2)</b>	<b>DATE</b>	<b>DRAWN</b>	<b>CHECKED</b>
1/			
<b>FWA</b> FRED WALKER ASSOCIATES ARCHITECTS 85 BODDIE ROAD MIDLOTHIAN PENICUK MIDLOTHIAN EH26 8JF TEL: (0131) 5988 872333 INFO@FREDWALKERASSOCIATES.CO.UK			



14/01182/FUL

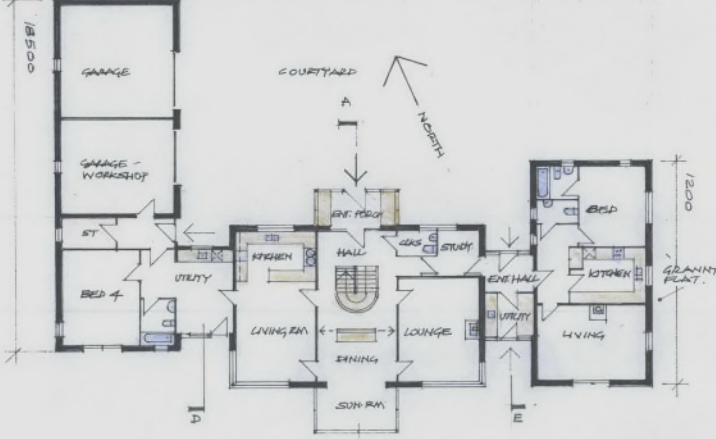


SOUTH ELEVATION 1:200  
6500 2500 13500 2500 6500

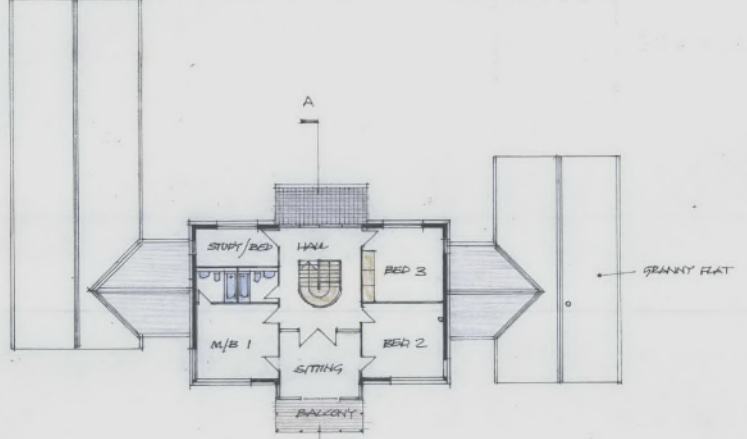


NORTH ENTRANCE ELEVATION 1:200

Scottish Borders Council  
Local Area Quality  
Planning (Scotland) Act 1997  
**REFUSED**  
Subject to the  
requirements of the  
Environmental Planning  
Act 1997



GROUND FLOOR PLAN 1:200



FIRST FLOOR PLAN 1:200



SITE PANORAMA LOOKING WEST

auth	revision	date	15/10/2014
NAME MR & MRS D. THOMSON			
ADDRESS 85 KIRKILL ROAD PENICUK MIDLOTHIAN EH26 8JF			
JOB TITLE PROPOSED DWELLING HOUSE			
DRAWING FLOOR PLANS & ELEVATIONS			
645	11		
SCALE (1/1)	DATE	DRAWN	CHECKED
<b>FWA</b> FRED WALKER ASSOCIATES ARCHITECTS 15 BISSAR ROAD 20 WINDERMERE PENICUK MIDLOTHIAN EH26 8JF TEL/FAX: 01981 872000 WWW.FREDWALKERASSOCIATES.CO.UK			

14/01182/FUL



VIEW OF SITE LOOKING NORTH FROM BOGSBANK ROADSIDE



VIEW OF SITE LOOKING NORTH WEST

Scottish Borders Council  
Local Area Planning  
Planning (Localists) Act  
1997  
**REFUSED**  
in accordance with  
the requirements of the  
Environmental Protection  
Act 1990



VIEW OF SITE LOOKING SOUTH FROM BOGSBANK ROAD

sub	revision	date	15/10/2014
<b>NAME</b> MR & MRS D. THOMSON			
<b>ADDRESS</b> 85 KIRKHILL ROAD PENICUIK MIDLOTHIAN EH26 8JF			
<b>plot no</b> PROPOSED DWELLING HOUSE			
<b>drawing</b> PHOTOGRAPHS			
<b>645</b>	<b>PH</b>		
<b>SCALE (KT A3)</b>	<b>date</b>	<b>drawn</b>	<b>checked</b>
1/			
<b>FWA</b> FRED WALKER ASSOCIATES ARCHITECTS 18 BIGGAR ROAD BIGGAR PENICUIK MIDLOTHIAN EH26 8LD TEL: FAX: 0188 472084 WWW.FREDWALKERASSOCIATES.CO.UK			

# REGULATORY SERVICES

To: **Development Management Service**  
**FAO Dorothy Amyes**

Date: **5<sup>th</sup> Nov 2014**

From: **Roads Planning Service**  
Contact: **Ashley Hogg**

Ext: **5396**

Ref: **14/01182/FUL**

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**Subject: Erection of dwellinghouse with internal garage incorporating  
granny flat  
Land south Of Westwater Cottage Bogsbank Road West  
Linton**

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I will have no objections provided the following points are included in any consent issued:

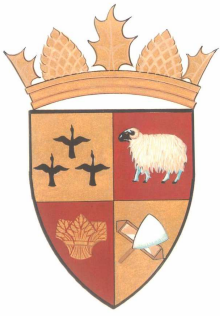
- The access must have a 5 metre throat width and 6 metre radii, this will allow two vehicles to pass without affecting the traffic flow.
- The junction bellmouth at the public road is to be surfaced to my specification shown below
- Visibility splays of 2.4 x 160 metres must be provided in both directions and maintained in perpetuity.
- Measures to be put in place to prevent the flow of water onto the public road.

## **Specification**

75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.

It should be borne in mind that only Council approved contractors may work within the public road boundary.

DJI



# West Linton Community Council

Chairman: Mr Eric Small, Giffordstone Cottage, Main Street, West Linton, EH46 7EE

Treasurer: Mr Derek Lawson, The Old Schoolhouse, Carlops Road, West Linton, EH46 7DS

Secretary: Mr Graham J Tulloch, Bellfield, 16 Robinsland Drive, West Linton, EH46 7JD

---

25 November 2014

Ms D Amyes  
Planning Officer  
Environment and Infrastructure  
Scottish Borders Council  
Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA

Dear Ms Amyes

[14/01182/FUL](#) Mr And Mrs D Thomson, Erection of dwellinghouse with integral garage and incorporating granny flat, Land South of Boggsbank, Boggsbank Road, West Linton.

Following discussion on the position of the access/egress point, the West Linton Community Council **Supports** the above application which came before it on 10<sup>th</sup> November.

Yours Sincerely

Graham J Tulloch

## **PLANNING CONSULTATION**

On behalf of: Director of Education & Lifelong Learning

From: Head of Property & Facilities Management  
Contact: Marc Bedwell, ext 5242

To: Head of Planning & Building Standards  
Contact: Dorothy Amyes ☎ 01835 826743

Date: 01 July 2015  
Ref: 14/01182/FUL

### **PLANNING CONSULTATION**

**Name of Applicant:** Mr And Mrs D Thomson

**Agent:** Fred Walker Associates

**Nature of Proposal:** Erection of dwellinghouse with integral garage and incorporating granny flat

**Site** Land South Of Boggsbank Boggsbank Road West Linton Scottish Borders

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### **OBSERVATIONS ON BEHALF OF: Director of Education & Lifelong Learning**

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## **CONSULTATION REPLY**

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

Both these schools are at or near capacity and therefore a contribution will be sought for each school. A contribution of £9155 is sought for the Primary School and £1289 for the High School making a total contribution of £10444.

#### West Linton Primary School

West Linton Primary School had been running at capacity for some time, and after extensive consultation, it was agreed to build a new, larger and more modern school nearby the current site. The school opened in October 2013. Contributions at the new school rate are being requested to recoup the capital invested by the Council in this new school.

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 2015.

If you require any further information, please do not hesitate to contact me.

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## **Application Comments for 14/01182/FUL**

### **Application Summary**

Application Number: 14/01182/FUL

Address: Land South Of Boggsbank Boggsbank Road West Linton Scottish Borders

Proposal: Erection of dwellinghouse with integral garage and incorporating granny flat

Case Officer: Dorothy Amyes

### **Customer Details**

Name: Mr Jonathan Parrott

Address: An Sparr Medwyn Road, West Linton, Scottish Borders EH46 7HA

### **Comment Details**

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Contrary to Local Plan

Comment: A nice looking property, but the subject site seems to be a greenfield site out with the village development boundary. Surely if a development of this sort is permitted here, then anyone will be able to build anywhere in the countryside. Consent would set an unwelcome precedent.

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**List of Policies**

**Local Review Reference: 15/00014/RREF**

**Planning Application Reference: 14/01182/FUL**

**Development Proposal: Erection of dwellinghouse with integral garage and incorporating granny flat**

**Location: Land South of Bogsbank, Bogsbank Road, West Linton**

**Applicant: Mr and Mrs D Thomson**

**SESPLAN**

None applicable.

**CONSOLIDATED SCOTTISH BORDERS LOCAL PLAN 2011:**

POLICY G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
6. it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
7. it provides open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
9. it provides for linkages with adjoining built up areas including public transport connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will be encouraged to support more sustainable travel patterns,
10. it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
11. it provides for recycling, re-using and composting waste where appropriate,
12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,

13. it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
14. it incorporates, where required, access for those with mobility difficulties,
15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Developers may be required to provide design statements, design briefs or landscape plans as appropriate.

#### POLICY D2 – HOUSING IN THE COUNTRYSIDE

The Council wishes to promote appropriate rural housing development:

1. in village locations in preference to the open countryside,
2. associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
3. in dispersed communities in the Southern Borders housing market area.

These general principles will be the starting point for the consideration of applications for housing in the countryside which will be supplemented by Supplementary Planning Policy Guidance on siting, design and interpretation.

#### POLICY D2 (A) BUILDING GROUPS

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

1. The Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
2. Any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted,
3. The cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Plan period. This will include those units under construction or nearing completion at that point.

#### POLICY D2 (B) DISPERSED BUILDING GROUPS

In the Southern Housing Market area there are few building groups comprising 3 houses or more, and a more dispersed pattern is the norm. In this area a lower threshold may be

appropriate, particularly where this would result in tangible community, economic or environmental benefits. In these cases the existence of a sense of place will be the primary consideration.

Housing of up to 2 additional dwellings associated with dispersed building groups acting as anchor points may be approved provided that:

1. The Council is satisfied that the site lies within a recognised dispersed community that functions effectively as an anchor point in the Southern Borders housing market area,
2. Any consents for new build granted under this part of this policy should not exceed two housing dwellings in addition to the group during the Plan period. No further development above this threshold will be permitted,
3. The design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

#### **POLICY D2 (C) CONVERSIONS**

Development that is a change of use of a building to a house may be acceptable provided that:

1. the Council is satisfied that the building has architectural or historic merit or is physically suited for residential use,
2. the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and
3. the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

#### **POLICY D2 (D) REBUILDING**

The proposed rebuilding or restoration of a house may be acceptable provided that either:

1. the existing building makes a positive contribution to the landscape,
2. the walls of the former residential property stand substantially intact (normally at least to wallhead height),
3. no significant demolition is required (a structural survey will be required where it is proposed to fully demolish the building, showing that it is incapable of being restored),
4. the restoration/rebuilding and any proposed extension or alteration is in keeping with the scale, form and architectural character of the existing or original building,
5. significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a more sustainable and energy efficient design, or
6. there is evidence of the existence of the building in terms of criteria (a)-(c) immediately above, or, alternatively, sufficient documentary evidence exists relating to the siting

and form of the previous house and this evidence is provided to the satisfaction of the Council, and

7. the siting and design of new buildings reflects and respects the historical building pattern and the character of the landscape setting, and
8. the extent of new building does not exceed what is to be replaced.

**POLICY D2 (E) ECONOMIC REQUIREMENT**

Housing with a location essential for business needs may be acceptable if the Council is satisfied that:

1. the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
2. it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
3. the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
4. no appropriate site exists within a building group, and
5. there is no suitable existing house or other building capable of conversion for the required residential use.

The applicant and, where different, the landowner, may be required to enter into a Section 75 agreement with the planning authority to tie the proposed house or any existing house to the business for which it is justified and to restrict the occupancy of the house to a person solely or mainly employed, or last employed, in that specific business, and their dependants. A Business Plan, supported by referees or independent business adjudication, may be required in some cases.

In **ALL** instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning Policy Guidance where it meets the terms of this policy and development must not negatively impact on landscape and existing communities. The cumulative effect of applications under this policy will be taken into account when determining impact.

**POLICY INF4 – PARKING PROVISIONS AND STANDARDS**

Development proposals should provide for car and cycle parking in accordance with the Council's published adopted standards, or any subsequent standards which may subsequently be adopted by the Council (see Appendix D).

Relaxation of standards will be considered where the Council determines that a relaxation is required owing to the nature of the development and/or positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

#### G5 – DEVELOPER CONTRIBUTIONS

Where a site is otherwise acceptable but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or part contribution through S.75 or alternative Legal Agreements towards the cost of addressing such deficiencies.

Each application will be assessed to determine the appropriate level of contribution guided by: the requirements identified in the Council's Supplementary Planning Guidance on developer contributions; planning or development briefs; outputs from community or agency liaison; information in settlement profiles; other research and studies such as Transport Assessments; the cumulative impact of development in a locality; provisions of Circular 12/96 in respect of the relationship of the contribution in scale and kind to the development. Contributions will be required at the time that they become necessary to ensure timely provision of the improvement in question. The Council will pursue a pragmatic approach, taking account of the importance in securing necessary developments, and exceptional development costs that may arise. Contributions are intended to address matters resulting from new proposals, not existing deficiencies. In general, the Council does not intend to require contributions arising from the needs of affordable housing. Contributions towards maintenance will generally be commuted payments covering a 10 year period.

Contributions may be required for one or more of the following:

1. Treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);
2. Provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
3. Off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways and other access routes, subsidy to public transport operators; all in accordance with the Council's standards and the provisions of any Green Travel Plan;
4. Leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
5. Landscape, open space, trees and woodlands, including costs of future management and maintenance;
6. Protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
7. Provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; and provision of street furniture.

**POLICY H2 – PROTECTION OF RESIDENTIAL AMENITY**

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

1. The principle of the development, including where relevant, any open space that would be lost; and
2. The details of the development itself particularly in terms of:
  - (i) the scale, form and type of development in terms of its fit within a residential area,
  - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking and loss of privacy. These considerations apply especially in relation to garden ground or ‘backland’ development,
  - (iii) the generation of traffic or noise,
  - (iv) the level of visual impact.

**POLICY NE4 – TREES, WOODLANDS AND HEDGEROWS**

The Council supports the maintenance and management of trees, woodlands, including ancient woodlands and ancient woodland pastures, and hedgerows, (hereafter referred to as the ‘woodland resource’) and requires developers to incorporate, wherever feasible, the existing woodland resource into their schemes.

1. Development that would cause the loss of, or serious damage to the woodland resource, will be refused unless the public benefits of the development at the local level clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value. Decision making will be informed by the Scottish Borders Woodland Strategy, expert advice from external agencies, the existing condition of the woodland resource and BS5837: Trees in Relation to Construction;
2. The siting and design of the development should aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability;
3. Where there is an unavoidable loss of the woodland resource, appropriate replacement planting will normally be a condition of planning permission. In some locations planning agreements will be sought to enhance the woodland resource;
4. Development proposals should demonstrate how the protection of the woodland resource will be carried out during construction, adopting British Standard 5837.

**POLICY INF2 – PROTECTION OF ACCESS ROUTES**

1. When determining planning applications and preparing development briefs and in accordance with the Scottish Borders Access Strategy, the Council will seek to uphold access rights by protecting existing access routes including: statutorily designated long distance routes; Rights of Way; walking paths; cycle ways; equestrian routes; waterways; identified Safe Routes to School and in due course, Core Paths.
2. Where development would have a significant adverse effect on the continued access to or enjoyment of an access route or asserted Right of Way, alternative access provision will be sought at the developer’s cost either by diverting the route or incorporating it into the proposed development in a way that is no less attractive and is

safe and convenient for public use. Unless such appropriate provision can be made, the development will be refused.

**Other Material Considerations**

- Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- Supplementary Planning Guidance on Placemaking & Design 2010
- Supplementary Planning Guidance on Trees and Development 2008
- Supplementary Planning Guidance on Development Contributions 2011
- Supplementary Planning Guidance on Biodiversity 2005
- Scottish Borders Proposed Local Development Plan 2013







*Regulatory Services*

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**  
**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**Application for Planning Permission** **Reference : 15/00071/FUL**

**To : R & M Brockie & Son per Ericht Planning & Property Consultants Per Kate Jenkins 40  
 Belgrave Road Edinburgh EH12 6NQ**

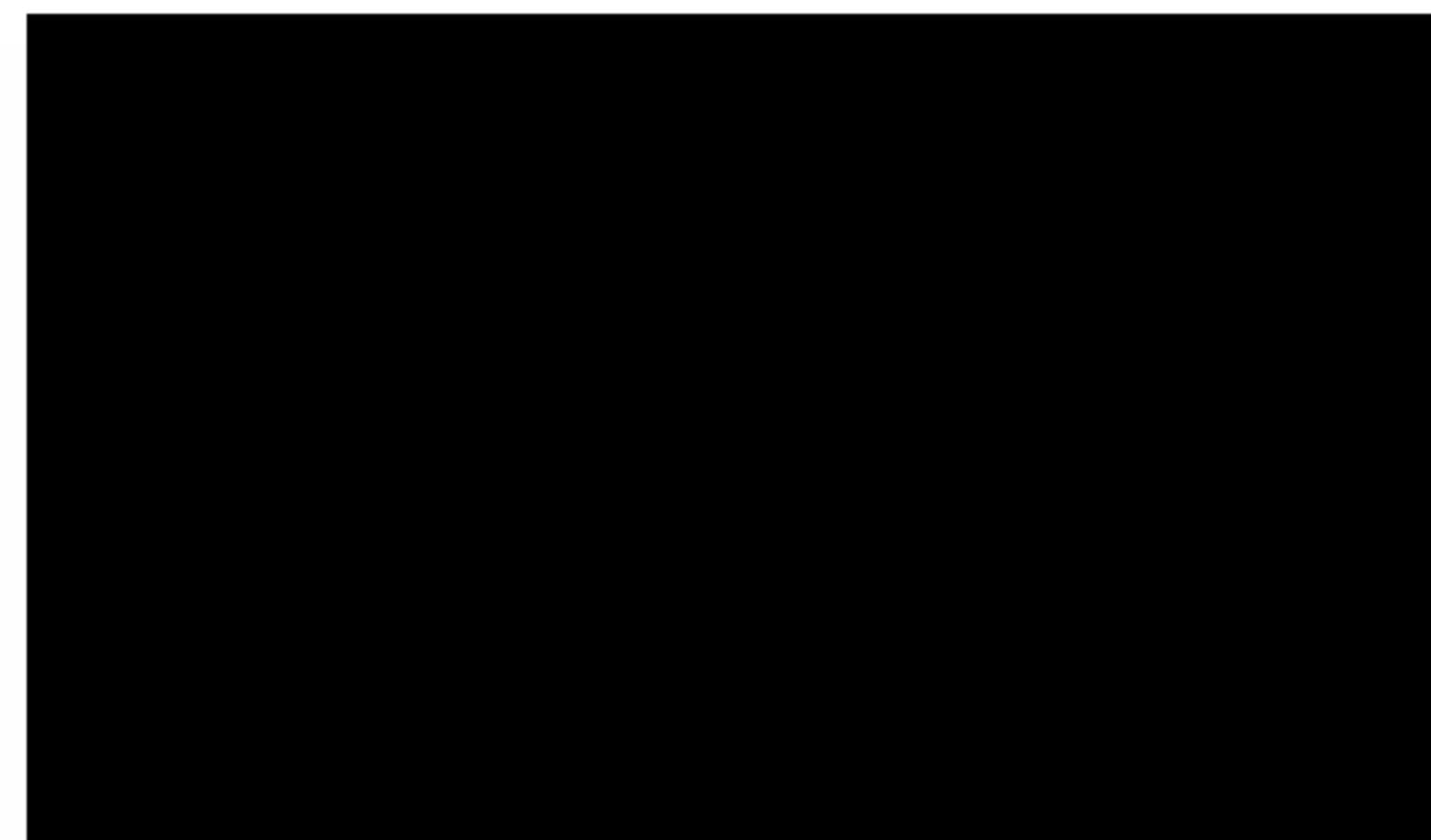
With reference to your application validated on **28th January 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of dwellinghouse**

**at : Land North Of Wormiston Farm Eddleston Scottish Borders**

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule.**

**Dated 28th May 2015  
 Regulatory Services  
 Council Headquarters  
 Newtown St Boswells  
 MELROSE  
 TD6 0SA**



Signed .....  
**Service Director Regulatory Services**

Visit <http://eplanning.scotborders.gov.uk/online-applications/>

**APPLICATION REFERENCE : 15/00071/FUL**
**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
2014/46/101	Location Plan	Refused
2014/46/104/A	Elevations	Refused
2014/46/103/A	Floor Plans	Refused
2014/46/102/A	Site Plan	Refused
2014/46/105	Other	Refused
2014/46/106	Other	Refused
SUPPORTING STATEMENT	Other	Refused
SUPPLEMENTARY SUPPORTING STATEMENT	Other	Refused

**REASON FOR REFUSAL**

- 1 The proposal is not acceptable as it does not comply will Local Plan Policy D2 Housing in the Countryside, G1 - Quality Standards for New Development and SPG - New Housing in the Borders Countryside in that the site is not well related to the existing building group and it has not been demonstrated to the satisfaction of the planning authority that there is no alternative site or accommodation within the building group.
- 2 The proposed development is contrary to Local Plan Policies D2 and G1 and Supplementary Planning Guidance New Housing in the Borders Countryside in that the new dwellinghouse will have a significant adverse impact on the landscape.

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.



Newtown St Boswells Melrose TD6 0SA

Tel: 01835 825251

Fax: 01835 825071

Email: itsystemadmin@scotborders.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE                      000125371-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

### Applicant or Agent Details

Are you an applicant, or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

### Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ericht Planning &amp; Property Consultants"/>
Ref. Number:	<input type="text"/>
First Name: *	<input type="text" value="Kate"/>
Last Name: *	<input type="text" value="Jenkins"/>
Telephone Number: *	<input type="text" value="07795974083"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address: *	<input type="text" value="kate@kjenkins.co.uk"/>

You must enter a Building Name or Number, or both:\*

Building Name:	<input type="text"/>
Building Number:	<input type="text" value="40"/>
Address 1 (Street): *	<input type="text" value="Belgrave Road"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="EDINBURGH"/>
Country: *	<input type="text" value="UK"/>
Postcode: *	<input type="text" value="EH12 6NQ"/>

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:

Other Title:

First Name:

Last Name:

Company/Organisation: \*

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

You must enter a Building Name or Number, or both:\*

Building Name:

Building Number:

Address 1 (Street): \*

Address 2:

Town/City: \*

Country: \*

Postcode: \*

## Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Northing

645773

Easting

323471

## Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Erection of dwellinghouse- land north of Wormiston Farm

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see attached Supporting Statement to Notice of Review.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? \*

Yes  No

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Supporting Statement to Notice of Review  
ORIGINAL APPLICATION DOCUMENTS:  
Planning Application Form  
Supporting Statement  
Supplementary Supporting Statement  
Location Plan  
Site Plan  
Proposed Elevations  
Proposed Floor Plan  
Floor Plan of no.3 Wormiston Cottages  
Contextual Site Plan and section of no.3 Wormiston Cottages  
Planning Officer's email -16th March  
Planning Officer's Report  
Decision Notice

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

15/00071/FUL

What date was the application submitted to the planning authority? \*

26/01/15

What date was the decision issued by the planning authority? \*

28/05/15

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review? \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Kate Jenkins

Declaration Date: 06/07/2015

Submission Date: 06/07/2015

**Proposal Details**

Proposal Name	Local Review: Erection of house for retiring farmer
Proposal Description	Local Review: Erection of house for retiring farmer on land to north east of Wormiston Farmhouse, Eddleston
Address	FARMHOUSE WORMISTON, SCOTTISH BORDERS, PEEBLES, EH45 8PP
Local Authority	Scottish Borders Council
Application Online Reference	000125371-001

**Application Status**

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete
Payment Method	incomplete

**Attachment Details**

Application Form	Attached	A4
Decision Notice	Attached	A4
Elevations	Attached	A3
Floor Plan	Attached	A3
Locn Plan	Attached	A3
Notice of Review	System	A4
Notice of Review	System	A4
Officer's Report	Attached	A4
Original application - Supplementary Supporting Statement	Attached	A4
Original application - Supporting Statement	Attached	A4
Planning Officer email 16/03/15 scotapp	Attached	A4
System	System	A4
Site Plan	Attached	A3
Supporting Statement to Notice of Review	Attached	A4
Wormiston Cottage Floor Plan	Attached	A3
Wormiston Cottage Site Plan	Attached	A3

**Supporting Statement to Notice of Review**

in relation to Scottish Borders Council's refusal of planning permission for  
the erection of dwellinghouse on land to the north east of Wormiston  
Farmhouse, Eddleston, Scottish Borders

July, 2015



**CONTENTS**

	<u>Page</u>
<b>EXECUTIVE SUMMARY</b>	<b>3</b>
<b>1.0 INTRODUCTION - DOCUMENTATION</b>	<b>5</b>
<b>2.0 BACKGROUND AND APPLICATION PLANNING HISTORY</b>	<b>5</b>
<b>3.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS COUNCIL</b>	<b>8</b>
<b>4.0 GROUNDS FOR LOCAL REVIEW</b>	<b>8</b>
<b>5.0 CASE FOR THE APPELLANT</b>	<b>9</b>
<b>6.0 CONCLUSIONS</b>	<b>27</b>

## EXECUTIVE SUMMARY

This Notice of Local Review is submitted on behalf of R & M Brockie and Son of Wormiston Farm, Eddleston against the decision of Scottish Borders Council to refuse planning permission, on 28<sup>th</sup> May 2015, for the erection of a house for Mrs Brockie, a widowed retiring farmer, on land adjacent to Wormiston Farmhouse. The application reference was 15/00071/FUL.

In practice, the key reasons for refusal include the Planning Officer's view that:

- The site is not well related to the building group;
- There are more suitable sites on the holding;
- An existing farm cottage in a row of farm workers' cottages could be adapted for the elderly retiring farmer;
- A single storey house on the proposed site would have an unacceptable impact as viewed from the A703.

Mrs Brockie has farmed Wormiston, together with her late husband, and latterly her son, for 40 years. Mrs Brockie is an individual who has also been heavily involved in the local community for many years. Unfortunately, she has suffered ill health over the past four years, and has undergone cancer treatment, which is adding to the necessity for her retirement.

The Appellant's livestock farm extends to 283 ha (700 acres). Accommodation on the farm includes [1] the farmhouse, currently occupied by Mrs Brockie and soon to be occupied by Mrs Brockie's son and his wife, [2] Moss House, located half a mile to the north west of the farm and occupied by Wormiston's cattle man for over 14 years and [3] Nos. 1-3 Wormiston Cottages currently occupied by 2no farm workers, with No.3 occupied by Mr Brockie.

No 3 Wormiston Cottages will be vacated by Mr Brockie once he and his wife move to the existing farmhouse. The appellant is clear that this property is unsuitable for Mrs Brockie as an elderly retiring farmer on account of its positioning, amenity and layout. This position was fully justified in the application and key points are set out herein.

The site selected for the development of a single storey house, designed for Mrs Brockie, is the most suitable site. This statement draw upon the key points of the 'potential sites appraisal' set out in the application to reach this conclusion.

Grounds for Local Review:

**Ground 1**

***The proposal is not contrary to Consolidated Local Plan policy D2 'Housing in the Countryside' or to Supplementary Planning Guidance 'New Housing in the Borders Countryside'. The site is related to an existing building group and it has been demonstrated that no alternative site or accommodation exists on the farm.***

**Ground 2**

***The proposal is not contrary to Consolidated Local Plan policy D2 'Housing in the Countryside', policy G1 'Quality Standards for New Development' or Supplementary Planning Guidance 'New Housing in the Borders Countryside' in that it does not have a significant adverse impact on the landscape.***

In supporting **Ground 1**, this supporting statement addresses the key issues noted below in logical manner, as below:

- General comments;
- Relationship of the site to existing building group and site suitability;
- No alternative accommodation in the form of existing traditional buildings capable of conversion;
- No alternative accommodation – review of No 3 Wormiston Cottages from the perspective of existing layout, external circulation space and access, residential amenity and extension potential;
- No alternative site at Wormiston Farm – appraisal of 5 sites at Wormiston.

Following this, supporting information is given in respect of **Ground 2**, including comment on two comparable consented three-bedroomed bungalows, one at nearby Hattonknowe and the other at Darnhall Mains.

The Local Review Body, having considered the detail contained within the original Planning Application, the Supplementary Supporting Statement together with the information set out herein, will be respectfully requested to allow the Review to enable planning permission to be granted for the house to satisfy a genuine need by a retiring farmer who has farmed at Wormiston for 40 years.

## 1.0 INTRODUCTION – DOCUMENTATION

1.1 The Application for planning permission for the erection of a farmhouse included the following drawings, which are included with this Local Review.

- Location Plan – Proposed house
- Site Plan – Proposed house
- Proposed Elevations – Proposed house
- Floor Plan – Proposed house
- Floor Plan - no3. Wormiston Cottage
- Contextual site plan and section - no.3 Wormiston Cottage

1.2 The application included a Supporting Statement and a Supplementary Supporting Statement, the latter which was prepared to address issues set out by the Planning Officer within her email of 16<sup>th</sup> March. These documents are included within the Local Review documents. The Planning Officer's Report and Decision Notice are also included.

## 2.0 BACKGROUND AND APPLICATION PLANNING HISTORY

2.1 The Brockie family have lived and worked at Wormiston for 40 years and would hope to do so for future generations. The farm boundary is indicated on the 'Farm Boundary Plan', within which there is no available or suitable accommodation for a retiring farmer.

2.2 The original supporting statement contained a thorough appraisal of the suitability of 4 potential sites at Wormiston, namely:

- Site 1: Land adjacent to an existing agricultural shed and operational area;
- Site 2: Land to the south of existing farm buildings;
- Site 3: Land to the south of the existing farmhouse;
- Site 4: Land to the north east of the existing farmhouse (the selected site).

2.3 The original supporting statement also considered the potential to convert the traditional buildings which lie in the core of the working farm and concluded that there was no potential for residential conversion, a point agreed by the Planning Officer.

- 2.4 On 12<sup>th</sup> February, the Council's Landscape section submitted a consultation response to the application which raised several issues including:
- The house could be assimilated into the wider valley landscape if a more substantial belt of trees was planted along the northern boundary of the house. The Officer's suggested planting proposals were marked, by her, onto the applicant's site plan, by way of illustration;
  - The Officer considered the building design not to be strong enough in terms of the Scottish Government's Planning Advice Note 72 'Housing in the Countryside', particularly due to its prominent location and the wider impact on the Eddleston Water Valley.
  - Overall, the Officer indicated that she would have concerns about supporting the application without (a) a more robust planting scheme to better integrate the house and (b) a more appropriate house design.
- 2.5 The applicant, their architect and their agent gave the Landscape Officer's comments careful consideration and took on board her views. The architect made several alterations to the design of the house, as can be seen by comparing the drawings, and the landscaping/ planting scheme was strengthened to enable the house to be better assimilated into the landscape. The house remained single storey in order to minimise its visibility from the Eddleston valley and meet Mrs Brockie's needs. On 3<sup>rd</sup> March a revised site plan, elevations and floor plans were submitted to the Planning Officer.
- 2.6 The Landscape Officer considered the revised submissions on 9<sup>th</sup> March and noted that her planting suggestions had been taken on board. She retained some reservation about the house design.
- 2.7 On 16<sup>th</sup> March, the Planning Officer reverted, by email, with the following points:
- Acceptance of the requirement for Mr Brockie to move into the existing farm house and the resulting accommodation requirement for Mrs Brockie, as retiring farmer.
  - The amended plans are an improvement on the original proposed design and the Landscape Officer welcomes the additional planting scheme.
  - The design of the house proposed remains unsuitable for the locality and does not respect the 'sense of place' created by the existing buildings.

- The site is considered to be outwith the recognised building group.
- Any development at this location would have an adverse impact on the landscape due to the prominent location.
- The proposal would result in ribbon development along a public road, which is generally not supported.
- Although the justification for a new house is 'economic requirement', siting and design remain important.
- The proposed location is not an appropriate site for a new dwellinghouse.
- Suitable housing is considered to exist within the building group.
- It is accepted that the older buildings within the centre of the farm steading are not suitable for conversion.
- No3. Wormiston Cottages, being vacated by Mr Brockie, is capable of alterations and extension to meet the future needs of Mrs Brockie.
- A site in the garden ground of the existing farmhouse between the house and the farm buildings, would offer an alternative site;
- Environmental Health will require further information in order to be satisfied with regard to the private water supply to the proposed house.

2.8 On 17<sup>th</sup> April, after further careful consideration, a supplementary supporting statement was submitted to the Planning Officer to address her comments of 16<sup>th</sup> March. This was the final piece of information which was submitted by the applicant's agent to support the application. The copy submitted with this Review forms an important part of the appeal.

In summary, the document covered the following points:

- The revised design of the house;
- The existing layout; external circulation space and access; residential amenity and extension potential of no.3 Wormiston Cottages;
- The unsuitable nature of the site in the garden ground of Wormiston Farmhouse;
- The merits of the proposed site;
- Water supply.

2.9 On 19<sup>th</sup> May, an email from the Planning Officer confirmed that *"we are still of the view that the application cannot be supported as we are not persuaded that an existing house could not be adapted or that a new house could not be accommodated within the existing group. In addition, I am of the opinion that even with the proposed planting, the new dwelling will have a significant*

*adverse impact on the landscape, particularly when viewed from the minor public road”.*

### 3.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS COUNCIL

3.1 The application was refused by Scottish Borders Council on 28<sup>th</sup> May on the basis set out below.

**[1]** *The proposal does not comply with Local Plan policy D2 ‘Housing in the Countryside’, G1 ‘Quality Standards for New Development’ and SPG ‘New Housing in the Borders Countryside’ in that the site is not well related to an existing building group and it has not been demonstrated to the satisfaction of the planning authority that there is no alternative site or accommodation within the building group.*

**[2]** *The proposal is contrary to Local Plan policy D2 and G1 and Supplementary Planning Guidance ‘New Housing in the Borders Countryside’ in that the development will have a significant adverse impact on the landscape.*

### 4.0 GROUNDS FOR LOCAL REVIEW

4.1 The Local Authority’s decision to refuse the application is challenged on the basis of the Grounds set out below. It is asserted that the Proposal accords with the relevant policies and intentions of the Consolidated Local Plan and Supplementary Planning Guidance.

4.2 The Appellant sets out the following Grounds for Review:

- **Ground 1** *The proposal is not contrary to Consolidated Local Plan policy D2 ‘Housing in the Countryside’ or to Supplementary Planning Guidance ‘New Housing in the Borders Countryside’. The site is related to an existing building group and it has been demonstrated that no alternative site or accommodation exists on the farm.*
- **Ground 2** *The proposal is not contrary to Consolidated Local Plan policy D2 ‘Housing in the Countryside’, policy G1 ‘Quality Standards for New*

*Development' or Supplementary Planning Guidance 'New Housing in the Borders Countryside' in that it does not have a significant adverse impact on the landscape.*

## 5.0 CASE FOR THE APPELLANT

**GROUND 1: THE PROPOSAL IS NOT CONTRARY TO LOCAL PLAN POLICY D2 – HOUSING IN THE COUNTRYSIDE OR TO SUPPLEMENTARY PLANNING GUIDANCE 'NEW HOUSING IN THE BORDERS COUNTRYSIDE'. THE SITE IS RELATED TO AN EXISTING BUILDING GROUP AND IT HAS BEEN DEMONSTRATED THAT NO ALTERNATIVE SITE OR ACCOMODATION EXISTS ON THE FARM.**

### 5.1 The ground will be tackled under the following headings:

- Section [1] General comments;
- Section [2] The relationship of the site to the building group and its suitability for the house ;
- Section [3] Confirmation of there being no alternative accommodation in the form of existing traditional buildings capable of conversion;
- Section [4] Confirmation of no suitable alternative accommodation in the form of existing residential accommodation at Wormiston;
- Section [5] Confirmation of no alternative site at Wormiston.

#### **[1] General Comments**

5.2 The proposal for the dwelling is consistent with Policy D2- Housing in the Countryside. The relevant section of this policy lies under the heading '*economic requirement*'. The new dwelling is specifically for occupation by a retiring farmer (Mrs Brockie) who has farmed the holding together with her late husband and, latterly, her son for 40 years. The development of the proposed house will release the farmhouse for use by her son and his wife in the management and ongoing running of the holding.

5.3 The new house will enable the continued operation of the farming enterprise which comprises 1000 breeding ewes and followers (max sheep numbers 2,700), 130 breeding cows and followers (max numbers 400 head) and local agricultural contracting. The farm employs a tractorman, a general farm worker and a cattleman.



- 5.4 There is no adverse effect on the viability of the farming unit in physical, operational or economic terms. The proposed house site is not on land onto which farm buildings may need to expand in the future.
- 5.5 Satisfactory access can be achieved. The Roads Officer had no objections to the proposal and stated a number of points which must be incorporated into the design of the access/ parking area.
- 5.6 The applicant is willing to enter into section 75 agreement to tie the proposed house to the farm business.

**[2] Relationship of the site to existing building group and its suitability**

- 5.7 It is acknowledged that the process of assessing the suitability of a house site for a retiring farmer will necessarily consider whether an appropriate site exists within a building group on the holding and whether there is a suitable house or other building capable of conversion for the required residential use. It should be noted that where no such site(s)/ building(s) exist, a site outwith a building group can be considered.
- 5.8 A building group effectively comprises 3 or more houses, in this case being 1-3 Wormiston Cottages and the existing farmhouse. These properties are 200 metres apart, measured between their closest points. Between them lies the operational farm area. Given the lack of potential house sites which lie *between* the farmhouse and the cottages, as justified within the original supporting statement, the supplementary supporting statement and herein, the most appropriate site lies in proximity to the farmhouse, adjacent to the public road, as proposed within the application. Such siting is a logical and natural extension to Wormiston.
- 5.9 Given that the residential “building group” is viewed as bridging the 200m (non-residential) farm steading between the cottages and the farmhouse, it seems unreasonable to assert that the proposed house, which lies only 55m from the farmhouse, is wholly outwith the group, particularly as the application offers robust landscaping, as requested by the Landscape Officer, which will help to assimilate the new house into the landscape and the developed area.

- 5.10 Even if the site were to be judged to lie outwith the group, this, in accordance with the reasoning set out at 5.7 above, does not preclude its development so long as no other suitable sites/ buildings are available, as is confirmed to be the case.
- 5.11 The suggestion, within the Officer's email of 16<sup>th</sup> March, that the proposal would amount to "ribbon development" is considered to be unreasonable. Ribbon development is commonly defined as "*the building of houses in a continuous row along a main road*". The addition of one house to a significant cluster of buildings, the vast majority of which comprise agricultural buildings, cannot reasonably be called 'ribbon development', particularly as the house has policy justification under 'economic requirement' (retiring farmer).
- 5.12 The application site has been selected for a number of reasons:
- There is no suitable house available for use; the unsuitability of no3. Wormiston Cottages has been explained within the original Supporting Statement, the Supplementary Statement and is reiterated herein;
  - There is no building capable of conversion for the required use, as demonstrated within the original Supporting Statement and accepted by the Planning Officer;
  - There is no other site which is suitable for use – several sites were demonstrated to be inappropriate within the original Supporting Statement, the Supplementary Statement and herein;
  - The site offers a logical and practical extension to Wormiston at a location where residential amenity is afforded to the retiring farmer;
  - The site can be safely accessed by formation of a new access onto the public road;
  - An area of woodland planting to the north east will provide a clear edge (a 'stop') to Wormiston and help to assimilate the new house into the landscape;
  - The site does not impact upon land being retained for farm expansion.
  - The area is not subject to flooding or waterlogging;
  - The single storey house will be viewed as part of the overall 'built area' at Wormiston;
  - The house will not impact upon the residential amenity of the farmhouse;
  - Existing ground levels require minimal 'cutting'.

**[3] No alternative accommodation in the form of existing traditional buildings capable of conversion.**

- 5.13 The original supporting statement identified the traditional buildings at Wormiston Farm and demonstrated that none is suitable for conversion to residential use. The principal reasons are because the buildings remain in agricultural use and lie at the heart of the operational farm steading. This point was accepted by the Planning Officer and is not further dealt with herein.

**[4] No alternative accommodation – review of No 3 Wormiston Cottages**

- 5.14 These cottages lie at the southern end of the farm steading. Nos. 1 & 2 are occupied by farm workers. No. 3 is currently occupied by Mr Brockie who will move to the farmhouse. It is a 1 bedroomed property with a steep flight of internal stairs and is unsuitable for Mrs Brockie whose future living needs require single-level living space. The property is used for occupation by seasonal farm workers and also for students which are employed on the farm at points throughout the year.

- 5.15 The Planning Officer is of the view that this property could be adapted for occupation by Mrs Brockie. It is, however, asserted that the property is unsuitable for the retiring farmer on a number of counts, each explained below, with photographs, where appropriate.

**Existing Layout**

- 5.16 The applicant's architect has provided a measured survey of the property which is provided with this Local Review. Within the drawing, a number of restricting factors have been pointed out.
- 5.17 The cottage is a 1 bedroomed property with a steep flight of internal stairs leading to the bedroom. The gradient of these stairs would not meet with the maximum gradient permissible under Building Standards. Whilst this is not an issue with the existing use of the cottage, it does demonstrate just how steep the stairs are and how they would be inappropriate for an elderly person. Single level living accommodation is sought for Mrs Brockie. It is noted that the property is also accessed by 3 steps, which is not ideal for an elderly person.

**Fig 1:** Front elevation of 3 Wormiston Cottages with bedroom upstairs:



**Fig 2:** Entrance to the cottage with steep and narrow flight of stairs:



- 5.18** The ground floor accommodation comprises a living room, kitchen and bathroom. There is no room downstairs which could be converted to a bedroom with accessible access to the bathroom. Whilst the bathroom is of reasonable size, the access corridor to it and the door opening are narrow on account of the structural wall and the internal circulation space is poor. The property is not considered to be capable of satisfactory adaptation within its existing footprint.

**Fig 3:** North elevation of the cottage (extent of accommodation outlined in red)



#### **External Circulation Space and Access**

- 5.19 Given Mrs Brockie's future requirements, the circulation space to the exterior of the cottage is inappropriate for an elderly person. There is a lack of space to create a clean and level walkway suitable for disabled access and equally, lack of space to create an appropriate surfaced parking space.

**Fig 4:** External circulation space



- 5.20 Given the gradients present, it would not be possible to create a separate access to no.3 Wormiston cottages from the public road. This is illustrated within the architect's site plan and sectional elevation. It is reasonable to expect the house for the retired farmer to have a separate access from the workers' cottages.

**Fig 5: Steep gradient above the cottage towards public road**



#### **Residential Amenity**

- 5.21 The other 2 cottages in the row are occupied permanently by full time agricultural workers. Mrs Brockie, having retired from farm work, does not wish to live in a row of workers' cottages. The residential amenity of an individual who is no longer involved in the day to day operation of the farm would be impacted negatively upon at this location.

#### **Extension Potential**

- 5.22 The Planning Officer believes that no.3 Wormiston Cottages could be extended to provide suitable accommodation. When consideration is given to the land immediately to the south and south east, there appears to be limited potential for a meaningful extension at reasonable economic cost. As can be seen from the architect's site plan, adjacent ground is extremely steep. A proportion of

the ground within the fence boundary is understood to be 'made-up' and not firm. A meaningful extension to offer living space suitable for an elderly person would not be feasible at reasonable economic cost.

**Fig 6:** Steep land immediately to the south



**Fig 7:** View of southern elevation



**Fig 8:** Steep land immediately to the south



**[5] No Alternative Site at Wormiston Farm**

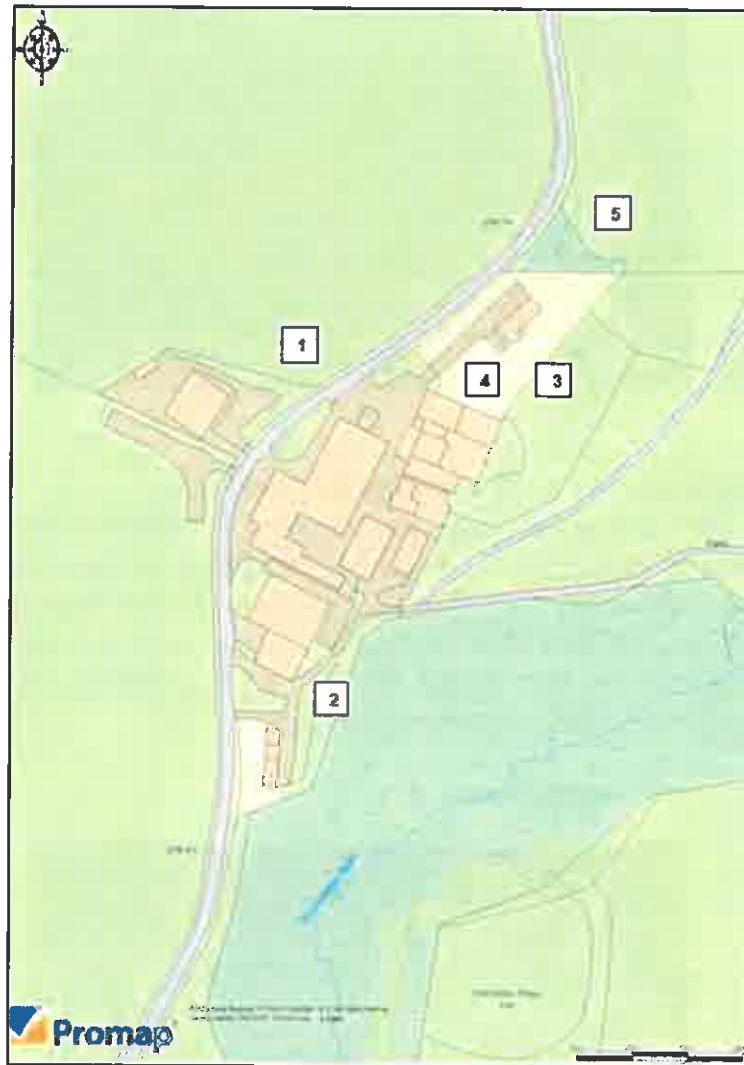
5.23 The following criteria must be met by the site for the new house. The site must be:

- In reasonable proximity to the group of existing farm buildings and the existing farmhouse;
- Sufficiently distant from the operational farm buildings in the interests of residential amenity, including aspects relating to noise and visibility;
- Able to achieve a safe access in terms of operational farm traffic and sightlines on the public road;
- Located on reasonably level, firm and dry ground. Much of the land surrounding the farm steading is sloping and marshy;
- A site which does not interfere with the operation of the farm, nor requires any of the existing farm buildings to be taken out of use;
- A site which does not compromise future farm expansion;
- A site which does not impact negatively on the landscape.



5.24 The location of house sites which were considered is shown below and the assessment of each site which was made in the application is provided.

Fig. 9: Location of Potential House Sites at Wormiston Farm



**Site 1: Adjacent to existing agricultural shed**

5.25 The applicant wishes to retain this area of land for future expansion of the farm. This site is the most suitable site for the erection of a further agricultural shed as other ground around the farm buildings is generally sloping and wet, offering little opportunity for effective operational space of the size required for a new shed.

**Fig. 10:** Site 1: Land adjacent to existing agricultural sheds



**Site 2: Land to the south of existing farm buildings**

- 5.26 This site is situated at lower level than the farm buildings and track which is likely to result in an access, the gradient of which is not acceptable. The track is heavily used to cart dung and slurry out of the livestock sheds so as to prevent the front access from becoming poached. In the winter this rear track becomes wet and muddy and sharing this length of operational access would be inappropriate. Further, visibility is not good.

**Fig. 11:** Site 2: Land below farm steading



**Fig. 12:** Agricultural access leading to rear (east) of farm buildings



**Site 3: Land to the south of the existing farmhouse**

5.27 This site is not favoured for several reasons:

- The land is sloping and is prone to becoming waterlogged;
- This site does not form a logical extension of the built area;
- Development would result in one house being 'stacked' on the other;
- The house would be overlooked by the existing farmhouse.

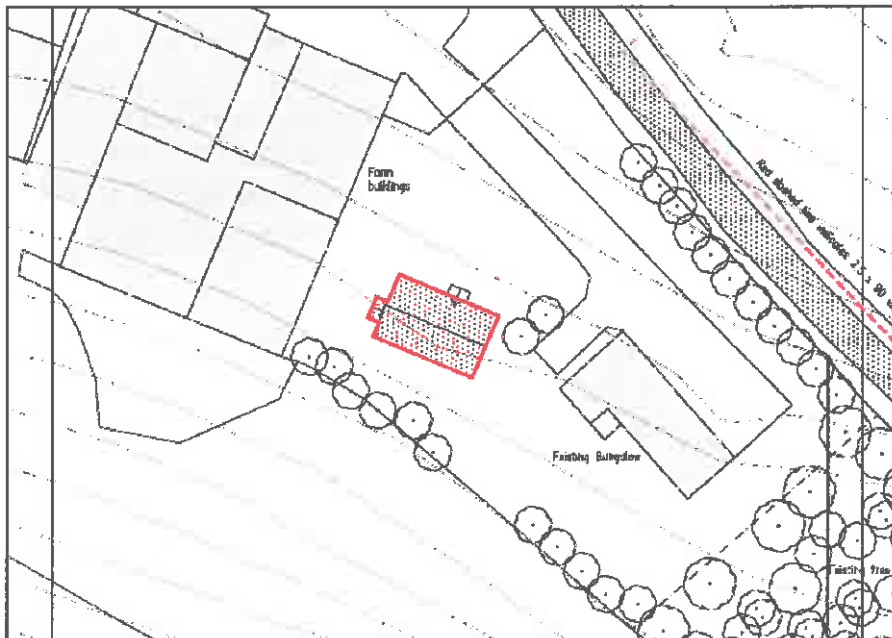
**Fig. 13:** Field to south of existing farmhouse



**Site 4 Garden Ground of Wormiston Farmhouse**

- 5.28 Within the Planning Officer's email of 16<sup>th</sup> March, she stated that *"there would appear to be an alternative site .... in the garden ground of the existing farmhouse between the house and the farm buildings. I appreciate that this might involve the removal of some trees and would involve the loss of garden ground but this would be preferable to the proposed site ...."*
- 5.29 An indicative layout is provided below. Notwithstanding that the house is for a retiring farmer, a distance of only 9 metres from a livestock shed is considered to be inappropriate in terms of impact upon residential amenity, particularly in terms of the potential for noise and smell from a shed which is used regularly for livestock throughout the year. The fact that an elderly person has been engaged in farm work during their life should not affect the level of residential amenity to which they are entitled when they retire.

**Fig 14:** Indicative positioning of house in garden ground



**Fig 15: Proximity to agricultural shed**



- 5.30 Further, the gradients within the garden ground are such that any house would require substantial underbuilding which would result in a building unrelated to the existing landform. Such construction is specifically not favoured under Scottish Borders' Supplementary Guidance relating to Housing in the Countryside and would be out of character in this location. The existing bungalow (farmhouse) is built on the upper flat part of the land.

**Fig 16: Steep gradient within garden ground**



**GROUND 2: THE PROPOSAL IS NOT CONTRARY TO LOCAL PLAN POLICY D2 AND G1 AND SUPPLEMENTARY PLANNING GUIDANCE 'NEW HOUSING IN THE BORDERS COUNTRYSIDE' IN THAT THE DEVELOPMENT WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE LANDSCAPE.**

- 5.31 The proposed location for the new house does not lie within a National Scenic area or Special Landscape Area.
- 5.32 The site is visible only from a reasonably limited stretch of the A703, in accordance with the Landscape Officer's observations.

**Fig 17:** View of Wormiston Farm from A703 layby with proposed site highlighted



- 5.33 The Appellant took on board the Landscape Officer's requirements for a substantial belt of trees to be planted along the northern boundary of the house in order to help to assimilate a new house into the landscape and provide a degree of screening.
- 5.34 On 2<sup>nd</sup> March, the Planning Officer from Eddleston and District Community Council (EDCC) issued a consultation response on behalf of EDCC. The Community Council supported the application recognising the 'much needed' nature of the house. The beneficial nature of the landscape planting suggested by the Landscape Officer, and adopted by the applicant, was noted.
- 5.35 No objections were received by members of the public to the proposal.

- 5.36 Whilst it is acknowledged that the dwelling will be seen from a short stretch of the A703, its visual impact is minimised on account of its single storey nature and the proposed landscaping. The existing cluster of buildings at Wormiston Farm, comprising a large area of agricultural buildings, the cottages and the farmhouse are visible from the A703, as shown above. The addition of the proposed house is considered to be a reasonable addition to the setting of a working farm.
- 5.37 Two relatively recently constructed bungalows on farms in the locality are noted below:

**Bungalow at Hattonknowe**

- 5.38 This house lies only one kilometre to the north east of Wormiston, on the same minor public road. The 3-bedroomed bungalow with double integrated garage was granted consent in this location under applications 05/01507/OUT and 06/01399/FUL. The external materials include dry dash render and uPVC windows. The Officer deemed the design and external materials to be acceptable and stated that they were similar to other properties within the group, despite two of the adjacent houses being of traditional construction. A photograph of the group is shown below, with the recently constructed bungalow outlined. It is clearly extremely prominent from the Meldons road.

**Fig 18:** Bungalow at Hattonknowe, Eddleston



- 5.39 The proposed bungalow offers improvement in terms of the materials used at Hattonknowe including use of cast stone cills, natural stone walling and painted wet dash render, natural slate roof, painted/ stained timber barge boards, timber windows and timber/ composite doors.
- 5.40 The proposed house will not be in an elevated position above the Meldons road, in the same way as the bungalow at Hattonknowe. The Officer had stated in relation to the proposed house at Wormiston, (email of 16<sup>th</sup> May), *“I am of the opinion that even with the proposed planting the new dwelling will have a significant adverse impact on the landscape, particularly when viewed from the minor public road.”* The impact of the proposed new house will be significantly less than that of the bungalow at Hattonknowe when viewed from the Meldons Road, which is the key view the Officer was concerned about.

#### **Bungalow at Darnhall Farm**

- 5.41 The second 3-bedroomed bungalow which is worthy of note is that at Darnhall Farm, just under 1km to the north of Eddleston, consented under 05/01212/OUT and 06/02431/REM. It is extremely visible from the A703, much more so than the proposed house at Wormiston would be. It appears that certain elements, including chimney detail, were never constructed in accordance with consented drawings and the design of this property is considered to result in *significant* visual prominence and impact on the landscape as viewed over a length of the A703.

**Fig 19: Bungalow at Darnhall Farm, Eddleston (view from A703)**

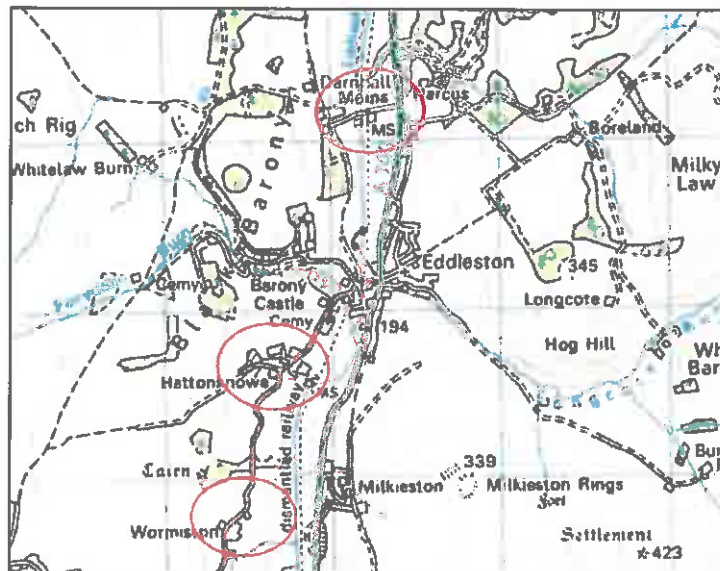




Fig 20: Bungalow at Darnhall Farm, Eddleston



Fig 21: Location of Hattonknowe, Darnhall Farm and Wormiston



## 6.0 CONCLUSIONS

- 6.1 This Local Review requests that the Officer's decision to refuse planning consent for the erection of a house for a retiring farmer at Wormiston be overturned and consent be granted for a single storey house for Mrs Brockie on land adjacent to the existing farmhouse.
- 6.2 It has been demonstrated that there is no suitable alternative site on the holding through a thorough appraisal process.
- 6.3 It has been demonstrated that there is no suitable alternative accommodation on the holding. The extensive shortcomings of no 3 Wormiston Cottages have been noted.
- 6.4 The impact on the landscape is not considered to be significant in the context of the existing buildings (agricultural and residential) at Wormiston and their visibility within the extended wider landscape. The recommendations of the Landscape Officer in terms of boundary planting have been taken on board.
- 6.5 During the application process, alterations were made to the design of the house and the Planning Officer noted the design to be an improvement on the original, although she remained unwilling to accept the final design.
- 6.6 It has been noted that at least two other 3 bedroomed bungalows have been consented and constructed within a short distance of Wormiston Farm, namely at Hattonknowe and Darnhall. Both are considered to have a more significant impact on the landscape than the proposed house at Wormiston.
- 6.7 The Roads Officer has no objections to the application, subject to considerations being met.
- 6.8 The application received the support of the Community Council and received no public objections.
- 6.9 It has been demonstrated that the proposal is not contrary to Consolidated Local Plan policies D2 and G1 and that it is not contrary to Supplementary Planning Guidance - New Housing in the Borders Countryside, December, 2008. The requirement for a house relates to a genuine need by a retiring farmer who

has worked Wormiston Farm for 40 years and has suffered ill health over the past 4 years.

Ends





Newtown St Boswells Melrose TD6 0SA

Tel: 01835 825251

Fax: 01835 825071

Email: [itsystemadmin@scotborders.gov.uk](mailto:itsystemadmin@scotborders.gov.uk)

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE                      000109719-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

We strongly recommend that you refer to the help text before you complete this section.

- Application for Planning Permission (including changes of use and surface mineral working)
- Application for Planning Permission in Principle
- Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Erection of single storey dwelling for retiring farmer on land north east of Wormiston Farmhouse

Is this a temporary permission? \*                       Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*                       Yes  No

Have the works already been started or completed? \*

No    Yes - Started    Yes - Completed

## Applicant or Agent Details

Are you an applicant, or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)                       Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Ericht Planning & Property Consultants
Ref. Number:	
First Name: *	Kate
Last Name: *	Jenkins
Telephone Number: *	07795974083
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	kate@kjenkins.co.uk

You must enter a Building Name or Number, or both:\*

Building Name:	
Building Number:	40
Address 1 (Street): *	Belgrave Road
Address 2:	
Town/City: *	EDINBURGH
Country: *	UK
Postcode: *	EH12 6NQ

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	
Other Title:	
First Name:	
Last Name:	
Company/Organisation: *	R&M Brockie & Son
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

You must enter a Building Name or Number, or both:\*

Building Name:	Wormiston Farm
Building Number:	
Address 1 (Street): *	Wormiston
Address 2:	
Town/City: *	Eddleston
Country: *	United Kingdom
Postcode: *	EH45 8PP

## Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Northing

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*  Yes  No

## Site Area

Please state the site area:

Please state the measurement type used:  Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: (Max 500 characters)

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*  Yes  No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? \*  Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? \*

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network
- No – proposing to make private drainage arrangements
- Not Applicable – only arrangements for water supply required

What private arrangements are you proposing? \*

- New/Altered septic tank.
- Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
- Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*

- Discharge to land via soakaway.
- Discharge to watercourse(s) (including partial soakaway).
- Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \* (Max 500 characters)

Discharge to soakaway in field

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) \*

Yes  No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- Yes
- No, using a private water supply
- No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know



## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details:(Max 500 characters)

Bins will be stored next to the house. The exact location can be agreed if this is required.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

Do you have any agricultural tenants? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate E

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

These People are:

Name:

Address:

Date of Service of Notice: \*

(3) - I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and \*have/has been unable to do so –

Signed: Kate Jenkins

On behalf of: R&M Brockie & Son

Date: 26/01/2015

Please tick here to certify this Certificate. \*

## Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan. \*

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement \*

Yes  N/A

Other Statements (please specify). (Max 500 characters)

## Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Kate Jenkins

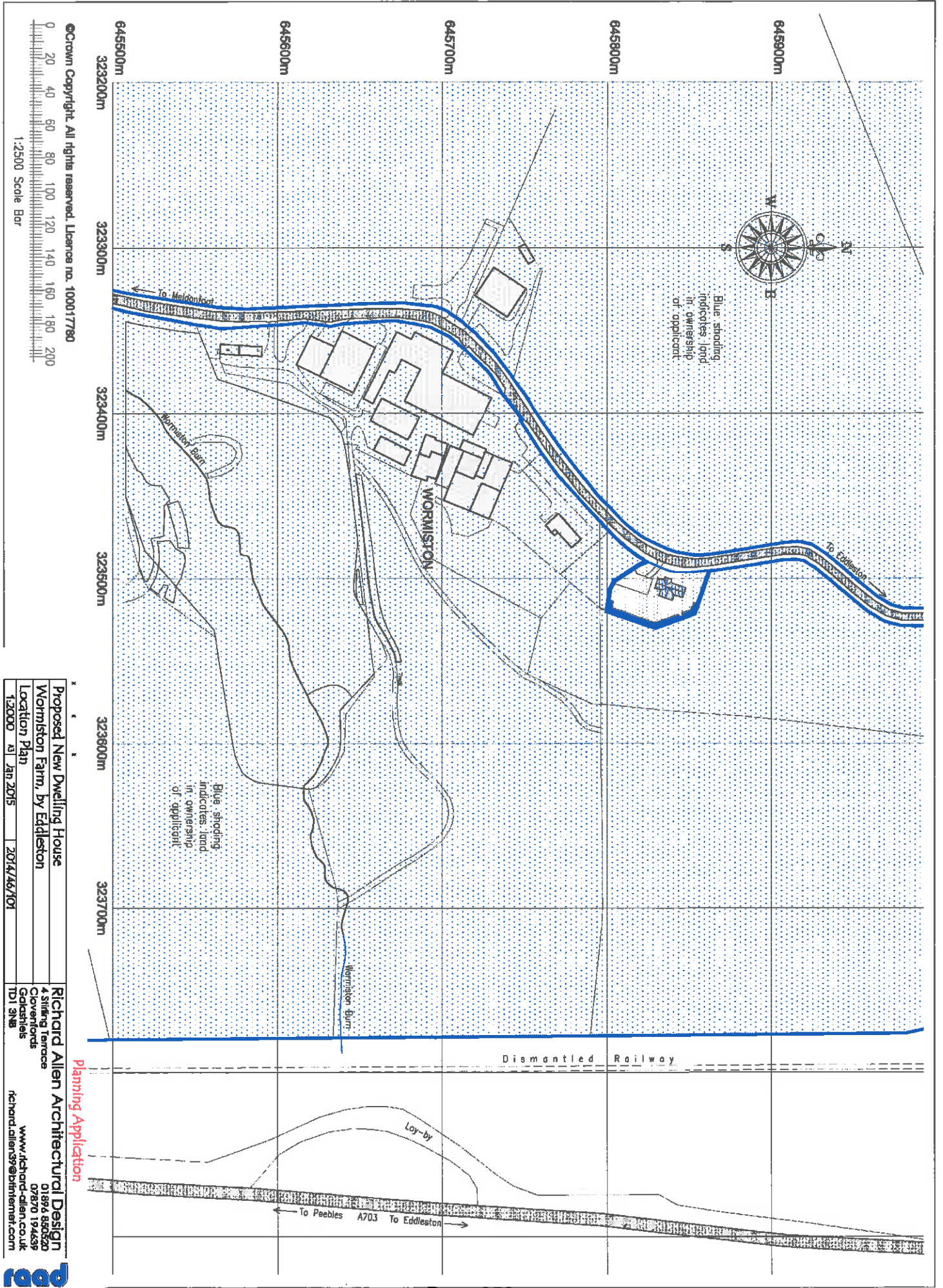
Declaration Date: 26/01/2015

Submission Date: 26/01/2015

## Payment Details

Cheque: R & M Brockie & Son, 003400

Created: 26/01/2015 11:44



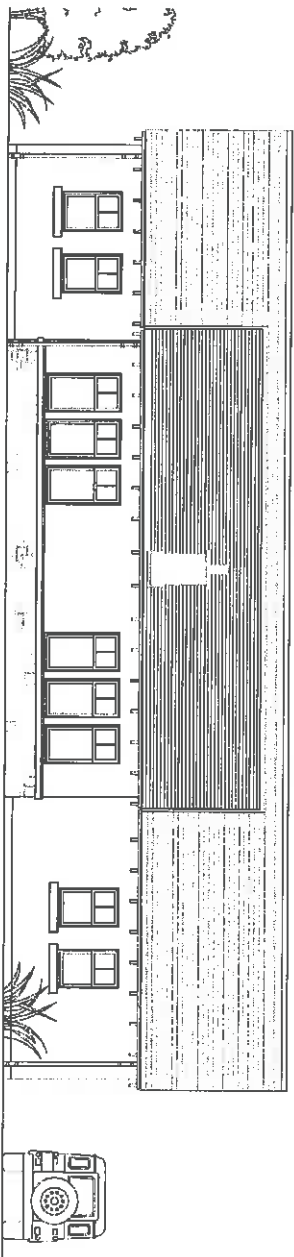
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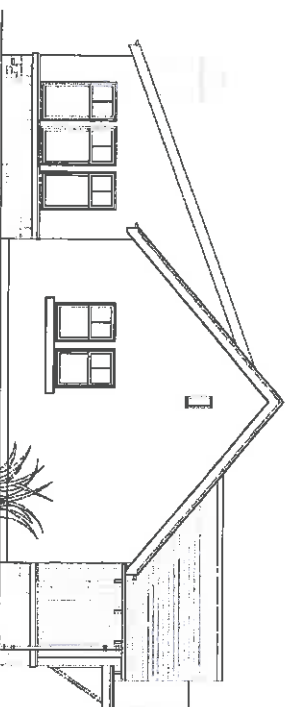
1:2500 Scale Bar

* * * * *		<b>Proposed New Dwelling House</b>		<b>Richard Allen Architectural Design</b>	
Wormiston Farm, by Eddleston		4 Striding Terrace		Coventfords	
Location Plan		13000 A1 Jan 2015		2014/46/01	
TD1 3NB		TD1 3NB		TD1 3NB	
www.richard-allen.co.uk		01896 890520		07870 194639	
richard.allen35@btinternet.com					

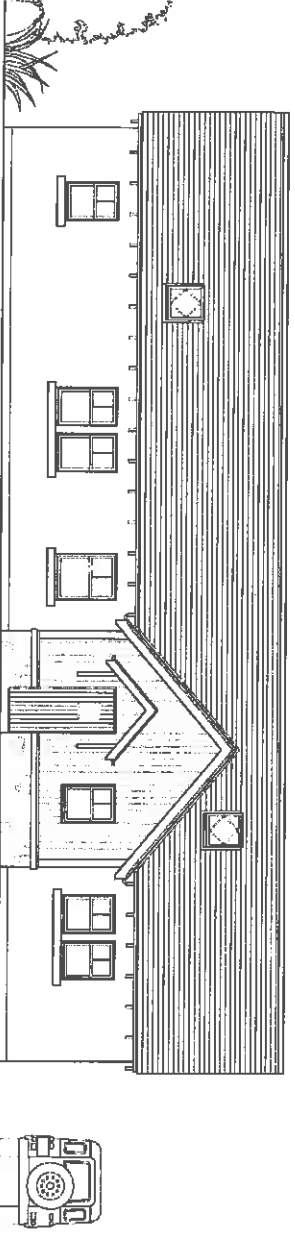
Planning Application



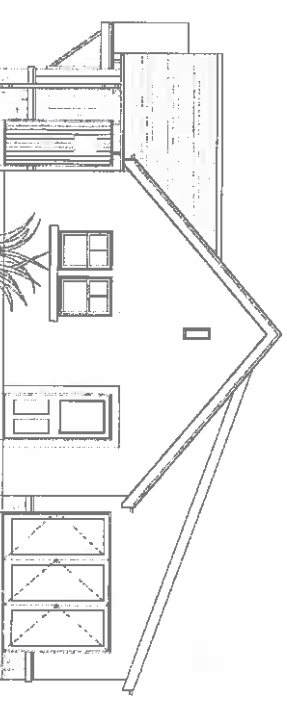
South East Elevation



North East Elevation



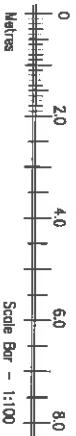
North West Elevation



South West Elevation

**Proposed External Finishes – House**

- Coat Stone – Buff coloured cast stone cills
- External Walls – Natural stone walling, and painted wet dash render with Larch cladding to front porch
- Pitched Roof – Natural slate to roof
- Fascia & Barge Board – Painted or stained timber
- Windows – Timber windows
- Rooflights – Velux standard rooflights with fascings
- External Doors – Double glazed timber, or composite doors with double glazed panels.
- Rainwater Goods – Black coloured PVC downpipes and gutters.



Rev 'A' 28.02.15 General design amendments following comments from SPC Planning

Proposed New Dwelling House	
Wormiston Farm, by Eddleston	
Proposed Elevations	
1/100	AI JAN 2015 2014/48/104/A

**Planning Application**

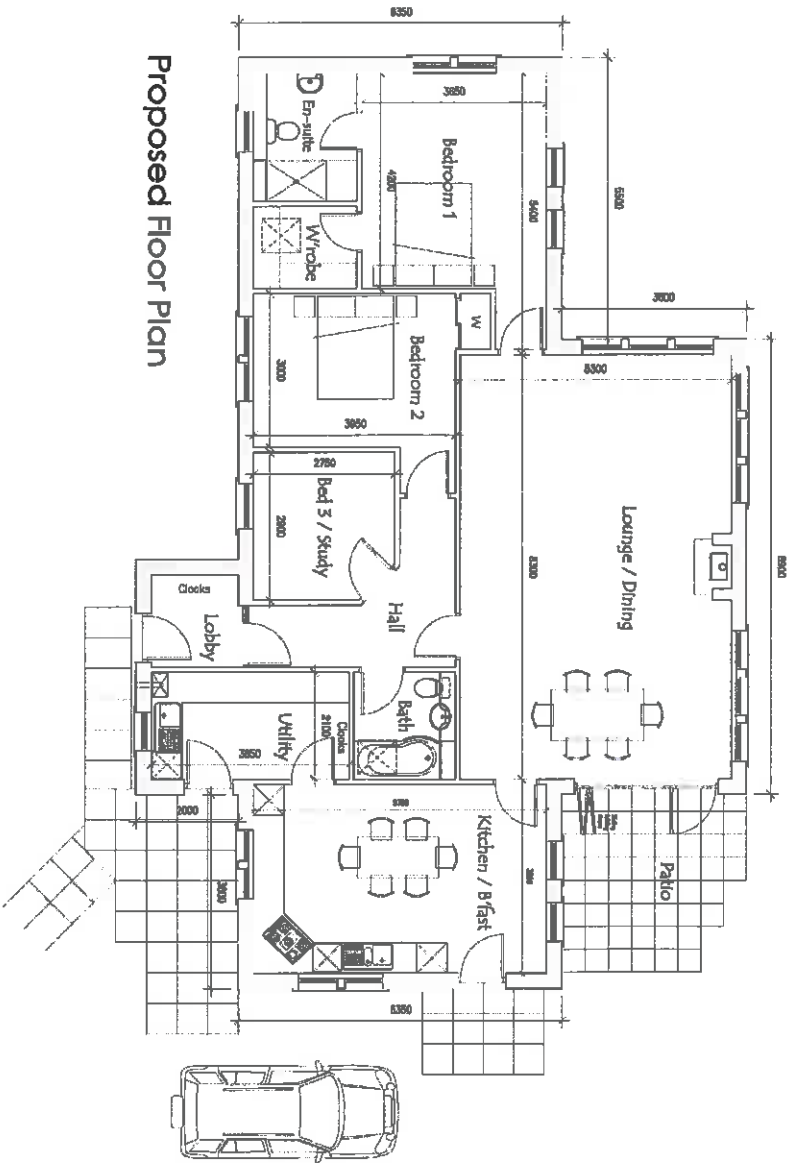
**Richard Allen Architectural Design**  
 4 Siting Terrace  
 Cloverfields  
 Galashiels  
 TD1 3NB  
 www.richard-allen.co.uk  
 01896 650520  
 07820 194639  
 richard.allen39@btinternet.com



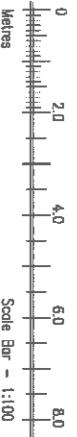
# Proposed External Finishes – House

Cast Stone – Buff coloured cast stone cills  
 External Walls – Natural stone walling, and pointed wet dash render with Larch cladding to front porch  
 Pitched Roof – Natural slate to roof  
 Fascia & Barge Board – Painted or stained timber

Windows – Timber windows  
 Rooflights – Velux standard rooflights with finishes  
 External Doors – Double glazed timber, or composite doors with double glazed panels.  
 Rainwater Goods – Black coloured PVC downpipes and gutters.



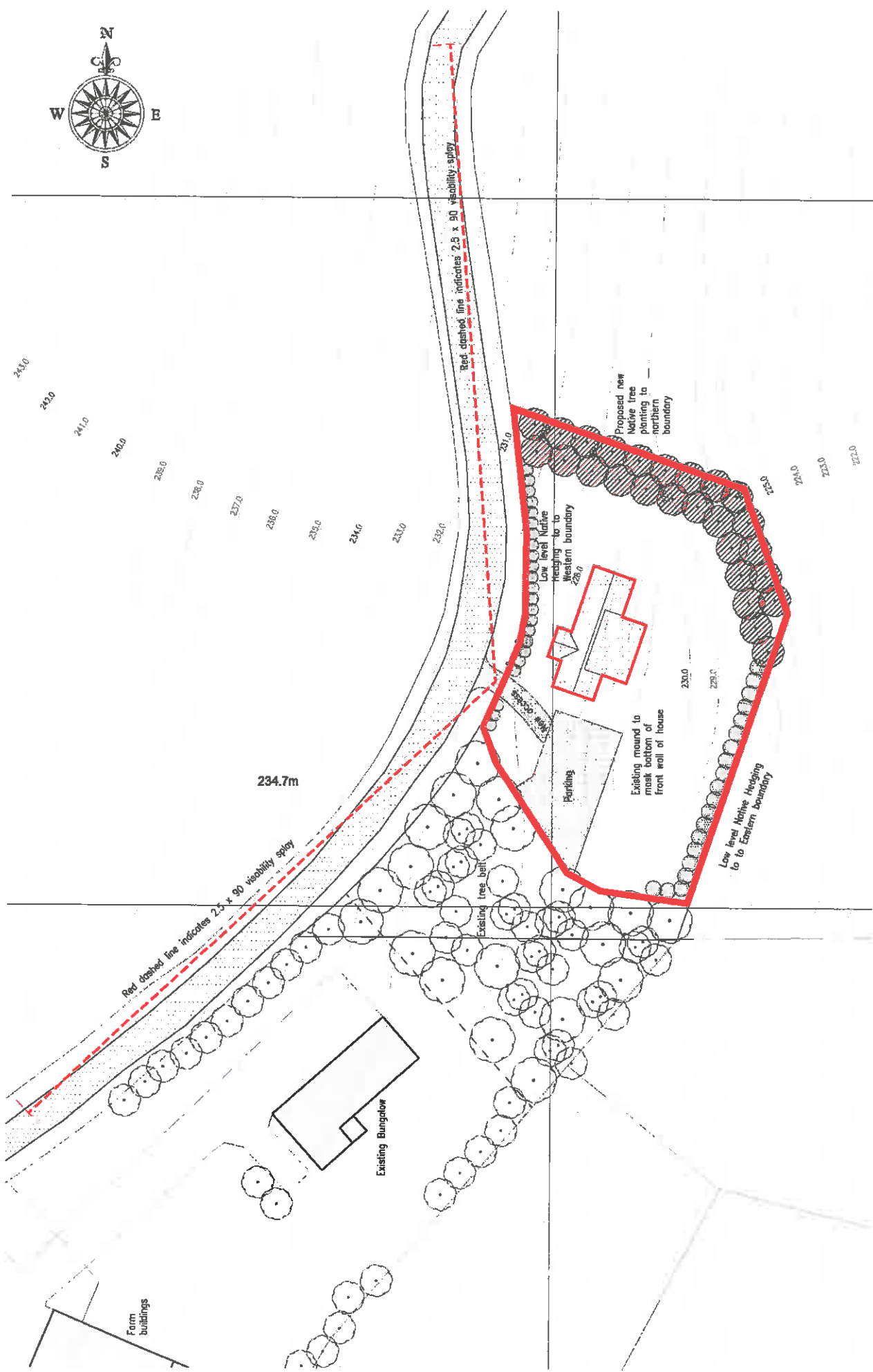
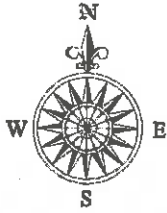
Proposed Floor Plan



Rev 'A'	28.02.15	General design amendments following comments from SSC Planning
<b>Proposed New Dwelling House</b>		
<b>Wormiston Farm, by Eddleston</b>		
<b>Proposed Floor Plan</b>		
1:100	NA	2014/142/103/A

## Planning Application

**Richard Allen Architectural Design**  
 4 Stirling Terrace  
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 01826 850520  
 07870 194639  
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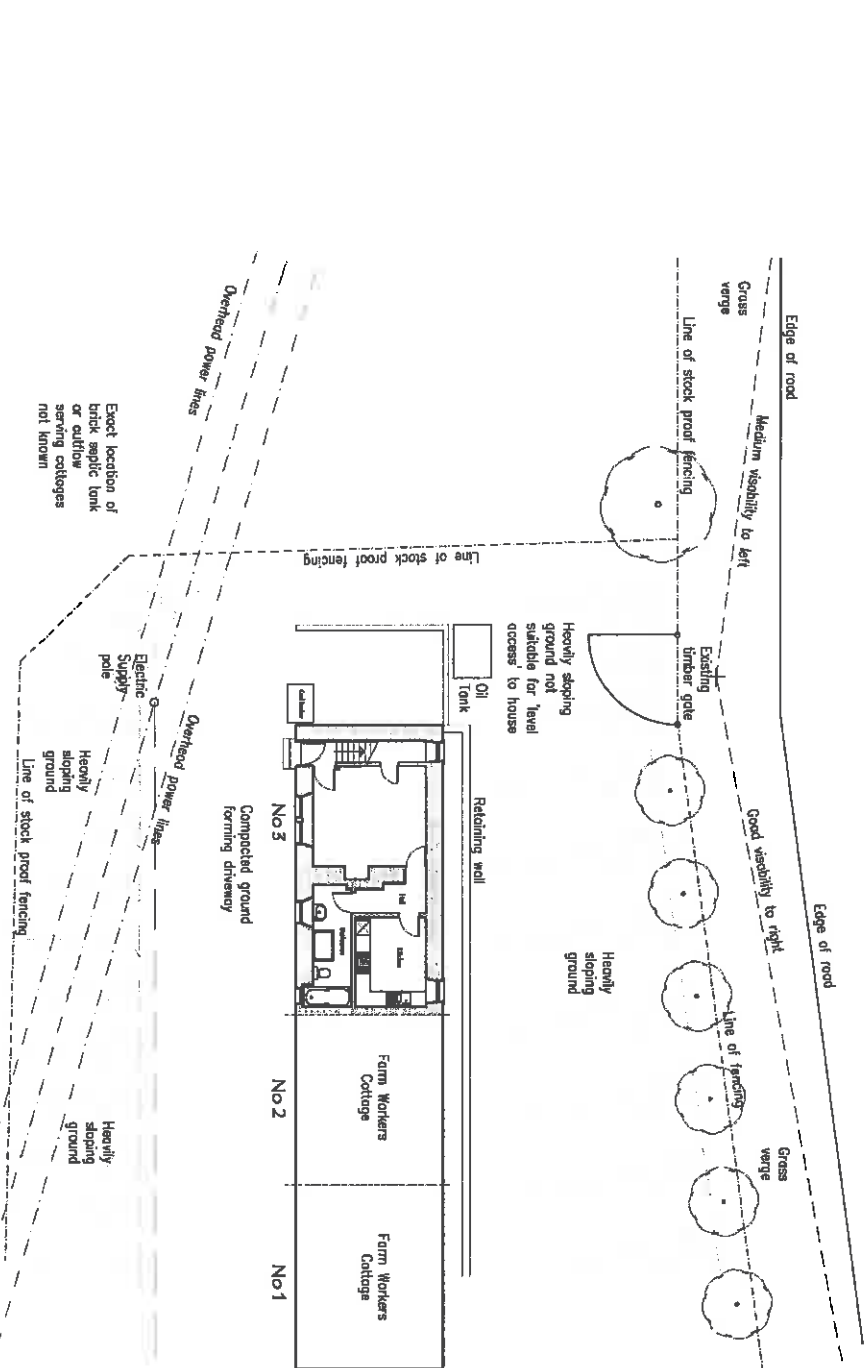
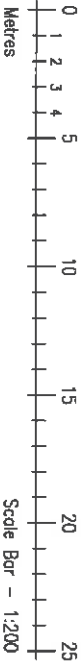


Rev 'X' 20.02.15 Gradient design amendments following comments from SBC Planning

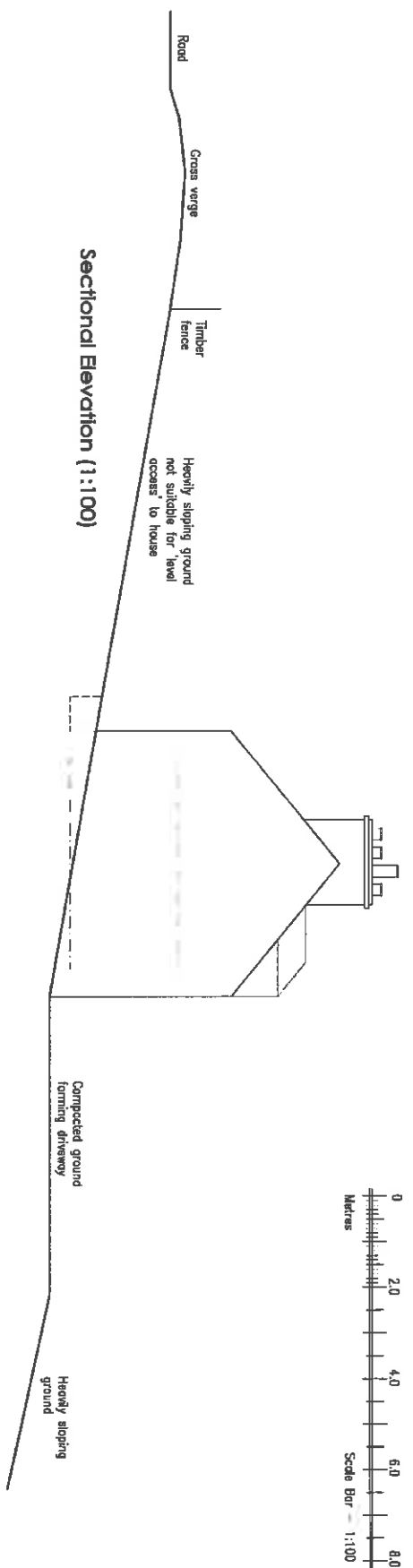
Planning Application

<b>Proposed New Dwelling House</b>		<b>Richard Allen Architectural Design</b>	
<b>Warmiston Farm, by Edleston</b>		4 Sifting Terrace	
<b>Proposed Site Plan</b>		Gloverton Road	
1:500	AS	20/14/46/102/A	Richard Allen 01897 850350
	AS	20/14/46/102/A	07870 194639
			www.richard-allen.co.uk
			richard.allen39@btinternet.com

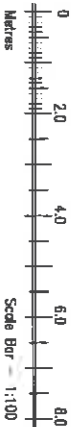




Site Plan (1:200)



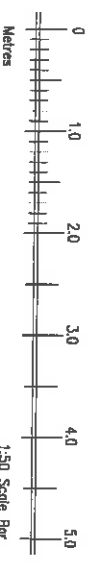
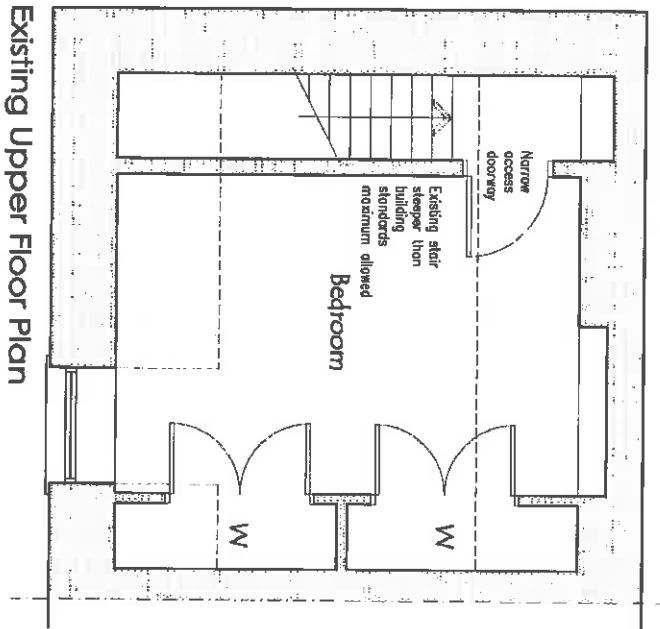
Sectional Elevation (1:100)



Planning Application

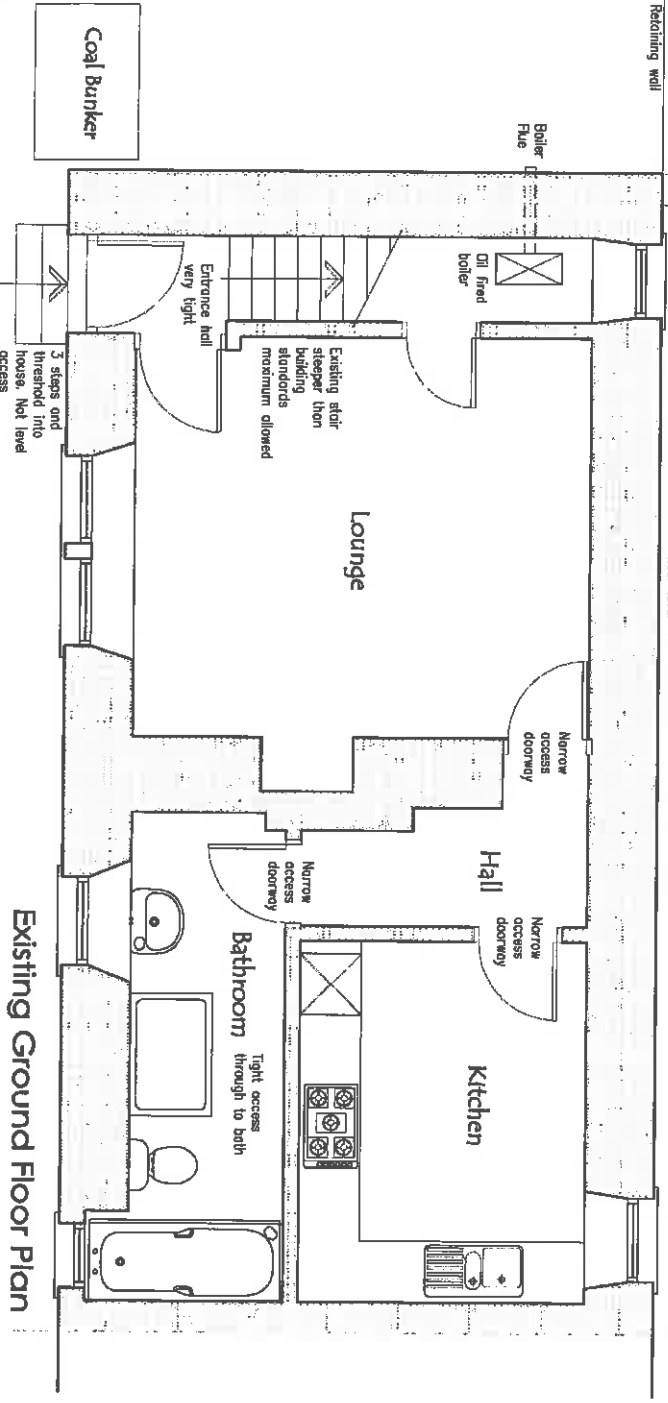
Proposed New Dwelling House	Wormiston Farm, by Eddleston
Farm Cottage No 3 - Site Plan and Section	as shown A1
Richard Allen Architectural Design	Apr 2015
4 Stirling Terrace	2014/467/03
Govanloids	
Galashiels	
TD1 3NB	

Richard Allen Architectural Design  
4 Stirling Terrace  
Govanloids  
Galashiels  
TD1 3NB  
www.richard-allen.co.uk  
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richard.allen37@btinternet.com



Retaining wall

reduced ground level higher than floor level



Proposed New Dwelling House		
Wormiston Farm, by Eddleston		
Farm Cottage No 3 - Existing Floor Plan		
1:50	2014/16/105	
Richard Allen Architectural Design		
4 Stirling Terrace	01896 880520	
Chapelwells	07870 194639	
Carlisle	www.richard-allen.co.uk	
TD1 5NB	richard.allen39@btinternet.com	

**Planning Supporting Statement**

**House for retiring farmer at Wormiston Farm, Eddleston, Scottish  
Borders  
EH45 8PP**

on behalf of

R & M Brockie & Son, Wormiston Farm, Eddleston EH45 8PP

26<sup>th</sup> January 2015

**CONTENTS**

	<u>Page</u>
<b>INTRODUCTION</b>	<b>3</b>
The Application	3
Layout and Design	
<b>ANALYSIS AGAINST PLANNING POLICY</b>	<b>4</b>
<b>SCOTTISH BORDERS CONSOLIDATED LOCAL PLAN, 2011</b>	<b>4</b>
Policy D2 Housing in the Countryside	4
<b>BUILDINGS OF TRADITIONAL CONSTRUCTION</b>	<b>5</b>
Building No.1 - "The Long Shed"	7
Building No.2 - "The Cart Shed"	8
Building No 3 – "The Workshop"	9
<b>EXISTING ACCOMMODATION AT WORMISTON FARM</b>	<b>10</b>
<b>APPRAISAL OF POTENTIAL HOUSE SITES AT WORMISTON FARM</b>	<b>11</b>
Site 1: Adjacent to existing agricultural shed	13
Site 2: Land to the south of existing farm buildings	13
Site 3: Land to the south of the existing farmhouse	15
Site 4: Land to the north east of the existing farmhouse	15
<b>SUPPLEMENTARY PLANNING GUIDANCE</b>	<b>16</b>
New Housing in the Borders Countryside	16
Renewable Energy	168
<b>CONCLUSIONS</b>	<b>19</b>

## 1.0 INTRODUCTION

### **The Application**

- 1.1 The 283 ha (700 acre) agricultural holding of Wormiston lies one mile south west of Eddleston and is within the ownership of the applicant, R&M Brockie & Son. This application seeks consent for the erection of a house for Mrs Margaret Brockie, a retiring farming partner. The application is made by Ericht Planning & Property Consultants and all drawings have been provided by Richard Allen, Architect.
- 1.2 Mrs Brockie currently resides in the farmhouse at Wormiston which is located to the south west of the application site as shown on the Site Plan. The farmhouse is now required for the occupation of Mrs Brockie's son, Robbie Brockie and his partner. Mr Brockie is responsible for the management of the farm.
- 1.3 The proposed location for the new house does not lie within a National Scenic area or Special Landscape Area. An appraisal of sites on the farm has been conducted and the most appropriate site has been selected.

### **Layout and Design**

- 1.4 The location for the new house lies to the north east of Wormiston farmhouse, adjacent to a small sitka spruce shelterbelt. Access to the plot will be directly from the C class public road (C1) as shown on the Site Plan. Visibility splays have been indicated on this plan. In both directions, there is visibility of 90m from a position on the access road which is 2.5m back from the verge. It is acknowledged that the splay to the south west passes over verge but this does not have high vegetation on it and the distance before the splay crosses verge is 28 metres.
- 1.5 A single storey house has been designed in order to minimise visual impact and the meet with the future living needs of Mrs Brockie. The existing ground levels have been used so as to reduce the visibility of the house from the A703. There is an area of slightly raised ground, as can be seen on the site plan, behind which the house has been positioned and which will screen part of the lower portion of the house. Only a small amount of cutting will be required to level the plot for the house. An area of shrubs/ landscaping, to be agreed with the planning authority, is proposed to the east and south the house to 'soften' the boundary.

- 1.6 A private water supply will be utilised. The existing supply to the farmhouse is sufficient in quality and quantity to serve the new house. A new septic tank will be installed for drainage. A soakaway will be installed for surface water run-off.

## 2.0 ANALYSIS AGAINST PLANNING POLICY

- 2.1 This section provides justification for the proposal to construct a house for a retiring farmer against planning policy. It is demonstrated that the proposal for the erection of a single storey house is compliant with the provisions and intentions of Scottish Borders Council's planning policy and, specifically, it will be demonstrated that the proposal is compliant with Housing in the Countryside policy, including Supplementary Planning Guidance. Consideration of Planning policy has included the following documentation:-

- Scottish Borders Consolidated Local Plan
- Scottish Borders Proposed Local Development Plan
- Supplementary Planning Guidance
  - New Housing in the Borders Countryside
  - Renewables

### SCOTTISH BORDERS CONSOLIDATED LOCAL PLAN, 2011

#### Policy D2 Housing in the Countryside

- 2.2 The proposal for the dwelling is consistent with Policy D2- Housing in the Countryside. The relevant section of this policy lies under the heading '*economic requirement*'. The new dwelling is specifically for occupation by a retiring farmer (Mrs Brockie) who has farmed the holding together with her late husband and her son for 39 years. The development of the proposed house will release the farmhouse for continued use by her son and his partner in the management and ongoing running of the holding.
- 2.3 The new house will enable the continued operation of the farming enterprise which comprises 1000 breeding ewes and followers (max sheep numbers 2,700), 130 breeding cows and followers (max numbers 400 head) and local agricultural contracting. The farm employs a tractorman, a general farm worker and a cattleman.
- 2.4 It will be demonstrated that no other appropriate site exists within a building group on the holding and that there is no suitable house or other building

capable of conversion for the required residential use. The applicant is willing to enter into section 75 agreement to tie the proposed house to the farm business.

#### **BUILDINGS OF TRADITIONAL CONSTRUCTION**

2.5 There are three operational buildings situated in the heart of the working farm building group which could be referred to as being of traditional construction. They are marked "1" "2" and "3" on the aerial photograph and map overleaf and comprise:

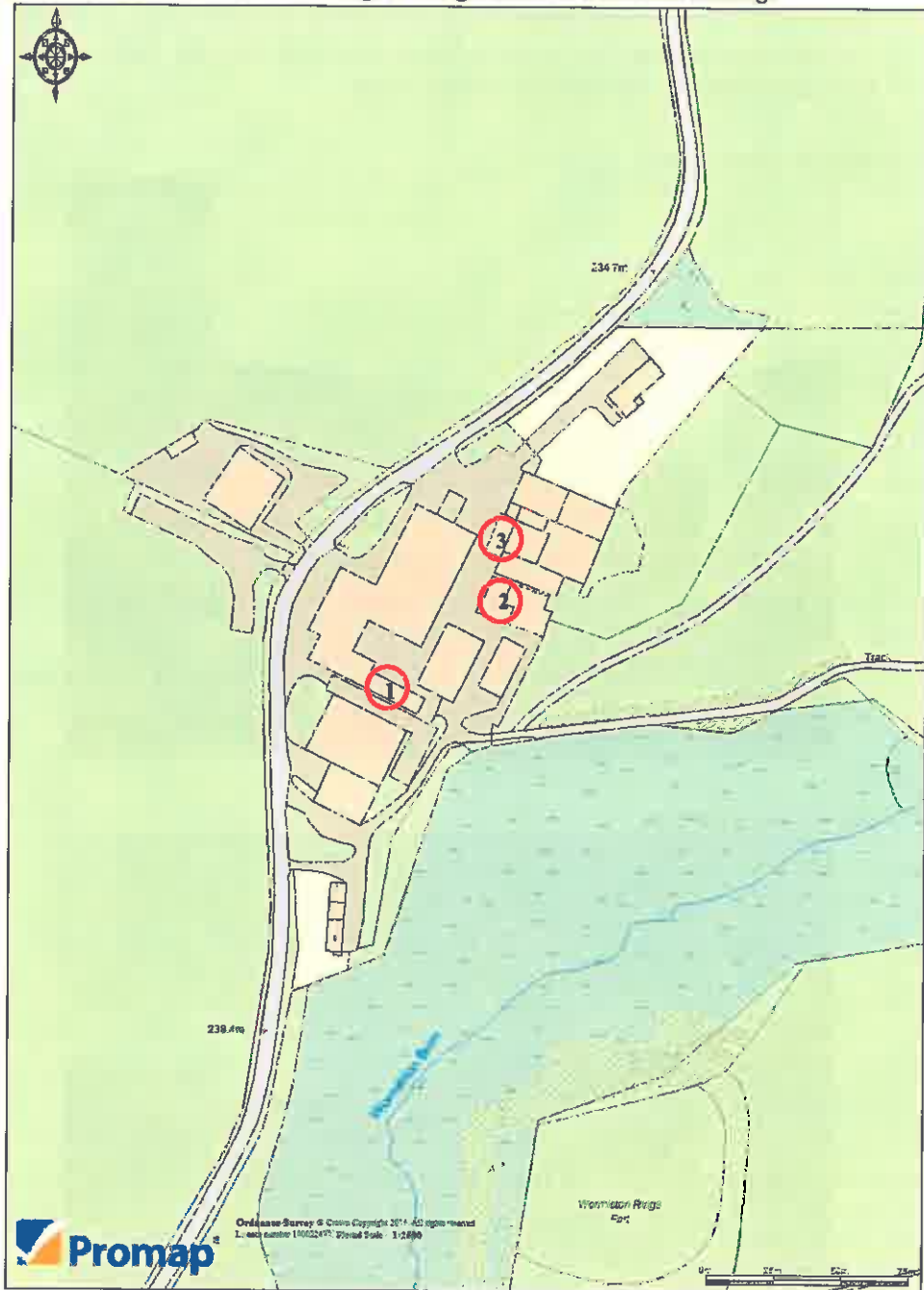
- (1) A shed for housing livestock
- (2) A general storage shed
- (3) The farm workshop.

2.6 Below, the use of each building is set out and it is shown that none of these structures are suitable for conversion to a dwelling on account of their location, construction and key uses within the steading. The existing farmhouse can be seen towards the right of the picture.

**Fig. 1:** Aerial Photograph of Wormiston Farm Buildings showing location of the 3no. traditional buildings in the heart of the farm



Fig. 2: Layout of Wormiston Farm buildings showing location of traditional buildings





**Building No.1 - "The Long Shed"**

- 2.7 This building is located in the central part of the farm buildings at the heart of the operational area. It is used to house livestock and also forms one side of the yard where all the cattle handling is done.

**Fig. 3:** North elevation



**Fig. 4:** South elevation



**Building No.2 - "The Cart Shed"**

2.8 This building is within the operational farm and on the access to the core of the buildings.

Fig. 5: West elevation



Fig. 6: West elevation (1)



Fig. 7: West elevation (2)



**Building No 3 – “The Workshop”**

2.9 This building was a small farmhouse until the 1960s when a fire took hold. The steading was smaller with an entirely different layout at that time. It is now used as the farm workshop and lies at the heart of the steading.

Fig. 8: West elevation (1)



**EXISTING ACCOMMODATION AT WORMISTON FARM**

- 2.10 **1-3 Wormiston Cottages:** These cottages lie at the southern end of the farm. Nos. 1 & 2 are occupied by farm workers. No. 3 is currently occupied by the applicant who will move to the existing farmhouse shortly. It is a 1 bedroomed property with a steep flight of internal stairs and is unsuitable for Mrs Brockie whose future living needs require single-level living space. No. 3 Wormiston Cottages is required for occupation by seasonal farm workers and also for students which are employed on the farm at points throughout the year.

**Fig. 9:** East elevation of Wormiston Cottages

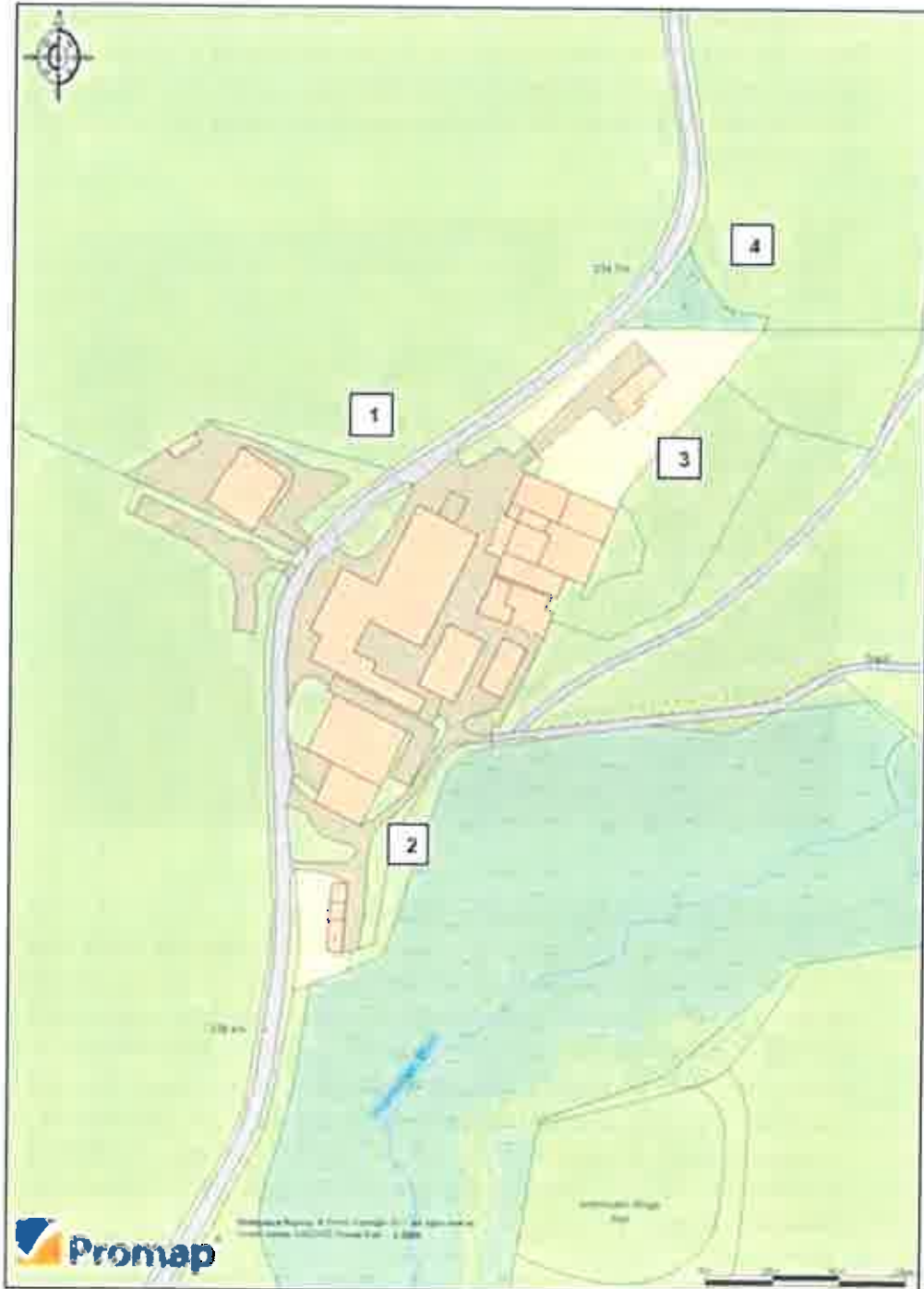


- 2.11 **Moss House:** This property, located half a mile to the north west of Wormiston Farm is occupied by Wormiston Farm's cattleman, who has lived here for over 14 years.

**APPRAISAL OF POTENTIAL HOUSE SITES AT WORMISTON FARM**

- 2.12 The following criteria must be met by the site for the new house. The site must be:
- In reasonable proximity to the group of existing farm buildings and the existing farmhouse;
  - Sufficiently distant from the operational farm buildings in the interests of residential amenity, including aspects relating to noise and visibility;
  - Able to achieve a safe access in terms of operational farm traffic and sightlines on the public road;
  - Located on reasonably level, firm and dry ground. Much of the land surrounding the farm steading is sloping and marshy;
  - A site which does not interfere with the operation of the farm, nor requires any of the existing farm buildings to be taken out of use;
  - A site which does not compromise future farm expansion;
  - A site which does not impact negatively on the landscape.
- 2.13 The location of potential house sites at Wormiston Farm is shown overleaf. Each site is thereafter assessed in the forthcoming sections.

Fig. 10: Location of Potential House Sites at Wormiston Farm



**Site 1: Adjacent to existing agricultural shed**

- 2.14 The applicant wishes to retain this area of land for future expansion of the farm. This site is the most suitable site for the erection of a further agricultural shed as other ground around the farm buildings is generally sloping and wet, offering little opportunity for effective operational space of the size required for a new shed.

**Fig. 11: Site 1: Land adjacent to existing agricultural sheds**

**Site 2: Land to the south of existing farm buildings**

- 2.15 In terms of ground levels, this site is situated at a considerably lower level than the farm buildings and track which is likely to result in an access, the gradient of which is not acceptable. Importantly, this track is heavily used to cart dung and slurry out of the livestock sheds within the steading specifically so as to prevent the front access from becoming poached. In the winter this rear track becomes wet and muddy and sharing this length of operational track, particularly given its specific use, with a residential access, would be wholly inappropriate. Further, visibility is not particularly good and this would not be a safe access for a new house.

**Fig. 12: Site 2: Land below farm steading**



**Fig. 13: Agricultural access leading to rear (east) of farm buildings**





**Site 3: Land to the south of the existing farmhouse**

- 2.16 This site is not favoured for several reasons:
- This area of land is sloping and is prone to becoming waterlogged, and was so at the time of inspection.
  - This site feels outwith the grouping of buildings at Wormiston and does not form a logical extension or consolidation.
  - Development of this site would move the developed area further east in a way which does not feel natural, with one house being 'stacked' on top of the other.
  - The house would be directly overlooked by the existing farmhouse.

Fig. 14: Field to south of existing farmhouse

**Site 4: Land to the north east of the existing farmhouse**

- 2.17 This site has been selected for a number of reasons:
- The site can be safely accessed by formation of a new access onto the public road with suitable gradient and sightlines as shown on the Site Plan.
  - Development of the site would involve an 'organic' and logical extension to the developed area of the farm.
  - An area of woodland planting to the north east will provide a clear edge to the farm steading.

- The site does not impact upon land required for future farm expansion.
  - The area is not subject to flooding or waterlogging.
  - Whilst it is acknowledged that the house will be able to be seen from the A703, the property will be single storey and will be viewed as part of the existing group of buildings at Wormiston.
  - The new house will not impact upon the residential amenity of the existing farmhouse.
  - The ground levels offer a site which can be developed with minimal cutting and the area of slightly raised ground offers slightly reduced visibility of part of the house from the A703.
- 2.18 It is recognised that this site increases the extent of the developed land at Wormiston in a north-easterly direction, however given the other options which have been considered and the clear benefits of this site, it is the preferred option.
- 2.19 The policy content of Policy HD2 'Housing in the Countryside' which is set out within the emerging LDP is almost identical to adopted policy D2. There is, however, specific consideration given to 'access roads' in HD2. In this regard access to the new house has considered carefully within this proposal and sightlines have been shown on the Site Plan.

## SUPPLEMENTARY PLANNING GUIDANCE

### New Housing in the Borders Countryside

- 2.20 The proposal for the dwelling is compliant with the criteria for new housing development set out within *New Housing in the Borders Countryside, December, 2008*, as below:
1. *No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;*
  2. *Satisfactory access and other road requirements;*
  3. *Satisfactory public or private water supply and drainage facilities;*
  4. *No adverse effect on countryside amenity, landscape or nature conservation;*
  5. *No adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;*
  6. *Appropriate siting, design and materials in accordance with the relevant Local Plan policies;*
  7. *The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.*

- 2.21 There is no adverse effect on the viability of the farming unit in physical, operational or economic terms. The proposed house site is not on land onto which farm buildings may need to expand in the future. The house is required to enable Mr Brockie, his partner and future family to run the farm from the existing farmhouse which lies close to the farm steading.
- 2.22 Satisfactory access can be achieved as shown on the Site Plan and detailed in section 1.4.
- 2.23 Satisfactory water supply and drainage facilities can be achieved as summarised in section 1.6.
- 2.24 The proposal will not lead to adverse effect on countryside amenity, landscape or nature conservation. The proposed dwelling is single storey in height and will not overlook, or be overlooked by adjacent properties. The dwelling will not be visually obtrusive in the landscape on account of its single storey nature, its design, the topography of the site and surroundings, and the presence of landscape screening. It is acknowledged that the house will be visible from the A703 but it is not considered to be an inappropriate addition to the cluster of buildings at Wormiston Farm.
- 2.25 There is no adverse impact on ancient monuments, archaeological sites or other designations.
- 2.26 Under section 2c 'Isolated housing and housing for local needs', the Guidance notes that factors which will be considered when assessing proposals include:
- Whether there is a need for new accommodation for an existing local resident to suit changed and exceptional circumstances (such as a retiring farmer) and
  - Whether the applicant has selected the most satisfactory site in terms of the standard policy criteria noted above.
- In this regard, the requirement for a house for a retiring farmer has been set out and an assessment of potential sites has been made as part of this application.

**Renewable Energy**

- 2.27 The Scottish Borders Council Renewables Supplementary Planning Guidance (2007) deals with requirements to reduce Carbon Dioxide emissions through energy efficiency, building design measures and renewable technologies.
- 2.28 The new dwelling has been designed with energy efficiency as a key consideration. Whilst the Applicant will address such matters in greater detail at building warrant stage, the following points are made:
- ☐ There has been minimisation of energy demand by design, including double glazed windows;
  - ☐ The orientation will maximise passive solar gain and natural daylight;
    - The adjacent woodland affords some shelter from the prevailing south-westerly wind;
  - ☐ External walls, floor and roof will be super-insulated to minimise heat loss;
  - ☐ Energy saving lighting and electrical goods will be used;
  - Fittings will be used which reduce the amount of water used by WCs, taps and showers and an efficient condensing boiler will be used.

## 5.0 CONCLUSIONS

- 5.1 The application is for planning permission for a house for a retiring farmer on Wormiston Farm, a 700 acre mixed farm.
- 5.2 The new house will be a single storey dwelling which respects the local topography and the existing farm steading layout. Whilst visual impact, as viewed from the A703, is acknowledged, this has been minimised by the single storey design, working with ground levels and landscaping.
- 5.3 An assessment has been made of the traditional buildings which are present on the farm and it is clear that they are unsuitable in terms of their location in the operational heart of the farm, their use and their structure.
- 5.4 An assessment has been made of four possible sites for the house and it has been demonstrated that the site to the north east of the existing farmhouse is the only suitable site.
- 5.5 There are no other buildings or residential accommodation on Wormiston Farm which are suitable for the occupation by the retiring farmer. Mr Brockie's existing house is 1 bedroomed and is too small for him, his partner and future family and is unsuitable accommodation for Mrs Brockie.
- 5.6 A safe access can be formed on the C class public road and sightlines have been illustrated within the application. Satisfactory water supply and drainage can be achieved.
- 5.7 It has been demonstrated that the proposal is compliant with Local Plan policy D2 'Housing in the Countryside' and Supplementary Planning Guidance 'New Housing in the Borders Countryside'

**Supplementary Planning Supporting Statement**

**House for retiring farmer at Wormiston Farm, Eddleston, Scottish  
Borders  
EH45 8PP**

on behalf of  
R & M Brockie & Son, Wormiston Farm, Eddleston EH45 8PP

9<sup>th</sup> April 2015

**CONTENTS**

	<u>Page</u>
1.0 <b>INTRODUCTION</b>	<b>3</b>
Purpose	3
2.0 <b>MATTERS TO BE ADDRESSED</b>	<b>3</b>
Revised Design	3
<b>No.3 Wormiston Cottages</b>	<b>3</b>
Existing Layout	4
External Circulation Space and Access	6
Residential Amenity	7
Extension Potential	8
<b>Garden Ground of Wormiston Farmhouse</b>	<b>10</b>
<b>Merits of Proposed Site</b>	<b>12</b>
<b>Water Supply</b>	<b>13</b>

## 1.0 INTRODUCTION

### Purpose

1.1 This Supplementary Statement has been provided following consultation responses from, and communications with, Officers from Scottish Borders Council. It seeks to address the points raised and demonstrate that a new house is required for a retiring farmer at the location set out within the application submitted in January, 2015 and that the revised design is appropriate for the location.

1.2 Within this report, the following points are addressed:

1. The revised design of the proposed house;
2. No.3 Wormiston Cottages
  - Existing layout;
  - External circulation space and access;
  - Residential amenity;
  - Extension potential;
3. Wormiston farmhouse – garden ground;
4. Merits of proposed site;
5. Issues relating to water supply.

## 2.0 MATTERS TO BE ADDRESSED

### (1) Revised Design

2.1 Following comments provided by the Planning Officer, by email, on 16<sup>th</sup> March, the applicant has agreed to re-design the required house in order that the building offers a more traditional design and better respects the locality and setting. The house remains single storey in order to minimise its visibility from the Eddleston valley, yet its form, proportions and materials are such that it will appear in the landscape, from where it can be seen, as a more traditional building which fits naturally into its surroundings. Revised site plan, floor plan and elevations are enclosed.

### (2) No.3 Wormiston Cottages

2.2 The Planning Officer has stated, within her email of 16<sup>th</sup> March that she is “*not convinced that suitable housing does not exist within the building group*”. She accepts “*that the older buildings within the centre of the farm steading are not suitable for conversion*” but suggests “*that the cottage which your client is vacating, and which is an end terraced property, is capable of alterations and extensions to meet the future needs of his mother*”.



- 2.3 Nos. 1 & 2 Wormiston Cottages are occupied by full time farm workers. No. 3 is currently occupied by the applicant who will move to the farmhouse. No. 3 is required for occupation by seasonal farm workers and also for students which are employed on the farm at points throughout the year.
- 2.4 In addition to the above, the property is unsuitable for the retiring farmer on a number of counts, each explained below, with photographs, where appropriate.

#### **Existing Layout**

- 2.5 The applicant's architect has provided a measured survey of the property which is included with this submission. Within the drawing, a number of restricting factors have been pointed out, as noted below.
- 2.6 The cottage is a 1 bedroomed property with a steep flight of internal stairs leading to the bedroom. The gradient of these stairs would not meet with the maximum gradient permissible under Building Standards. Whilst this is not an issue with the existing use of the cottage, it does demonstrate just how steep the stairs are and how they would be inappropriate for an elderly person. Single level living accommodation is sought for Mrs Brockie. It is noted that the property is also accessed by 3 steps, which is not ideal for an elderly person.

**Fig 1:** Front elevation of 3 Wormiston Cottages with bedroom upstairs:



**Fig 2: Entrance to 3 Wormiston Cottages with steep and narrow flight of stairs:**



- 2.7 The ground floor accommodation comprises a living room, kitchen and bathroom. There is no room downstairs which could be converted to a bedroom with accessible access to the bathroom. Whilst the bathroom is of reasonable size, the access corridor to it and the door opening are narrow on account of the structural wall and the internal circulation space is poor. The property is not considered to be capable of satisfactory adaptation within its existing footprint.

**Fig 3: North elevation of 3 Wormiston Cottages (extent of accommodation outlined in red)**



**External Circulation Space and Access**

- 2.8 Given Mrs Brockie's future requirements, the circulation space to the exterior of the cottage is inappropriate for an elderly person. There is a lack of space to create a clean and level walkway suitable for disabled access and equally, lack of space to create an appropriate surfaced parking space.

**Fig 4:** External circulation space



Ericht Planning & Property Consultants | 40 Belgrave Road | Edinburgh | EH12 6NQ

- 2.9 Given the gradients present, it would not be possible to create a separate access to no.3 Wormiston cottages from the public road. This is illustrated within the applicant's architect's site plan and sectional elevation. It is reasonable to expect the house for the retired farmer to have a separate access from the workers' cottages.

Fig 5: Steep gradient above the cottage towards public road



#### Residential Amenity

- 2.10 The other 2 cottages are occupied permanently by full time agricultural workers and it not considered to be reasonable to require the elderly retired farmer to live at the end of a row of cottages which has no separate access amidst the busy 'to-ing and fro-ing' the multiple everyday movements of the farm workers in the ordinary course of their daily living and working. The residential amenity of an individual who is no longer involved in the day to day operation of the farm would be impacted negatively upon at this location. Mrs Brockie would effectively be moving from the farmhouse, where she has lived for many years and which has a high level of privacy, to the relatively busy location of farm employees' accommodation, which is both ironic and inappropriate given that she is retiring.

**Extension Potential**

- 2.11 It has been suggested by the Planning Officer that no.3 Wormiston Cottages could be extended to provide suitable accommodation. When consideration is given to the land immediately to the south and south west it is clear that there is limited potential for a meaningful extension. As can be seen from the applicant's architect's site plan, adjacent ground is extremely steep and a proportion of the ground within the fence boundary of no3. Wormiston Cottages is already 'made-up'. It is clear from the photographs below that a meaningful extension to offer living space suitable for an elderly person is not feasible at reasonable economic cost.

Fig 6: Steep land immediately to the south



- 2.12 The area of ground which is available to the south of the existing gable provides very limited opportunity for extension given its proximity to ground which 'falls away' dramatically and, particularly, as the end of the ground by the fence is made up ground which is, potentially, unstable.

**Fig 7: Steep land immediately to the south**



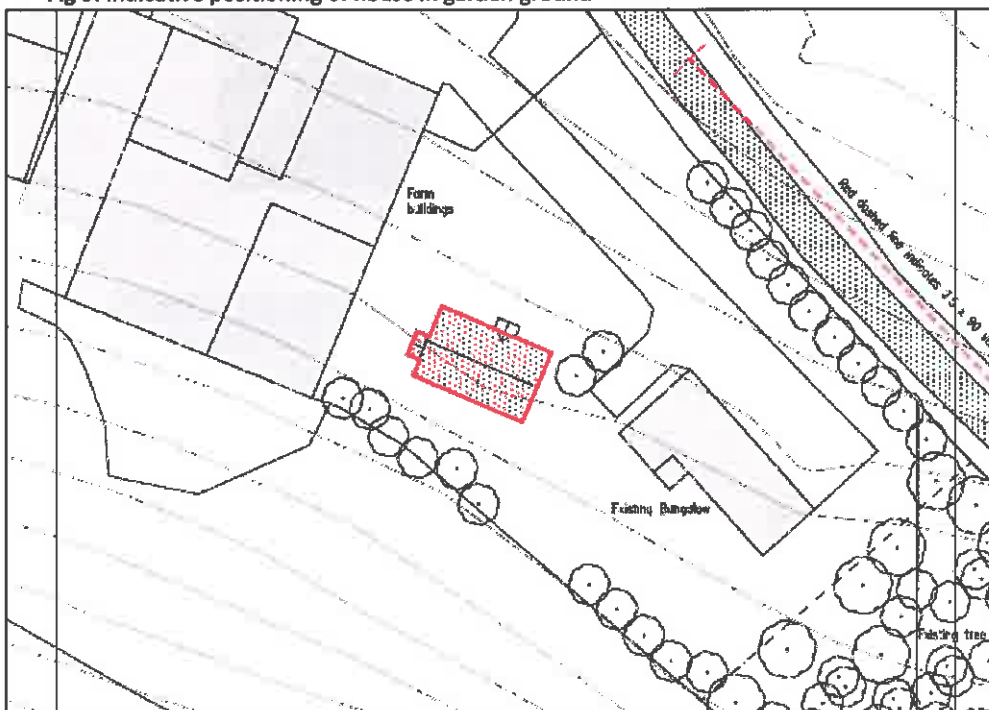
**Fig 8: View of southern elevation**



**(3) Garden Ground of Wormiston Farmhouse**

- 2.13 Within the Planning Officer's email of 16<sup>th</sup> March, she stated that *"there would appear to be an alternative site that you may wish to give consideration to and that is in the garden ground of the existing farmhouse between the house and the farm buildings. I appreciate that this might involve the removal of some trees and would involve the loss of garden ground but this would be preferable to the proposed site and it is likely that an application could be supported"*.
- 2.14 An indicative layout utilising the most recent design of house, as proposed within this application, is provided below. It is evident that, notwithstanding that the house is for a retiring farmer, that a distance of only 9 metres from a livestock shed is inappropriate in terms of impact upon residential amenity, particularly in terms of the potential for noise and smell from a shed which is used regularly for livestock throughout the year.

Fig 9: Indicative positioning of house in garden ground



**Fig 10: Proximity to agricultural shed**



- 2.15 Further, the gradients within the garden ground are such that any house would require substantial underbuilding which would result in a building unrelated to the existing landform. Such construction is specifically not favoured under Scottish Borders' Supplementary Guidance relating to Housing in the Countryside and would appear wholly out of character in this location. The existing bungalow (farmhouse) is built on the upper flat part of the land.

**Fig 11: Steep gradient within garden ground**





**(4) Merits of Proposed Site**

- 2.16 Within the Planning Officer's email of 16<sup>th</sup> March she stated that "it is unlikely that a house would be supported given that it is outside the recognised building group and any development at this location would have an adverse impact on the landscape due to the prominent location. It would also be ribbon development along a public road which is generally not supported."
- 2.17 The siting of the proposed house is justified on the following grounds:
- There is no suitable house which could be used by the retiring farmer – the unsuitability of no3. Wormiston Cottages has been explained within the original Supporting Statement and further demonstrated herein.
  - There is no building capable of conversion for the required use – as demonstrated within the original Supporting Statement and accepted by the case Officer.
  - There is no other site which is suitable for use – several sites were demonstrated to be inappropriate within the original Supporting Statement and the reasons why the suggested site in the garden of Wormiston Farmhouse is unsuitable have been set out herein.
  - The site offers a logical and practical extension to Wormiston at a location where residential amenity is afforded to the resident. Landscaping can be used to enhance the setting of the new house.
- 2.18 A building group effectively comprises 3 or more houses, in this case being 1-3 Wormiston Cottages and the existing farmhouse. These properties are 200 metres apart, measured directly between their closest points. Between these residential properties is an intensively used operational farm area. Given the lack of potential house sites which lie between the farmhouse and the cottages, as justified within the original statement and herein, the most appropriate site lies in proximity to the farmhouse, adjacent to the public road, as proposed within the application. Such siting is a logical and natural extension to Wormiston.
- 2.19 Given that the residential "building group" is viewed as bridging a 200m (non-residential) 'space' between the cottages and the farmhouse, it seems unreasonable to assert that the proposed house, which lies only 55m from the farmhouse, and as close as possible to the woodland to the west of the farmhouse, is wholly out with the group and amounts to 'ribbon development'.
- 2.20 It is noted that "ribbon development" is commonly defined as "*the building of houses in a continuous row along a main road*". It is strongly asserted that it is unreasonable to suggest that the addition of one house to a significant cluster of buildings comprising residential and agricultural (the need for which can be justified in policy terms) be appropriately referred to as 'ribbon development'.

**(5) Water Supply**

- 2.21 I note Environmental Health's requirements with regard to water supply. I would anticipate this matter to be dealt with by way of planning condition as the cost and time involved in appointing an independent consultant to provide testing of the quality and quantity of water prior to the granting of conditional consent would pose an unreasonable burden upon the applicant. It is anticipated that a condition similar to that below would be used:

*"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 building(s)/dwellinghouse(s) hereby approved".*

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**Application for Planning Permission**

**Reference : 15/00071/FUL**

**To : R & M Brockie & Son per Erich Planning & Property Consultants Per Kate Jenkins 40  
Belgrave Road Edinburgh EH12 6NQ**

With reference to your application validated on **28th January 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of dwellinghouse**

**at : Land North Of Wormiston Farm Eddleston Scottish Borders**

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**

**Dated 28th May 2015  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

Signed .....  
**Service Director Regulatory Services**

**APPLICATION REFERENCE : 15/00071/FUL**

**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
2014/46/101	Location Plan	Refused
2014/46/104/A	Elevations	Refused
2014/46/103/A	Floor Plans	Refused
2014/46/102/A	Site Plan	Refused
2014/46/105	Other	Refused
2014/46/106	Other	Refused
SUPPORTING STATEMENT	Other	Refused
SUPPLEMENTARY SUPPORTING STATEMENT	Other	Refused

**REASON FOR REFUSAL**

- 1 The proposal is not acceptable as it does not comply with Local Plan Policy D2 Housing in the Countryside, G1 - Quality Standards for New Development and SPG - New Housing in the Borders Countryside in that the site is not well related to the existing building group and it has not been demonstrated to the satisfaction of the planning authority that there is no alternative site or accommodation within the building group.
- 2 The proposed development is contrary to Local Plan Policies D2 and G1 and Supplementary Planning Guidance New Housing in the Borders Countryside in that the new dwellinghouse will have a significant adverse impact on the landscape.

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

**Kate Jenkins**

---

**Subject:** 15/00071/FUL Wormiston,-Eddleston

**From:** Amyes, Dorothy [<mailto:DAmyes@scotborders.gov.uk>]

**Sent:** 16 March 2015 17:17

**To:** 'Kate Jenkins'

**Subject:** RE: 15/00071/FUL Wormiston, Eddleston

Kate

Thank you for your e-mail regarding the water supply. I will pass this on to Environmental Health but it will not be sufficient to satisfy the requirements for a new water supply for the proposed house. What is required is given in the proposed informative to the EH response

I consider that the amended plans are an improvement on the original proposed design and Siobhan McDermott welcomes the additional planting scheme. However, it remains that what is being proposed is a modern bungalow and there is little in the design or materials that suggests that much thought has been given to the locality or the sense of place created by the existing buildings.

As you may be aware there have been several pre-application enquires regarding a potential house on this site and our response has been that it is unlikely that a house would be supported given that it is outside the recognised building group and any development at this location would have an adverse impact on the landscape due to the prominent location. It would also be ribbon development along a public road which is generally not supported. Although the justification for a new house in the current application is as an economic requirement, siting and design are still important factors that have to be taken into consideration. I am still of the opinion that it is not an appropriate site for a new dwellinghouse.

I accept that the circumstances that you client wishes to move into the existing farm house and that the move requires accommodation for his mother. However, I am not convinced that suitable housing does not exist within the building group. I accept that the older buildings within the centre of the farm steading are not suitable for conversion but I would suggest that the cottage which your client is vacating and which is an end terraced property is capable of alterations and extensions to meet the future needs of his mother. Before I could support any application for a new dwellinghouse, I would need to be satisfied that the existing property could not be successfully adapted.

There would appear to be an alternative site that you may wish to give consideration to and that is in the garden ground of the existing farmhouse between the house and the farm buildings. I appreciate that this might involve the removal of some trees and would involve the loss of garden ground but this would be preferable to the proposed site and it is likely that an application could be supported.

I look forward to hearing from you regarding these matters.

Regards

Dorothy

Dorothy Amyes

Planning Officer

Development Management

Regulatory Services

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**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
SERVICE DIRECTOR REGULATORY SERVICES**

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

**REF :** 15/00071/FUL

**APPLICANT :** R & M Brockie & Son

**AGENT :** Ericht Planning & Property Consultants

**DEVELOPMENT :** Erection of dwellinghouse

**LOCATION:** Land North Of Wormiston Farm  
Eddleston  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:** Agent Delay in Responding

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
2014/46/101	Location Plan	Refused
2014/46/104/A	Elevations	Refused
2014/46/103/A	Floor Plans	Refused
2014/46/102/A	Site Plan	Refused
2014/46/105	Other	Refused
2014/46/106	Other	Refused
SUPPORTING STATEMENT	Other	Refused
SUPPLEMENTARY SUPPORTING STATEMENT	Other	Refused

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

Consultation Responses  
Roads Planning

No objections in principle but slightly concerned on the proposed location and feel it could be better related to the existing building group. However, this concern is not significant enough to object to the application and is merely an observation.

Notwithstanding the above, the following points must be incorporated into the design;

- Access to the plot to incorporate a service lay-by as per my specification (DC-3).
- The first 5 metres of the access must not exceed a gradient of 1 in 18, thereafter the maximum gradient is 1 in 8. The area intended for the parking and turning of motor vehicles must not exceed a gradient of 1 in 18.
- Construction specification for private driveway and parking area to be submitted for approval.
- Parking and turning for a minimum of two vehicles, excluding garages, to be provided within the curtilage of the plot prior to the dwelling being occupied, and thereafter retained in perpetuity.
- 1 No. passing place to be provided at an agreed location and constructed as per my specification (DC-1).
- Visibility splays of 2.4 metres by 90 metres in both directions onto the public road to be provided prior to the dwelling being occupied and retained as such in perpetuity. Any planting along the boundary

adjacent to the public road will need to cater for the visibility splays to ensure they are not impacted upon.

- Confirmation must also be provided as to where the existing field access is to be relocated to. The proposed location must be such that it does not cause a roadside danger.

A detailed plan must be submitted for approval which satisfactorily addresses the above points. Thereafter the works must be undertaken in strict accordance with the approved plan and completed prior to occupation of the dwelling. All work within the public road must be undertaken by a Council approved contractor. Forms to be included DC-1 & DC-3.

#### Environmental Health

No objections but require condition relating to private water supply and informatives relating to water supply, private drainage and solid fuel.

#### Education

The proposed development is located within the catchment area for Eddleston Primary School and Peebles High School. The secondary school is at or near capacity and therefore a contribution of £1289 is sought for the High School.

#### Landscape

##### First Response

While the site is somewhat detached from the rest of the building group by virtue of its location to the north of the enclosing tree belt I consider with a more substantial belt of trees planted along the northern boundary a house in this location could be assimilated into the wider valley landscape. I am attaching an amended Proposed Site Plan showing my suggested planting proposals, including a substantial belt of trees along the north boundary.

I have a further comment regarding a house in this elevated and relatively prominent location and its potential impact on the wider landscape of the Eddleston Water valley. The quality of the development in terms of building design is not strong enough. I suggest before a decision is made on the house design the applicant is encouraged to access the Scottish Government's Planning Advice Note 72 – Housing in the Countryside, especially the section on design which gives guidance on how to create more widespread good quality rural housing that respects the Scottish landscape. It suggests that 'the overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.' It goes on to suggest that 'the main objective should be to adapt the best from the local elements and to interpret traditional shapes and sizes into a modern context. Overall, the envelope (the width, height and depth of the walls) together with the roof pitch (angle) determine a building's proportions.' I do not consider the current proposal achieves that, the indicative house design suggests a generic bungalow design that could be in any part of suburban UK.

Without a more robust planting scheme which would better integrate the house into this conspicuous site and further consideration given to achieving a more appropriate house design I would have concerns about supporting this application.

##### Second Response

I have had a look at the amended Site Plan and am satisfied that they have taken on board our suggestions regarding the screening/planting of the development in such a prominent location. We will need a Planting Plan with planting schedule to fully address any landscape condition, should this application be approved

#### Community Council

At our recent meeting we decided to comment favourably on this application as the property is very much needed. We have no planning related concerns and think that the additional screening that has been discussed using native hedge is a good idea.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan 2011  
G1- Quality Standards For New Development



G5 - Developer Contributions  
D2 - Housing in the Countryside  
H2 - Protection of Residential Amenity  
Inf4 - Parking Provision and Standards

SPG - New Housing in the Borders Countryside

**Recommendation by** - Dorothy Amyes (Planning Officer) on 19th May 2015

The site is part of an agricultural field to the north of the Wormiston Farm building group and separated from it by a block of coniferous woodland that acts as a shelterbelt for the bungalow immediately to the south. The site is in an elevated position on the west side of the Eddleston Water valley and is visible across the valley for approximately half a mile of the A703, seen almost on the skyline at the northern end of Wormiston Farm. The site lies alongside (to the east of) the minor road from Eddleston to Lyne.

Although there have been no previous applications for this site, there have been two previous provisional enquiries for a house in 2007 and in 2010. It is noted in the last enquiry that the officer's response to the current applicant was as follows:

'new houses within the Countryside are only encouraged within an existing building group or within buildings that are capable for conversion. The proposed siting of the house does not relate well to the existing building group and it is considered that a house on this plot would result in a prominent building that would breach the skyline as viewed from the main public road (A703). Accordingly it is unlikely that the department would support a house on this particular site.'

It is proposed to construct a single storey dwellinghouse. It will be finished in render with natural stone features and slate on the roof. The windows will be timber framed. A new access will be provided close to the existing tree belt and a large parking area will be provided. The site is not flat and a certain amount of ground levelling will be required.

It is proposed to plant screening around site with low level native hedging along the eastern and western boundaries and a band of native tree planting along the northern boundary.

A supporting statement has been submitted with the application explaining that the house is required for a retiring farmer and outlining the site selection process. A supplementary supporting statement has been submitted providing further information to support the selection of the site.

As a proposed new house in the countryside the main policy considerations are Local Plan Policy D2 - Housing in the Countryside, G1 - Quality Standards for New Development and Supplementary Planning Guidance on New Housing in the Borders Countryside and Placemaking and Design.

There is an existing building group at Wormiston, the main farmhouse and three farm cottages. These are separated by a group of agricultural buildings but they do form a distinct and co-hesive group of buildings. The boundary of this group is strengthened by mature trees with an especially strong boundary at the northern edge. The trees also serve to screen and soften the impact of the buildings which are located in a prominent location above the Lyne Water. The proposed site of the house is outwith this clear boundary and is adjacent to the northern tree belt. It does not relate well to this boundary although additional planting is proposed which will serve to extend the building group.

In the supporting statement it is stated that the proposed house is for a retiring farmer. The farmer's son will move into the existing farmhouse and continue to run the farm. At present the son lives in one of the farm cottages.

Therefore, the application must be assessed against Policy D2 (E) Economic Requirement. It is accepted that the proposal complies with paragraph 2 of this section of the policy in that the house will be for a person last employed in an agricultural enterprise and that it will release another house for continued use by an agricultural worker.

It is accepted that within the old agricultural buildings there are no buildings suitable for conversion. However, it would appear that there may be an alternative suitable site within the building group and there is

a suitable existing house which is capable of conversion for the required residential use. In addition, there is a site on the opposite side of the road which might be suitable but which has been dismissed by the applicant for possible further farm expansion.

It is the view of the planning officer that the proposed dwellinghouse could be accommodated within the garden ground of the existing farmhouse which is a bungalow. The site is sloping and would involve levelling but the application site would also involve ground works. In the supplementary planning statement, this site has been dismissed as it is considered to be too close (approx. 9m) to a livestock shed and would impact on the residential amenity of the residents of the new house. Whilst this might be acceptable for residents not associated with the farm, the existing farmhouse is not significantly further away and it could be assumed that the occupants of the new house would continue to have an interest in the day to day operations of the farm. For this reason, it is considered that there is an existing site within the building group. In addition, plot 1 as noted in the supporting statement might be an alternative site but this has been dismissed for future farm expansion.

In relation to no other suitable existing housing being available, No 3 Wormiston Cottage will be vacated by the son. Whilst it is accepted that in its current form it may not be suitable for an elderly person, the cottage would appear to be capable of being extended and altered, at the ground floor level in particular. Additional plans have been submitted to try to demonstrate that this would not be possible but it is clear from these plans that the accommodation could be improved and adapted to suit all ages and abilities. A separate entrance exists to the house and the front of the property (which faces away from the road) could be fenced to provide more privacy for the occupant. It is not accepted that the residential amenity of a retiring farmer would be impacted by the day to day activities of the residents in the two other cottages. Indeed, many retiring farmers wish to retain an interest in daily activities. As the end terraced cottage, it is the furthest property away from the main farming activities. Although it is stated that this house may be used for students or seasonal workers, alternative temporary accommodation could be provided, if and when required.

It is considered that the proposals do not comply with points 4 and 5 of Policy D2 (E) in that an appropriate site exists within the building group and there is alternative housing available for the required residential use.

Any development that takes place under the Housing in the Countryside Policy should meet the following standard criteria:

1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. Satisfactory access and other road requirements;
3. Satisfactory public or private water supply and drainage facilities;
4. No adverse effect on countryside amenity, landscape or nature conservation;
5. No adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
6. Appropriate siting, design and materials in accordance with the relevant Local Plan policies;
7. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

In relation to the current application, it is considered that points 4 and 6 are not satisfactorily addressed. The remaining points are either satisfactorily addressed or are not relevant to this particular site. Furthermore, in terms of design and siting the application must be assessed against Local Plan Policy G1 - Quality Standards for New Development and SPG Placemaking and Design.

The new dwellinghouse will sit in a prominent position outwith the building group and it will be clearly seen from the A703. However, the main impact on the landscape will be on the expansive view of the valley and hills beyond when looking south towards Peebles from the minor road running adjacent to the plot. From a point just north of the site there are no buildings that are clearly visible. The new dwelling, in particular the northern elevation, if approved, would be in the foreground and will have a severe adverse impact on this outstanding view. Even with the proposed planting around the perimeter there will still be a significant impact.

Advice in the SPGs is that tree and hedgerow planting can be invaluable to visually integrate development with the landscape. The purpose of landscaping however, should not be to screen or hide development, but to enhance its setting. It would appear that the main purpose of the proposed planting is to screen the development.

In the SPG on New Housing in the Countryside it is noted that the main criticisms of previous developments of new housing in the countryside have been:

- the selection of obtrusive rather than sheltered sites;
- the failure to integrate new housing with the surrounding landscape;
- the introduction of suburban house types which, by virtue of their shape, shallow roof pitch, overhanging eaves and verges, window proportion, and general detailing including site layout are out of character with traditional rural building styles.

In SPG Placemaking and Design it is noted that

'there has been a lack of sensitivity and failure to refer to local design characteristics when considering house design, which has led to many examples of intrusive housing developments in prominent locations, which now detract seriously from our rural environment. For a new house to be successful, the designer should draw on the widely appreciated and accepted traditions of Border house design rather than from models more suited to a suburban context or from designs which derive from other regions. It is therefore important to be aware of the key elements of building design which characterise the indigenous architectural form. By referring to these key elements when considering the design of a house, it should be possible to ensure that the new building is sympathetic to, and compatible with, the traditional building form of the Borders.

It is recognised that on a site which is unduly prominent on a ridge or in a skyline position, it is extremely difficult to design a house which does not look out of place. It is noted that the new dwelling is single storey and the proposed materials will be natural slate on the roof, natural stone base course, wet dash render on the walls and larch cladding on the front porch. Some of the amendments to the design are to be welcomed. These include the addition of the cladding and the stone base course, a change to the window design. These do provide more traditional rural elements to the design. It is considered that the proposed change of pitch on the south east elevation does not fit well with the main section of the house and that the original design for this section would be acceptable.

However, the proposed house is a detached bungalow and, although design changes have been made, it remains a modern house of a fairly standard design. A design statement has not been submitted with the application and this would have provided an opportunity to demonstrate that thought had gone into a site specific design. It is considered that this proposal will not contribute to this part of the Borders countryside. As noted above, of particular concern in recent years, has been the considerable increase in the use of standard suburban designs which tend to ignore local building traditions. Irrespective of style, a house requires to be designed for its setting and the importation of standard suburban designs or the cosmetic modification of standard types, is never successful in a rural setting.

Given the above, it is considered that the proposal is not acceptable as it does not comply with Local Plan Policy D2 Housing in the Countryside, G1 - Quality Standards for New Development and SPG - New Housing in the Borders Countryside as it has not been demonstrated to the satisfaction of the planning authority that there is not alternative site or accommodation within the building group and that the proposed development will have a significant adverse impact on the landscape.

The development attracts developer contributions towards Education and Lifelong Learning and the applicant has agreed to enter into a Section 69 agreement to secure the payment.

#### **REASON FOR DECISION :**

The proposal is not acceptable as it does not comply with Local Plan Policy D2 Housing in the Countryside, G1 - Quality Standards for New Development and SPG - New Housing in the Borders Countryside as it has not been demonstrated to the satisfaction of the planning authority that there is no alternative site or

accommodation within the building group and that the proposed development will have a significant adverse impact on the landscape.

**Recommendation:** Refused

- 1 The proposal is not acceptable as it does not comply with Local Plan Policy D2 Housing in the Countryside, G1 - Quality Standards for New Development and SPG - New Housing in the Borders Countryside in that the site is not well related to the existing building group and it has not been demonstrated to the satisfaction of the planning authority that there is no alternative site or accommodation within the building group.
- 2 The proposed development is contrary to Local Plan Policies D2 and G1 and Supplementary Planning Guidance New Housing in the Borders Countryside in that the new dwellinghouse will have a significant adverse impact on the landscape.

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

**From:** Simon Dougherty IMAP  
**Sent:** 02 March 2015 14:02  
**To:** Amyes, Dorothy  
**Subject:** Eddleston & District Community Council Comments on Application 15/00071/FUL

Hi,

**Eddleston & District Community Council Comments on  
Application 15/00071/FUL**

At our recent meeting we decided to comment favourably on this application as the property is very much needed.

We have no planning related concerns and think that the additional screening that has been discussed using native hedge is a good idea.

Best wishes

Simon Dougherty  
Planning Officer  
Eddleston & District Community Council

Gaberlunzie Cottage  
Kingside  
Leadburn  
Borders  
EH46 7BG

**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	<b>15/00071/FUL</b>
<b>Uniform Ref</b>	<b>15/00150/PLANCO</b>
<b>Proposal</b>	<b>ENVIRONMENTAL ASSESSMENT CONSULTATION - Erection of dwellinghouse</b>
<b>Address</b>	<b>Land North Of Wormiston Farm Eddleston Scottish Borders</b>
<b>Date</b>	
<b>Amenity and Pollution Officer</b>	<b>David A. Brown</b>
<b>Contaminated Land Officer</b>	

**Amenity and Pollution**

Assessment of Application

*Air quality*

*Private Water Supply*

This Application is for the erection of a new dwelling.  
The use of solid fuel is indicated by the inclusion of a chimney in the design.  
The property is served by private water supply and drainage arrangements.

**Recommendation**

Delete as appropriate – Agree with application in principle, subject to conditions /Further Information Required Before Application is Determined / Information to be Provided Before Work Commences (see conditions) / No Comment / Object
---

**Contaminated land**

Assessment of Application

**Recommendation**

Delete as appropriate – Agree with application in principle, subject to conditions /Further Information Required Before Application is Determined / Information to be Provided Before Work Commences (see conditions) / No Comment / Object
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**Conditions**

*No development should commence until 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 affect 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 day's 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

### Solid Fuel Use

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify you in respect of Nuisance action.

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.

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



## ECONOMIC DEVELOPMENT AND ENVIRONMENT

To: Planning and Building Standards                      Attention: Dorothy Amyes  
From: LANDSCAPE SECTION                                      Date: 12<sup>th</sup> February 2015  
Contact: Siobhan McDermott    Ext: 5425                      Ref: 15/00071/FUL

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**Subject:        Dwellinghouse on land on land North Of Wormiston Farm Eddleston**

*It is recognised that a formal recommendation can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Control service in respect of landscape related issues.*

### Description of the Site

The site is part of an agricultural field to the north of the Wormiston Farm building group and separated from it by a block of coniferous woodland that acts as a shelterbelt for the bungalow immediately to the south. The site is in an elevated position on the west side of the Eddleston Water valley and is visible across the valley for approximately half a mile of the A703, seen almost on the skyline at the northern end of Wormiston Farm. The site lies alongside (to the east of) the minor road from Eddleston to Lyne.

### Nature of the Proposal

The proposal is for a dwellinghouse with associated on site parking, accessed of the minor road through an existing field entrance.

### Implications of the Proposal for the Landscape including any Mitigation

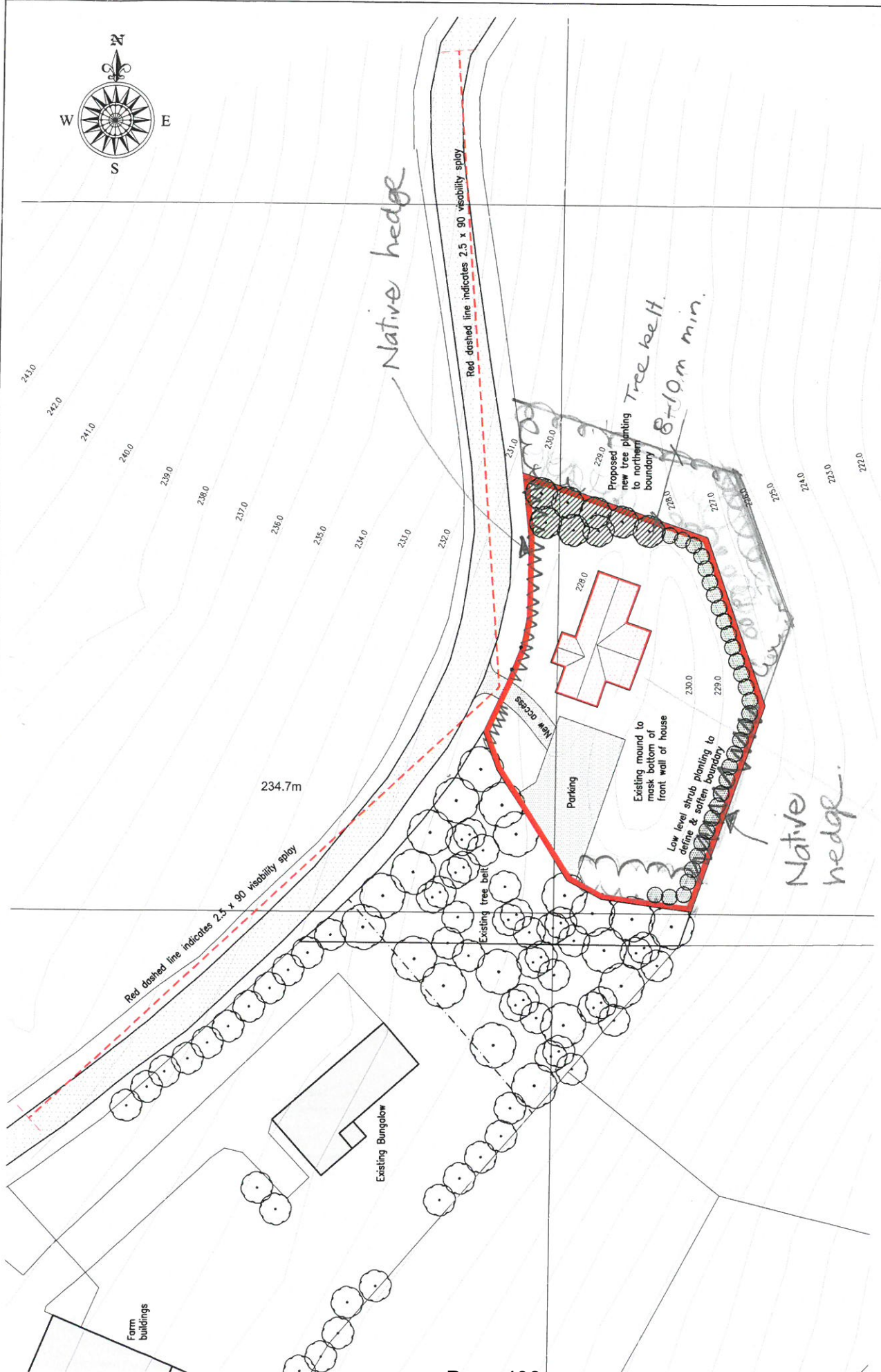
While the site is somewhat detached from the rest of the building group by virtue of its location to the north of the enclosing tree belt I consider with a more substantial belt of trees planted along the northern boundary a house in this location could be assimilated into the wider valley landscape. I am attaching an amended Proposed Site Plan showing my suggested planting proposals, including a substantial belt of trees along the north boundary.

I have a further comment regarding a house in this elevated and relatively prominent location and its potential impact on the wider landscape of the Eddleston Water valley. The quality of the development in terms of building design is not strong enough. I suggest before a decision is made on the house design the applicant is encouraged to access the Scottish Government's Planning Advice Note 72 – Housing in the Countryside, especially the section on design which gives guidance on how to create more widespread good quality rural housing that respects the Scottish landscape. It suggests that *'the overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.'* It goes on to suggest that *'the main objective should be to adapt the best from the local elements and to interpret traditional shapes and sizes into a modern context. Overall, the envelope (the width, height and depth of the walls) together with the roof pitch (angle) determine a building's proportions.'* I do not consider the current proposal achieves that, the indicative house design suggests a generic bungalow design that could be in any part of suburban UK.

### Conclusion

**Without a more robust planting scheme which would better integrate the house into this conspicuous site and further consideration given to achieving a more appropriate house design I would have concerns about supporting this application.**

Siobhan McDermott  
LANDSCAPE ARCHITECT



Planning Application

Proposed New Dwelling House	Richard Allen Architectural Design
Wormiston Farm, by Edgleston	4 Shilling Terrace
Proposed Site Plan	Colwyns
1:500	Colwyns
AS	TDI: SNB
Jan 2015	www.richard-allen.co.uk
2014/46/102	richard.allen@btinternet.com



To: **Development Management Service**  
**FAO Dorothy Amyes**

Date: **24 Feb 2015**

From: **Roads Planning Service**  
Contact: **Paul Grigor**

Ext: **6663**

Ref: **15/00071/FUL**

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**Subject: Erection of Dwellinghouse**  
**Land North of Wormiston Farm, Eddleston**

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Whilst I have no objections in principle to the erection of a house for a retiring farmer, I am slightly concerned on the proposed location and feel it could be better related to the existing building group. However, this concern is not significant enough for me to object to the application and is merely an observation.

Notwithstanding the above, the following points must be incorporated into the design;

- Access to the plot to incorporate a service lay-by as per my specification (DC-3).
- The first 5 metres of the access must not exceed a gradient of 1 in 18, thereafter the maximum gradient is 1 in 8. The area intended for the parking and turning of motor vehicles must not exceed a gradient of 1 in 18.
- Construction specification for private driveway and parking area to be submitted for approval.
- Parking and turning for a minimum of two vehicles, excluding garages, to be provided within the curtilage of the plot prior to the dwelling being occupied, and thereafter retained in perpetuity.
- 1 No. passing place to be provided at an agreed location and constructed as per my specification (DC-1).
- Visibility splays of 2.4 metres by 90 metres in both directions onto the public road to be provided prior to the dwelling being occupied and retained as such in perpetuity. Any planting along the boundary adjacent to the public road will need to cater for the visibility splays to ensure they are not impacted upon.
- Confirmation must also be provided as to where the existing field access is to be relocated to. The proposed location must be such that it does not cause a roadside danger.

A detailed plan must be submitted for approval which satisfactorily addresses the above points. Thereafter the works must be undertaken in strict accordance with the approved plan and completed prior to occupation of the dwelling.

All work within the public road must be undertaken by a Council approved contractor.

**Forms to be included DC-1 & DC-3.**

**AJS**

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**List of Policies**

**Local Review Reference: 15/00016/RREF**  
**Planning Application Reference: 15/00071/FUL**  
**Development Proposal: Erection of dwellinghouse**  
**Location: Land North of Wormiston Farm, Eddleston**  
**Applicant: R & M Brockie & Son**

**SESPLAN**

None applicable.

**CONSOLIDATED SCOTTISH BORDERS LOCAL PLAN 2011:**

POLICY G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
6. it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
7. it provides open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
9. it provides for linkages with adjoining built up areas including public transport connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will be encouraged to support more sustainable travel patterns,
10. it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
11. it provides for recycling, re-using and composting waste where appropriate,
12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,

13. it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
14. it incorporates, where required, access for those with mobility difficulties,
15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Developers may be required to provide design statements, design briefs or landscape plans as appropriate.

#### POLICY G5 – DEVELOPER CONTRIBUTIONS

Where a site is otherwise acceptable but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or part contribution through S.75 or alternative Legal Agreements towards the cost of addressing such deficiencies.

Each application will be assessed to determine the appropriate level of contribution guided by: the requirements identified in the Council's Supplementary Planning Guidance on developer contributions; planning or development briefs; outputs from community or agency liaison; information in settlement profiles; other research and studies such as Transport Assessments; the cumulative impact of development in a locality; provisions of Circular 12/96 in respect of the relationship of the contribution in scale and kind to the development. Contributions will be required at the time that they become necessary to ensure timely provision of the improvement in question. The Council will pursue a pragmatic approach, taking account of the importance in securing necessary developments, and exceptional development costs that may arise. Contributions are intended to address matters resulting from new proposals, not existing deficiencies. In general, the Council does not intend to require contributions arising from the needs of affordable housing. Contributions towards maintenance will generally be commuted payments covering a 10 year period.

Contributions may be required for one or more of the following:

1. Treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);
2. Provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
3. Off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways and other access routes, subsidy to public transport operators; all in accordance with the Council's standards and the provisions of any Green Travel Plan;
4. Leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
5. Landscape, open space, trees and woodlands, including costs of future management and maintenance;
6. Protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
7. Provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; and provision of street furniture.

**POLICY D2 – HOUSING IN THE COUNTRYSIDE**

The Council wishes to promote appropriate rural housing development:

1. in village locations in preference to the open countryside,
2. associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
3. in dispersed communities in the Southern Borders housing market area.

These general principles will be the starting point for the consideration of applications for housing in the countryside which will be supplemented by Supplementary Planning Policy Guidance on siting, design and interpretation.

**POLICY D2 (A) BUILDING GROUPS**

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

1. The Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
2. Any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted,
3. The cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Plan period. This will include those units under construction or nearing completion at that point.

**POLICY D2 (B) DISPERSED BUILDING GROUPS**

In the Southern Housing Market area there are few building groups comprising 3 houses or more, and a more dispersed pattern is the norm. In this area a lower threshold may be appropriate, particularly where this would result in tangible community, economic or environmental benefits. In these cases the existence of a sense of place will be the primary consideration.

Housing of up to 2 additional dwellings associated with dispersed building groups acting as anchor points may be approved provided that:

1. The Council is satisfied that the site lies within a recognised dispersed community that functions effectively as an anchor point in the Southern Borders housing market area,

2. Any consents for new build granted under this part of this policy should not exceed two housing dwellings in addition to the group during the Plan period. No further development above this threshold will be permitted,
3. The design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

**POLICY D2 (C) CONVERSIONS**

Development that is a change of use of a building to a house may be acceptable provided that:

1. the Council is satisfied that the building has architectural or historic merit or is physically suited for residential use,
2. the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and
3. the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

**POLICY D2 (D) REBUILDING**

The proposed rebuilding or restoration of a house may be acceptable provided that either:

1. the existing building makes a positive contribution to the landscape,
2. the walls of the former residential property stand substantially intact (normally at least to wallhead height),
3. no significant demolition is required (a structural survey will be required where it is proposed to fully demolish the building, showing that it is incapable of being restored),
4. the restoration/rebuilding and any proposed extension or alteration is in keeping with the scale, form and architectural character of the existing or original building,
5. significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a more sustainable and energy efficient design, or
6. there is evidence of the existence of the building in terms of criteria (a)-(c) immediately above, or, alternatively, sufficient documentary evidence exists relating to the siting and form of the previous house and this evidence is provided to the satisfaction of the Council, and
7. the siting and design of new buildings reflects and respects the historical building pattern and the character of the landscape setting, and
8. the extent of new building does not exceed what is to be replaced.

**POLICY D2 (E) ECONOMIC REQUIREMENT**



Housing with a location essential for business needs may be acceptable if the Council is satisfied that:

1. the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
2. it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
3. the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
4. no appropriate site exists within a building group, and
5. there is no suitable existing house or other building capable of conversion for the required residential use.

The applicant and, where different, the landowner, may be required to enter into a Section 75 agreement with the planning authority to tie the proposed house or any existing house to the business for which it is justified and to restrict the occupancy of the house to a person solely or mainly employed, or last employed, in that specific business, and their dependants. A Business Plan, supported by referees or independent business adjudication, may be required in some cases.

In **ALL** instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning Policy Guidance where it meets the terms of this policy and development must not negatively impact on landscape and existing communities. The cumulative effect of applications under this policy will be taken into account when determining impact.

#### POLICY H2 – PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

1. The principle of the development, including where relevant, any open space that would be lost; and
2. The details of the development itself particularly in terms of:
  - (i) the scale, form and type of development in terms of its fit within a residential area,
  - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking and loss of privacy. These considerations apply especially in relation to garden ground or 'backland' development,

- (iii) the generation of traffic or noise,
- (iv) the level of visual impact.

#### POLICY INF4 – PARKING PROVISIONS AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with the Council's published adopted standards, or any subsequent standards which may subsequently be adopted by the Council (see Appendix D).

Relaxation of standards will be considered where the Council determines that a relaxation is required owing to the nature of the development and/or positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

#### **Other Material Considerations**

- Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- Supplementary Planning Guidance on Placemaking & Design 2010
- Supplementary Planning Guidance on Trees and Development 2008
- Supplementary Planning Guidance on Development Contributions 2011
- Supplementary Planning Guidance on Biodiversity 2005
- Scottish Borders Proposed Local Development Plan 2013
- Planning Advice Note 72 – Housing in the Countryside